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## SECTION 0. INVESTIGATIVE AUTHORITY AND RESPONSIBILITY

\*\*EffDte: 10/17/1983 MCRT#: 0      Div: DOD9      Cav:      SecCls:

### 0-1 AUTHORITY OF THE DIRECTOR

|            |The Director's authority is derived from a number of  
| statutory and regulatory sources. For example, Sections 531 through  
| 540a of Title 28, United States Code, provide for the appointment of  
| the Director and enumerates some of his powers. More importantly,  
| with regard to promulgation of this Manual, Section 301 of Title 5,  
| United States Code, authorizes the head of an Executive department to  
| "prescribe regulations for the government of his department, the  
| conduct of its employees, the distribution and performance of its  
| business, and the custody, use, and preservation of its records,  
| papers, and property." The Attorney General, as head of the  
| Department of Justice, has delegated the authority reposed in her by  
| Section 301 to the Director in a variety of orders and regulations.  
| Foremost among these delegations are Subpart P and Section 0.137 of  
| Title 28, Code of Federal Regulations. This Manual is promulgated  
| under the authority thus delegated.|

\*\*EffDte: 02/29/1996 MCRT#: 494      Div: D9      Cav:      SecCls:

### 0-2 TITLE 28, CODE OF FEDERAL REGULATIONS, SECTION 0.137

|            "Except as to persons in|Senior Executive Service  
| positions reporting directly to the Director of the Federal Bureau of  
| Investigation or the Administrator or Deputy Administrator of the Drug  
| Enforcement Administration, the Director of the Federal Bureau of  
| Investigation and the Administrator of the Drug Enforcement  
| Administration are authorized, as to their respective  
| jurisdictions,|to exercise the power and authority vested in the  
| Attorney General by law to take final action in matters pertaining to  
| the employment, direction, and general administration (including  
| appointment, assignment, training, promotion, demotion, compensation,  
| leave,|awards,|classification, and separation) of personnel, including  
| personnel in wage board positions. All personnel actions taken under  
| this section shall be subject to post-audit and correction by the  
| Assistant Attorney General for Administration."

\*\*EffDte: 02/29/1996 MCRT#: 494      Div: D9      Cav:      SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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## **SECTION 1. ACTIVITIES AND STANDARDS OF CONDUCT (SEE MIOG, PART I, 281-16.4 (3).)**

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### **1-1 INTRODUCTION (See MAOP, Part I, 1-16.1.)**

Regulations concerning the conduct and activities of employees are published in the Code of Federal Regulations (CFR), Title 28, Part 45.735 and Part 45, Appendix; and Title 5, Parts 2634, 2635, and 2636. Their source is found generally in Departmental Order 350-65 dated 12/28/65, as amended by Departmental Order 960-81 dated 10/26/81, which provides that employees shall conduct themselves in a manner that creates and maintains respect for the Department of Justice and the U.S. government. In all their activities, personal and official, they should always be mindful of the high standards of behavior expected of them. (See MAOP, Part I, 13-1(4).)

(1) Departmental Order 350-65, as amended by Departmental Order 960-81 dated 10/26/81, further provides that no Department of Justice employee shall participate personally and substantially as a government employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, in which, to his/her knowledge, he/she, his/her spouse, minor child, partner, organization in which he/she is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment, has a financial interest, unless authorized to do so by the Deputy Attorney General. This prohibition includes such financial interests as ownership of securities of corporations or other entities which may become involved in Bureau investigation. The prohibited actions include supervisory decisions and recommendations, as well as investigative activities. Any employee receiving an assignment involving any matters in which employee has a direct or indirect financial interest as defined in the departmental order shall immediately advise his/her superior and shall be relieved of such assignment. Should there be a strong reason for requesting the Department's approval for the employee to participate in the assignment, the matter should be submitted to FBIHQ for consideration regarding presentation to the Department. In any event the employee should not participate in such assignment until the Department's authorization has been received. The departmental order specifically exempts from the above prohibition the stock, bond, or policy holdings of an employee in a mutual fund, investment company, bank, or insurance company which owns an interest in an entity involved in the matter provided that fair value of the employee's holding does not exceed 1 percent of the value of the reported assets of the mutual fund, investment company, or bank.

(2) The Order also provides that employee may not, except in the discharge of his/her official duties, represent anyone else before a court or government agency in a matter in which the United States is a party or has an interest. This prohibition applies both to paid and unpaid representation of another. An employee may not participate in his/her governmental capacity in any matter in which he/she, his/her spouse, minor child, outside business associate or person with whom he/she is negotiating for employment has a financial interest. Employees may not receive any salary, or

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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supplementation of his/her government salary, from a private source as compensation for his/her services to the government. (See MAOP, Part I, 20-6.1 (2) and (3) and 20-6.3.2 (2).)

(3) FBI employees whose official responsibilities include research, recommendations, or decisions regarding Bureau insurance programs may not serve concurrently as an officer or member of the Board of Directors of any insurance group or association.

(4) Personal and Business Relationships: Unless prior authorization has been granted, an employee is prohibited from participating in a matter involving specific parties which he/she knows is likely to affect the financial interests of a member of the employee's household, or in which the employee knows a person with whom he/she has a covered relationship is or represents a party, if he/she determines that a reasonable person with knowledge of the facts would question the employee's impartiality in the matter.

Definitions of terms:

An employee has a COVERED RELATIONSHIP with:

- a person, other than a prospective employer described in Title 5, CFR, 2635.603(c), with whom the employee has or seeks a business, contractual or other financial relationship, other than a routine consumer transaction;
- a person who is a member of the employee's household, or who is a relative with whom the employee has a close personal relationship;
- a person for whom the employee's spouse, parent or dependent child is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;
- any person for whom the employee has, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or,
- an organization, in which the employee is an active participant.

(5) Extraordinary payments from former employers: Unless a prior waiver has been received under Title 5, CFR, 2635.503(c), an employee shall be disqualified for two years from participating in any particular matter in which a former employer is a party or represents a party, if the employee received an extraordinary payment from that person prior to entering government service. The two-year period of disqualification begins to run on the date that the extraordinary payment is received.

Definitions of terms:

EXTRAORDINARY PAYMENT means any item, including cash or an investment interest, with a value in excess of \$10,000, which is paid:

- on the basis of a determination made after it became known to the former employer that the individual was being considered for or had accepted a government position; and,
- other than pursuant to the former employer's established compensation, partnership, or benefits program. A compensation, partnership, or benefits program will be deemed an established program if it is contained in bylaws, a contract or other written form, or if there is a history of similar payments made to others not entering into federal service.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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FORMER EMPLOYER includes any person which the employee served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee.

(6) ETHICS ADVICE AND TRAINING

(a) The FBI's Deputy Designated Agency Ethics Official is the Chief, Legal Advice and Training Section, Office of the General Counsel (OGC). This person, on the FBI's behalf, is responsible for coordinating and managing the FBI's ethics program. The FBI's ethics official has authority to delegate certain responsibilities, including that of providing ethics counseling, to one or more deputy ethics officials. Employees of the Administrative Law Unit (ALU), OGC, and the Chief Division Counsel (CDC) have been delegated the authority to provide ethics counseling and advice.

(b) Initial Ethics Orientations. All newly hired employees are required by regulation to receive an initial ethics orientation within 90 days of entering on duty. An initial ethics orientation consists of the following: 1) providing each employee with a copy of Part I of Executive Order (EO) 12674, entitled "Principles of Ethical Conduct for Government Officers and Employees," as amended, and Part 2635 of 5 CFR, and/or a summary thereof, together with any agency supplemental regulations; 2) informing the employee of individuals available to answer questions regarding the employee's ethical responsibilities; and 3) providing the employee with one hour of official duty time to review the above materials. Newly hired Special Agents and support employees at FBIHQ will receive an initial ethics orientation during training or orientation courses conducted by the Training or Personnel Divisions. SACs are responsible for ensuring that support employees hired within their field offices receive an initial ethics orientation.

As the FBI's ethics program is subject to audit by the Office of Government Ethics and the Department of Justice, the Training and Personnel Divisions and each field office shall, prior to January 15 of each year, verify and report annually to the ALU, OGC, that all newly hired employees have been given an initial ethics orientation within 90 days of entering on duty.

(c) Annual Ethics Training. Certain employees are required by regulation to receive one hour of ethics training annually. These employees include: 1) the Director; 2) any individual required to file a Public Financial Disclosure Report (SF-278) (i.e., all Senior Executive Service employees); and 3) any individual required to file a Confidential Financial Disclosure Report (OGE-450) or, in the alternative, a "Conflict of Interest Certification." Annual ethics training must include at a minimum, a review of the following: 1) the employee's responsibilities under Part I of EO 12674, as amended; 2) Part 2635 of 5 CFR, together with any agency supplemental regulations; and 3) a review of the employee's responsibilities under the conflict of interest statutes found at Title 18, USC, Sections 202-209. Annual ethics training and reporting requirements will be coordinated by the ALU, OGC, and assisted by the Chief Division Counsels.

(d) Employees who have questions about the application of the Office of Government Ethics (OGE) standards of conduct or any supplemental agency regulations to particular situations should seek advice from an agency ethics official. Disciplinary action for violating the OGE standards of conduct or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances. Where the employee's conduct violates a criminal statute, reliance on the advice of an agency ethics

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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official cannot ensure that the employee will not be prosecuted under that statute. However, good faith reliance on the advice of an agency ethics official is a factor that may be taken into account by the Department of Justice in the selection of cases for prosecution. Disclosures made by an employee to an agency ethics official are NOT protected by an attorney-client privilege. An agency ethics official is required by Title 28, USC, Section 535 to report any information he/she receives relating to a violation of the criminal code, Title 18 of the United States Code.

(e) Employees on detail to other agencies should refer to MAOP, Part I, Section 1-28.

**(7) OUTSIDE EARNED INCOME LIMITATIONS APPLICABLE TO CERTAIN  
PRESIDENTIAL APPOINTEES AND OTHER NONCAREER EMPLOYEES**

A Presidential appointee to a full-time noncareer position shall not receive any outside earned income for outside employment, or for any other outside activity, performed during that Presidential appointment. This limitation does not apply to any outside earned income received for outside employment, or for any other outside activity, carried out in satisfaction of the employee's obligation under a contract entered into prior to April 12, 1989.

(8) In furtherance of the above, the Bureau expects its employees to so comport themselves that their activities both on and off duty will not discredit either themselves or the Bureau. Failure by an employee to follow these guidelines may result in appropriate disciplinary action including possible dismissal. The rules and regulations regarding official and personal conduct which govern the granting of individual access to and use of Bureau cryptomaterials appear in the COMSEC CUSTODIAN MANUAL (CHAPTER II, PAGES 6-11). (SEE (2) above.)

(9) The principles embodied in Executive Order 12674 dated 4/12/89, establishing fair and exacting standards of ethical conduct for federal employees, are set forth as follows:

(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

(b) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(c) Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.

(d) An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

(e) Employees shall put forth honest efforts in the performance of their duties.

(f) Employees shall make no unauthorized commitments or promises of any kind purporting to bind the government.

(g) Employees shall not use public office for private gain.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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- (h) Employees shall act impartially and not give preferential treatment to any private organization or individual.
- (i) Employees shall protect and conserve federal property and shall not use it for other than authorized activities.
- (j) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official government duties and responsibilities.
- (k) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- (l) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those - such as federal, state, or local taxes - that are imposed by law.
- (m) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap. (See MAOP, Part I, 4-1, for DOJ policy.)
- (n) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

These principles were established to ensure that every citizen can have complete confidence in the integrity of the federal government. Accordingly, employees are expected to adhere to these fundamental rules of ethical service. (See MIOG, Part II, 31-5(6)(b) and 31- 6(1)(e).)

(10) ETHICS REFORM ACT OF 1989 HONORARIUM BAN

- (a) Department of Justice (DOJ) employees have long been prohibited from receiving compensation or anything of monetary value for a consultation, lecture, teaching, discussion, writing, or appearance, the subject of which is devoted substantially to the responsibilities, programs or operations of the Department, or which draws substantially on official data or ideas which have not become part of the body of public information.
- (b) The ban on receipt of honoraria by federal employees, imposed by Title VI of the Ethics Reform Act of 1989, was overturned in part by the United States Supreme Court. As a result, FBI employees at grade GS-15 or below are no longer subject to the ban. The status of the ban with regard to other FBI employees is still being determined by the Department of Justice. Additionally, all employees continue to be subject to the restrictions on receiving compensation for teaching, speaking and writing imposed by Section 2635.807 of Title 5, Code of Federal Regulations. Contact the Administrative Law Unit for further clarification.
- (c) Deleted
- (d) Deleted
- (e) Deleted
- (f) Deleted
- (g) Deleted
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SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(i) Deleted

(j) Deleted

(k) Inquiries concerning outside employment requests from Special Agents (SAs) may be directed to the Adjudication Unit, Office of Professional Responsibility. Similar requests concerning support personnel should be directed to the Personnel Security Unit, National Security Division. The Supreme Court's decision overturning the honoraria ban has little or no impact on SAs since they are generally precluded from engaging in outside employment. See Manual of Administrative Operations and Procedures (MAOP), Part I, Section 20-6.3.2.

(11) ETHICS REFORM ACT OF 1989 POST-EMPLOYMENT RESTRICTIONS

(a) Department of Justice (DOJ) employees have been prohibited since 1980 under Title 5, Code of Federal Regulations (CFR), Part 2637, from certain post-employment conflict of interest activities as enumerated in Title 18, United States Code (USC), Section 207. As a result of amendments to Title 18, USC, Section 207, effective January 1, 1991, and implementing regulations codified at Title 5, CFR, Part 2641, FBI employees who retire/resign after that date are subject to substantially revised post-employment restrictions. Employees who left FBI service prior to January 1, 1991, remain regulated by former Section 207 and by its implementing regulations codified at Title 5, CFR, 2637.

(b) The provisions of Title 18, USC, Section 207, do not bar any FBI employee from accepting employment with any private or public employer after leaving federal service. However, they do prohibit employees from engaging in certain activities on behalf of entities or persons other than the United States.

(c) A lifetime restriction applies to all former employees barring them from representing an outside organization in dealing with the government in connection with a matter in which they were personally and substantially involved during their government employment. This restriction begins upon termination from government service and lasts as long as the particular matter does. Title 18, USC, Section 207(a) (1).

(d) An employee can participate "personally" in a matter even though he/she merely directs a subordinate's participation. The employee participates "substantially" if his/her involvement is of significance to the matter. Thus, an employee's participation in a single critical step will be sufficient to trigger the restrictions of this statute.

(e) Section 207(a) (1) does not apply unless a former employee communicates to or makes an appearance before the United States on behalf of some other person. "United States" refers to any employee of any department, agency, or court of the United States. The term does not include the Congress and, therefore, communications to or appearances before Members of Congress and legislative staffs are not prohibited. There is no prohibition against an employee representing himself/herself before the United States or acting on behalf of the United States.

(f) A communication to or appearance before the United States is not prohibited unless it concerns the same matter in which the former employee participated personally and substantially while employed with the government. A "communication" can be oral, in writing, or through electronic transmission. An "appearance" extends to a mere physical presence at a proceeding when the

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

circumstances make it clear the former employee's attendance is intended to influence. The prohibition does not apply to an appearance or communication involving purely social contacts, a request for publicly available documents or a request for purely factual information.

(g) A two-year restriction applies to all former employees barring them from representing another person/organization in matters before the government for which they had knowledge or should reasonably have known was pending under their official responsibility during the last year of their government service. Title 18, USC, Section 207(a) (2). This provision is identical to the lifetime restriction discussed in (c) supra, except that it is shorter in duration and requires only that the individual have had official responsibility for a matter while employed by the government. Official responsibility would include the supervision of a subordinate employee who is personally and substantially involved in the matter although the former employee was not. The two-year period is invoked as a "cooling off" period during which former employees cannot unduly influence former subordinates in their official actions. (See MAOP, Part I, 20-6.1 (5).)

(h) For one year after an employee terminates his/her government service, he/she may not represent, aid or advise another person/agency on trade or treaty negotiations which were ongoing during the last year of the employee's government service in which the employee personally and substantially participated. This provision will have very little impact on FBI employees. Title 18, USC, Section 207(b).

(i) One year after an employee terminates a "senior" position with the FBI, the employee may not represent another person/agency before the FBI on any matter which was pending during the one-year period prior to his/her termination from the "senior" service position. This one year "cooling off" period begins when the employee ceases to be a senior employee, not when government service is terminated. Title 18, USC, Section 207(c).

1. This prohibition applies only to those individuals within the FBI in an Executive Schedule position or whose rate of basic pay (without any locality-based pay adjustments) is equal to or greater than the rate of basic pay payable to Senior Executive Service level 5 employees. The employee need not have been involved in any way in the matter at issue for this restriction to apply.

2. The Office of Government Ethics has issued regulations for Section 207(c) which designate the FBI as a distinct and separate component of the DOJ for the purposes of the restrictions of Section 207(c). Therefore, a former "senior" FBI employee may communicate or appear before any government agency or DOJ component, except the FBI, on behalf of another individual within one year after leaving their senior position to influence official actions without violating this prohibition.

(j) For ONE YEAR after terminating a senior position, the employee may not knowingly attempt to influence a decision of an employee of the United States by representing, aiding or advising a foreign entity. This restriction is measured from the date the employee terminates his/her senior position. A foreign entity includes a government of a foreign country or a foreign political party. A foreign commercial corporation is not generally considered a "foreign entity" unless it exercises the functions of a sovereign. Title 18, USC, Section 207(f).

(k) Title 18, USC, Section 207(j) provides several exceptions to Section 207's substantive prohibitions. Several of these exceptions are not applicable to all of the substantive restrictions.

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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1. A former employee is not restricted by Section 207 from engaging in post-employment activities in carrying out official duties on behalf of the United States, nor will a "senior" employee violate Section 207(c) when carrying out official duties as an employee and if made on behalf of an agency or instrumentality of a state or local government, an accredited degree-granting institution of higher education, or a hospital or medical research organization which is tax exempt under Title 26, USC, Section 501(c) (3).

2. A former employee is not barred from representing, aiding, or advising an international organization in which the United States participates, provided the Secretary of State certifies in advance that such activity is in the interests of the United States.

3. A former "senior" employee will not violate Section 207(c) if he/she makes a statement based on his/her own special knowledge in the particular area that is the subject of the statement, provided that the employee receives no compensation for making the statement.

4. A former employee will not violate Section 207(a) (1), (a) (2), or (c) if he/she makes a communication solely for the purpose of furnishing scientific or technological information consistent with agency procedures or if the Director publishes a certification in the FEDERAL REGISTER attesting to the individual's qualifications and that the national interest would be served by the former employee's participation.

5. A former employee is not restricted from giving testimony under oath or from making statements required to be made under penalty of perjury, except for expert opinion testimony. Expert opinion testimony may only be given on behalf of the United States pursuant to a court order if the former employee is subject to the lifetime prohibitions contained in Section 207(a) (1) relating to the matter to be testified on.

(l) A willful violation of this section could be punishable by imprisonment of not more than five years. A violation that is not willful would be a misdemeanor which is punishable by imprisonment of not more than one year. A civil action may also be brought by the Attorney General (AG) which could carry a penalty (fine) of not more than \$50,000. The AG may petition for an injunction against persons he/she has reason to believe are engaged in conduct prohibited by Section 207. Title 18, USC, Section 216.

(m) Inquiries concerning post-employment restrictions should be addressed to the Section Chief, Legal Advice and Training Section, Office of the General Counsel, who is the FBI's Deputy Designated Agency Ethics Official (DDAEO). Interpretations of Section 207's restrictions are fact-specific, depending upon the former employee's proposed outside employment and his/her former FBI position and its responsibilities.

(n) Upon termination of government service employees should be advised of these restrictions during their exit interview and this should be documented on the exit interview Form FD-193.

## **1-2 PERSONAL CONDUCT (See MAOP, Part 1, 1-25.2.)**

(1) Employees should never cause themselves to be mentally or physically unfit for duty. They are not permitted to consume alcoholic beverages during working hours, including that time allotted for meal periods or any period of leave taken if the employee intends to return to work before the

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

termination of working hours, with limited exceptions necessary for Special Agents in certain undercover or surveillance assignments. Employees are not permitted to consume alcoholic beverages on Bureau premises while on or off duty, unless otherwise granted an exemption by the Director, the Assistant Director or Deputy Assistant Director of the Administrative Services Division, or by the Assistant Director of the Training Division with regard to the FBI Academy. Employees may not consume alcoholic beverages while on other federal property without the permission of the cognizant agency head or designee. Employees must be held accountable for their on- and off-duty alcohol-related misconduct, whether OR NOT they are specifically CHARGED with an alcohol-related offense by a local law enforcement agency. (See MAOP,

Part 1, 1-30 through 1-30.4.) The use of illegal drugs or narcotics or the abuse of any drugs or narcotics is strictly prohibited at any time. Employees must not, at any time, engage in criminal, dishonest, immoral or disgraceful conduct or other conduct prejudicial to the government.

**(2) USE OF OFFICIAL TIME -**

(a) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee shall use official time in an honest effort to perform his/her official duties. An employee not under a leave system, including a Presidential appointee exempted under Title 5, USC, Section 6301(2), has an obligation to expend an honest effort and a reasonable proportion of his/her time in the performance of official duties.

(b) An employee shall not encourage, direct, coerce, or request subordinates to use their official time to perform activities other than those required in the performance of their official duties or authorized in accordance with law or regulation.

**1-2.1 Sexual Harassment Policy (See MAOP, Part 1, 1-2.2.)**

(1) Sexual harassment is in violation of Section 703 of Title VII of the Civil Rights Act of 1964, and is defined by the Equal Employment Opportunity Commission (EEOC) as follows:

"Unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

There are two forms of sexual harassment: (1) quid pro quo, and (2) hostile work environment. Quid pro quo involves the requirement of sexual favors as a term or condition of employment, or requires submission to sexual advances for favorable consideration for workplace opportunities or promotions. A hostile work environment is created by supervisors or co-workers by unwelcome conduct of a sexual nature. Examples of conduct which may be considered sexual harassment may include, but are not limited to:

- (a) oral or written comments of a sexual nature;
- (b) comments regarding an individual's body;

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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- (c) statements, anecdotes, jokes, teasing and/or gestures of a sexually degrading nature, which are used to describe an individual;
- (d) physical contact or threats of physical contact; or
- (e) display of books, magazines, or pictures of a sexual nature that are, in the view of the recipient, offensive and unwelcome.

(2) Sexual harassment is strictly prohibited within the FBI workplace, and will not be tolerated. All employees are expected to conduct themselves in a professional manner in all work environs and in all their dealings with other employees and those individuals outside the FBI with whom they have contact in the course of official business.

Sexual harassment is unlawful and must be prevented. In all instances where allegations are substantiated, disciplinary action will be taken. Supervisors who become aware of such conduct and fail to take proper action may also be subject to disciplinary action. Proper action includes bringing the incident to the attention of the EEO Officer (the FBI Sexual Harassment Prevention Coordinator), the Special Agent in Charge, Assistant Director, or similar management officials. Upon receipt of such allegations, the management officials will promptly investigate the incident. If appropriate, disciplinary action will be taken against those employees who commit such misconduct. Disciplinary action resulting from a substantiated incident of sexual harassment may range from oral reprimand to dismissal. Employees are also reminded that such prohibited conduct may lead to personal, legal, and financial liability.

Individuals may best gauge the appropriateness of their language or conduct by first asking themselves the question, "Is this something I would want done or said in the presence of my mother, sister, wife, or daughter?" This example may appear trivial; however, it remains as the most reliable indicator as to the appropriate nature of a word or action.

(3) When employees find conduct offensive or unwelcome, they are encouraged to first bring it to the attention of the offending party. If the behavior is not corrected, or if the initial instance of harassment is particularly offensive, the employees should bring this conduct to the attention of the appropriate supervisor, or, if necessary, a higher-level official.

(a) Individuals who believe they have been the victim of sexual harassment may seek redress from their situation through the Equal Employment Opportunity (EEO) process by initiating contact with an EEO Counselor within 45 days of the alleged incident. If possible, the EEO Counselor will first attempt to resolve the issue through informal resolution. (See MAOP, Part 1, 4-4.)

(b) Employees are encouraged to report instances of suspected sexual harassment to appropriate management officials and/or to the Adjudication Unit, Office of Professional Responsibility (OPR). (See MAOP, Part 1, 13-1(2), and 13-2(1).)

(c) In addition to reporting allegations of sexual harassment to management or through the EEO and OPR processes, employees may wish to discuss matters with the FBI's Prevention of Sexual Harassment (POSH) Coordinator. She may be reached at (202) 324-6690. Moreover employees serving in management, EAP, health care delivery and ombudsman roles may consult with the POSH Coordinator for policy, guidance in advising employees.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(d) For employees who want more information regarding their rights and alternatives, have specific questions, or wish to utilize another reporting mechanism for sexual harassment allegations, they may telephone the Sexual Harassment Helpline, (202) 324-7777; TTY users may call (202) 324-2394. The Helpline is staffed by the Office of Equal Employment Opportunity Affairs during normal duty hours. After hours, individuals may leave a message, which will be returned the next business day. In case of an emergency, employees should contact the FBI switchboard at (202) 324-3000 and ask for the Equal Employment Opportunity Duty Officer.

### **1-2.2 Informal Resolution Process (IRP)**

The Informal Resolution Process (IRP) has been instituted as an alternate method by which to address allegations of sexual harassment. It is separate and apart from the Equal Employment Opportunity (EEO) and Office of Professional Responsibility (OPR) processes which continue to be available, although the three are not mutually exclusive. Mandated by the Attorney General, this process is a vital step to the prevention of sexual harassment within the Department of Justice (DOJ), and attempts to provide an expeditious and meaningful resolution to employees who feel that they have experienced sexual harassment in any form. This process is administered by employees known as "Facilitators." (See MAOP, Part I, 1-2.1, for the FBI's Sexual Harassment Policy, and a detailed discussion of the definition of sexual harassment. Also, see the "Informal Resolution Process Handbook" for further details about the IRP.)

- (1) Each field office and Headquarters division should have at least two (2) trained Facilitators whose names and contact telephone numbers are to be prominently displayed.
- (2) Employees should be aware that any retaliation resulting from their use of the IRP is a violation of the Civil Rights Act of 1964 (Title VII) as amended, and may be addressed through the EEO process and/or OPR.
- (3) The IRP has a very short time frame in order to afford expedited attention or corrective action that can be either temporary or permanent. The DOJ has mandated that the Facilitator begin the inquiry within seven (7) calendar days from the time of initial contact, and that the inquiry be completed within 30 calendar days (with a provision for a 15 day extension). It is anticipated that FBI Facilitators will not require the entire 30 days, or the 15 day extension, in most cases since these matters are of the utmost priority. Facilitators should be able to determine the facts, present them to the SAC/Division Head, and have a final decision on the matter within a period of days rather than weeks.
- (4) Upon being contacted by a complainant, Facilitators will provide explanations of the various avenues by which sexual harassment complaints may be addressed by furnishing the complainant with the required forms and handouts.
  - (a) If the complainant is seeking disciplinary action against the alleged offending party, the most appropriate forum is the OPR process. If the complainant wishes to initiate the OPR process, the Facilitator will advise the SAC who will refer the matter to OPR.
  - (b) If the complainant is seeking "make-whole" corrective relief, the EEO process should be invoked. If the complainant desires to invoke the EEO process, the Facilitator will provide the

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

names and contact numbers of the EEO Counselors within that office/division. Contact with the Facilitator does not constitute contact with an Equal Employment Opportunity (EEO) Counselor for the purpose of initiating EEO precomplaint counseling, even if the Facilitator is an EEO Counselor. Should the complainant elect to go forward with the allegation of sexual harassment under the EEO process, she/he must initiate precomplaint counseling with an EEO Counselor within 45 days from the date of the alleged discriminatory activity.

(c) If the complainant is simply seeking to be transferred to another area within their division or to have someone speak to the alleged offending party, informal resolution through the IRP may present the best recourse.

(d) If the complainant is seeking a remedy beyond the limits of the IRP informal settlement, the complainant must also proceed through either the OPR and/or EEO process, or all three simultaneously. Utilization of the IRP does not preclude the complainant from concurrently pursuing OPR and EEO avenues.

(5) Once the Facilitator has thoroughly interviewed the complainant and determined the facts as known at that point, the SAC/Division Head should immediately be advised of the facts prior to initiating any inquiry.

(a) If the complaint is against the SAC/Division Head, the Facilitator will discuss the matter with FBIHQ prior to advising the SAC/Division Head and conducting any inquiry.

(b) By coming to the Facilitator and raising issues of sexual harassment, there is no provision for anonymity.

(c) It is within the discretion of the SAC/Division Head to temporarily transfer or detail within that division the complainant and/or the alleged harasser while awaiting the results of the Facilitator's inquiry into a complaint. The latter temporary transfer is not to be interpreted as an indicator of the credibility being attached to the complaint, but should be viewed as a necessary measure to ensure that the alleged behavior, or any reprisal, does not occur throughout the course of the inquiry.

(d) Utilization of the IRP does not preclude or abrogate the SACs/Division Heads from responsibility to refer matters of serious misconduct to OPR for appropriate administrative action. Serious misconduct is defined as conduct which has a significant adverse impact on the FBI, and includes possible violations of administrative policy as well as potential criminal activity. SACs/Division Heads will, however, allow Facilitators appropriate time to conduct their inquiry before reporting these matters to OPR except in the most egregious situations.

#### **1-2.2.1 Conducting/Resolving the IRP Inquiry**

(1) The Facilitator will conduct a limited inquiry to determine the facts of the matter. The inquiry will normally consist of interviews with the complainant, the alleged offending party and witnesses, and a review of any pertinent documents. While this is an informal process, all employees are expected to fully cooperate.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(2) The Facilitator will expeditiously provide the SAC/Division Head with the facts and serve as an impartial mediator to attempt an informal settlement of the matter. The SAC/Division Head may request assistance from the Facilitator in composing any settlement or in the drafting of any communication to FBIHQ referring cases of serious misconduct to OPR. Those communications become a part of the OPR file and are not to be kept with IRP documents.

(3) The SAC/Division Head will decide the appropriate means, if any, of resolving the matter at hand. Resolutions will be limited to speaking with the offending party, and/or effecting the permanent intradivisional transfer of the offending party if the inquiry develops corroboration of the alleged sexual harassment. The decision will depend upon the nature of the alleged activities and the immediate corrective action desired by the complainant.

(a) The SAC/Division Head may consider the intradivisional transfer of the victim as part of an informal resolution only if the complainant concurs that her/his being moved is a reasonable solution to the situation.

(b) If the offense does not rise to the level of serious misconduct and appropriate parties agree to the informal resolution, the SAC/Division Head will not be required to refer the matter to OPR, and the complaint will be considered resolved.

(c) The SAC/Division Head retains the right to take additional measures, such as transferring the alleged offending party within the division, and/or discussing the impact of this inappropriate conduct upon the workplace with the alleged violator.

(d) If the SAC/Division Head believes stronger disciplinary considerations are warranted against the alleged offending party, the matter must be referred to OPR for their consideration of administrative action.

(4) In those instances where an informal resolution is not achieved through the IRP, complainants may wish to avail themselves of the EEO and/or OPR processes.

### **1-2.2.2 Records Conducting/Resolving the IRP Inquiry**

(1) Although the IRP is an informal process, certain statistics are required to be retained for response to requests from the DOJ regarding utilization of this new process. This information is being retained for statistical purposes only and no information or record of the names of complainants or alleged offenders will be placed in any FBI file. Any and all notes taken by the Facilitator during the course of the inquiry will be destroyed upon submission of the statistical data to the IRP Coordinator located in the Organizational Program Evaluation and Analysis (OPEA) Unit, Inspection Division, FBIHQ.

(2) The only forms used to record IRP contacts are an Acknowledgement Form used to inform complainants of a possible conflict if the IRP and EEO processes are selected; and a Record of Inquiry used as a tracking device which contains limited information.

(3) While in the Facilitator's custody, all IRP documents are to be afforded appropriate security and confidentiality in that they are not to be shown to or discussed with anyone other than the complainant, the SAC/Division Head or their designee, and the IRP Coordinator in OPEA at

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

FBIHQ. All notes taken by the Facilitator during the course of the inquiry should be destroyed upon completion of the Record of Inquiry form, and that destruction noted on the Record of Inquiry form.

(4) The original executed Acknowledgement Form, and the Record of Inquiry form should be sealed in a suitable envelope and mailed to the IRP Coordinator within seven (7) calendar days of the conclusion of this matter. These records will be maintained for an appropriate period of time after which they will be destroyed.

(5) The Facilitator will also collect and record statistical data and submit it to the IRP Coordinator as requested. The OPEA Coordinator will compile quarterly and/or annual reports as required by DOJ, and furnish copies of those reports to the OEEOA.

### **1-3 USE OF GOVERNMENT PROPERTY (See MIOG, Part 2, 10-18.1.)**

An employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.

#### **DEFINITIONS OF TERMS:**

GOVERNMENT PROPERTY includes any form of real or personal property in which the government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the government mails, automated data processing capabilities, printing and reproduction facilities, government records, and government vehicles.

AUTHORIZED PURPOSES are those purposes for which government property is made available to members of the public or those purposes authorized in accordance with law or regulation. Authorized purposes also include personal uses that involve only a negligible expense (such as electricity, ink, small amounts of paper, and ordinary wear and tear); and limited personal telephone/fax calls to locations within the office's commuting area, or that are charged to nongovernment accounts. The foregoing authorization does not override any statutes, rules, or regulations governing the use of specific types of government property, and may be revoked or limited at any time by any supervisor for any business reason. In using government property, employees should be mindful of their responsibility to protect and conserve such property and to use official time in an honest effort to perform official duties.

FBI property charged to an employee remains the property of the FBI while employed by the FBI. All employees are to ensure that government property is safeguarded outside of FBI office space. All issued property is to be adequately secured in a manner to ensure that the property is not accessible or useable by any other person. It is the employee's responsibility to appropriately secure government property. MIOG, Part 2, Section 12, should be referred to regarding the safeguarding of firearms outside of FBI office space. In addition, employees have the responsibility of preventing the loss and destruction of Bureau property wherever possible. Employees are to ensure that issued FBI property is returned at the time an employee separates from the FBI.

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(1) All government property, including automobiles, boats and other methods of conveyance, supplies, equipment, telephones and facilities are to be used solely for official purposes and not converted to any employee's personal use except for use in accordance with the foregoing Authorized Purposes provisions. With the authorization of the SAC, Assistant Director or a designated management representative, the use of equipment for training and research during nonwork hours shall be considered "official purposes. Government property authorized for an employee's use during nonworking hours must be appropriately charged out to the employee by executing appropriate property receipt, Form FD-281. The loss, misplacement, theft or destruction of government property issued to any employee must be reported to his/her superior within five calendar days of the loss, misplacement, theft or destruction. The division must report the loss, misplacement, theft or destruction on an FD-500, Report of Lost or Stolen Property form, to the Property Management Unit, Property Procurement and Management Section, Finance Division within ten calendar days. The Accountable Property Officer for the division must sign the FD-500. (See also MAOP, Part 2, 6-7.5.)

(2) All government and FBI records, to include computer records, are to be used solely for official purposes. The use of FBI records, or records made available to the FBI through other government agencies, for the purpose of obtaining information for personal use is strictly prohibited.

(3) The Bureau encourages the use of government property to reward employees and promote morale building, ceremonies, and events where such use, in the opinion of the SAC, increases the efficiency of the Bureau and facilitates a Bureau function. FBI Headquarters' permission should be obtained prior to use of government-owned boats, airplanes, and special purpose vehicles for purposes described above.

(4) Pursuant to Departmental Order 2630.2A, "Protecting And Controlling Federally Controlled Property and Loss/Theft Reporting Procedures," the removal of government-owned property from a federal building is prohibited unless properly authorized through the issuance of some form of property pass. Accordingly, the following procedures shall apply for government-owned property being temporarily removed from a federal building for any such property not otherwise issued/charged out to an employee, such as through the use of the FD-281:

(a) Approved forms, such as the 0-96, "FBI Property Pass," or the FD-79, "Chargeout of Nonexpendable Property," can be used for property pass purposes in place of the Property Management Application's (PMA) Charge Out/In Functions.

1. In field offices, the FD-281, Receipt For Government Property, or the PMA Charge Out Receipt must be executed when property is removed from the office.

2. At FBIHQ, property passes shall be issued by the Finance Division, Property Procurement and Management Section (PPMS). Form 0-96 is to be used and government property shall not be removed from the J. Edgar Hoover F.B.I. Building until this form is properly executed and signed by an authorized individual in PPMS,  
Finance Division.

(b) Property passes should be prepared in duplicate, unless administrative controls require additional copies. The original shall be given to the employee removing the property from the building, who will, in turn, surrender it to the security guard or other appropriate individual at the

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

time the property is removed from the government building. The security guard or other authorized individual is responsible for returning this copy to the Property Procurement and Management Section (PPMS).

(c) Deleted

(d) Deleted

**1-3.1 Bureau Vehicles (See MAOP, Part 1, 12-2.5.1; Part 2, 6-1.2.3.)**

(1) Bureau vehicles (to include government-owned vehicles, and vehicles rented or leased by the FBI) are to be used for official business only. In connection with the use of Bureau vehicles, transportation for other than FBI employees is to be restricted to individuals and their families, or aides accompanying them, who are traveling to attend FBI-sponsored or FBI-participating functions or have other direct business to transact with FBI officials and/or officials of the Department of Justice traveling on official business.

(a) Deleted

(2) Bureau vehicles are allowed to be driven between an employee's residence and work place to enable the FBI to maintain an emergency response capability which is necessitated by the nature of the work and not solely for the personal convenience of employees. In conjunction with this, the most direct and expeditious route to and from the employee's residence should be observed. An employee may, when circumstances warrant such an action, interrupt his/her travel as long as he/she does not deviate from an expeditious route to his/her residence nor impair his/her ability to retain emergency response capability. (See MIOG, Part 2, 34-14, re Victim Specialists.)

(3) FBI employees are authorized to accompany the driver of the Bureau automobile to and from the driver's residence and the place of work provided that the trip is justifiable as necessary for the Bureau to retain its emergency response capabilities and no significant deviation from the most direct route occurs.

(4) An SAC may authorize on a case-by-case basis an Agent's spouse to travel in a Bureau automobile while the Agent is en route to and from a function in which the Agent has an official role, provided the Bureau vehicle is used exclusively as basic transportation to and from the FBI-sanctioned function. The foremost consideration in granting such a request should be whether such travel would be considered to be in the best interest of the government. Among the factors which should be considered are length of time of the function and distance to be traveled. (See MAOP, Part 2, 8-5.)

(5) Should the weight of facts demonstrate that government-owned, -rented, or -leased vehicles were in fact being used primarily for commuting purposes and were clearly not being operated primarily for the benefit of the government, then this would be in violation of Title 31, USC, Section 1344. (See MAOP, Part 1, 1-3.1.2.) Employees should be reminded that Title 31, USC, Section 1349(b) requires a minimum suspension of one month without compensation for anyone who uses or authorizes the use of a government vehicle for other than official purposes. Additional penalties are optional. (See MAOP, Part 1, 13-13.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(6) The employee who is authorized to drive the Bureau vehicle between his/her residence and office is considered to be using the vehicle for "official purposes" so that the use is not prohibited by Title 31, USC, Section 1344. The employee is not, however, considered to be on official business such that he/she can use the commuting time to qualify for Availability Pay. The passengers are not on official business when they are riding to and from work with the driver and are, therefore, not eligible for benefits under the Federal Employee's Compensation Act. Any time a Special Agent who is on duty and is en route to or from his/her residence, receives instructions to proceed to an emergency situation, any passengers who are not likewise instructed are to be discharged.

(7) The addition of more passengers subjects the government to increased liability. Assuming the driver is within the scope of his/her employment, the government would be liable for damages suffered by the passengers as a result of the driver's negligence. If the driver is determined to be outside the scope of his/her employment when an accident occurs through the driver's negligence, then the "driver's statute" of the Federal Tort Claims Act, Title 28, USC, Section 2679(b), would be inapplicable, and the driver could be personally liable for damages suffered by the passengers, third parties, and the vehicle itself, as well as the penalties of Title 31, USC, Section 1349(b). The picking up of and discharging of passengers at a point not en route to and from work could place the driver outside the scope of his/her employment. Therefore, the drivers of Bureau vehicles which are authorized to be driven between the residence and office are limited to routes that may normally be traveled to and from work.

(8) Bureau vehicles may be used to transport ill or injured employees to a hospital or health-care facility. Administrative leave is not necessary where a government or personally owned vehicle is utilized to transport a sick or injured employee to a hospital or health-care facility. Form FD-661, "Waiver for Transporting Bureau Personnel Via FBI Vehicles" must be executed. (See MAOP, Part 2, 6-8.2(2).)

Bureau vehicles may not be used to transport ill or injured employees to their residence.

(9) Immediately following an employee's arrest or administrative finding of driving while under the influence (DUI) or while intoxicated, that employee will be prohibited from operating a government motor vehicle. Whenever an employee is found guilty of alcohol-related misconduct, a division head will determine the extent to which the employee's privilege to operate a government motor vehicle will continue to be suspended. In alcohol-related misconduct cases involving the use of a motor vehicle, a presumption will exist that there is a necessity to suspend the employee's privilege to operate a government motor vehicle for a period of not less than ONE YEAR following his/her offense. This suspension will occur regardless whether the nature of the employee's motor vehicle offense has been reduced as a result of judicial review, plea bargaining, or the employee's entry into a diversion or substance abuse program. Whenever a Special Agent is suspended from operating a government motor vehicle as a result of alcohol-related misconduct and following a determination of such misconduct by the Bureau, he/she will NOT be considered eligible to earn premium compensation, such as Sunday pay, holiday pay, night differential, and Availability Pay. Prior to discontinuing eligibility for Availability Pay, the employee will be afforded appropriate adverse action proceedings. (See MAOP, Part 1, 1-30.3, 8-1.12.2 and 12-1.5.)

SENSITIVE

### **1-3.1.1 Home-to-Work Use of Bureau Automobiles**

(1) Pursuant to Title 31, USC, Section 1344, the FBI's Home-to-Work Transportation Plan (HTWTP) specifies positions which are expressly authorized for the utilization of government vehicles by FBI personnel on a routine basis for home-to-work transportation. To provide each field office an adequate capacity to respond to emergency and other investigative demands, the positions which are authorized to use a government vehicle on a routine basis include officials in charge of FBI field offices and their alternates (ADICs, SACs, ASACs); field office Supervisory Special Agents; Undercover Special Agents; Special Agents (SAs) assigned to Special Operation Groups; SAs assigned to resident agencies and Legal Attaches; personnel assigned to Special Surveillance Groups; and field office SAs designated for off-duty or emergency response.

(2) The official in charge (ADIC or SAC) or designated representative(s) is required to maintain a current list of employees authorized to take government vehicles home on a routine basis. A semiannual review must be performed and documented of the personnel authorized to take vehicles home on a routine basis to ensure that emergency and investigative demands of the position continue to require the use of a vehicle. These documented reviews are to be performed semiannually and maintained in an appropriate administrative file and subject to review during the field office inspection.

(3) In addition to personnel expressly authorized for use of a government vehicle for home-to-work transportation, the official in charge (EAD/AD/ADIC or SAC) or designated representative(s), may authorize the conditional use of a government vehicle for transportation between an employee's domicile and place of employment by completing the Form FD-490, "Authorization to Maintain Bureau Vehicle Overnight at Employee's Residence on an Irregular and/or Emergency Basis." This authorization is based on duties that involve travel from the employee's home to various locations, such as surveillance posts, arrest and search scenes, sites of meetings with operatives, suspects, or witnesses, and other locations. The use of a government vehicle for home-to-work transportation is approved on a conditional basis (FD-490) where such use is essential for the safe and efficient performance of intelligence, counterintelligence, protective services, or criminal law enforcement duties requiring the presence of that employee, in an official capacity, at a location other than the office to which he or she is assigned.

(4) The FD-490 will be completed for the entire period the vehicle is anticipated to be utilized. If the period extends beyond 90 days, a separate FD-490 will be completed to cover every 90 days the requirement exists. An administrative file will be established in each field office and FBIHQ Division for completed FD- 490s. The official in charge (EAD/AD/ADIC or SAC) or designated representative(s) is required to perform and document semiannual reviews to ensure that only Bureau vehicles with written authorization and justification (a completed FD-490) are taken home. The documented reviews will be performed semiannually and be maintained in the administrative file and subject to review during the field office inspections. The FD-490s may be destroyed at the completion of the field office's inspection.

### **1-3.1.2 Rental/Leased Vehicles**

(1) A rental/leased vehicle procured with a personal credit card or one issued under the United States Government Credit Card Program is not a government-leased OR -RENTED vehicle within the meaning of Title 31, USC, Section 1344, as described in MAOP, Part I, 1-3.1 (5). It is FBI policy that vehicles rented or leased by an employee with a personal credit card or one issued under the United States Government Credit Card Program for the primary purpose of conducting official business must be used within the parameters set by the employee's SAC or division head. An SAC or division head may limit the scope of use by considering such factors as the length, nature and location of the assignment. Expenses accrued for use of the rental/leased vehicle outside the scope of employment must be borne by the employee and must not be vouchered. Any employee who is determined to have intentionally violated this section will be subject to administrative action, up to and including dismissal.

(2) Should the rental/leased vehicle become involved in an accident while being driven outside the scope of the employee's duties, the employee is personally liable for damages suffered by passengers, third parties, and the vehicle itself. In order to avoid increased liability to the government while the employee is on duty, the rental/leased vehicle may NOT be used to transport individuals having no direct relationship with official business. Any employee who is determined to have intentionally transported such individuals will be subject to administrative action commensurate with the circumstances.

(3) The transport of passengers in such a vehicle subjects the government to increased liability. Assuming the driver is within the scope of his/her employment, the government would be liable for damages suffered by the passengers as a result of the driver's negligence, provided the passengers were authorized to accompany the driver. If the driver is determined to be outside the scope of his/her employment when an accident occurs through the driver's negligence, then the "driver's statute" of the Federal Tort Claims Act, Title 28, USC, Section 2679(b) would be inapplicable, and the driver could be personally liable for damages suffered by the passengers, third parties, and the vehicle.

### **1-3.2 Property in Vehicles (See MIOG, Part II, 12-1.2 & 12-6.2.)**

Employees are expected to take proper care of any Bureau property issued to them or used by them. See MIOG, Part II, 12-6.2, for policy on maintaining expendable Bureau equipment related to Special Agent safety in vehicles. Any nonexpendable Bureau equipment not related to Special Agent safety is to be maintained in the locked trunk of an unattended Bureau vehicle or vehicle authorized for official use, but should not be left overnight unless operational circumstances dictate otherwise.

### **1-3.3 Utilization of Facilities by Special Agents Attending School**

Special Agents attending school under the Government Employees' Training Act as an official assignment may avail themselves of stenographic and typing facilities in connection with their studies and preparation of assignments, provided the request for such assistance is specifically approved in advance by the SAC or the ASAC. This authorization does not extend to employees attending school at their own expense.

**1-3.4 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

### **1-3.5 Business Cards and Stationery (See MAOP, Part 1, 1-3.7.)**

(1) Authorization to use the FBI Seal on either business cards or stationery is granted to Bureau officials, Special Agents and certain support employees only for the purpose of ordering such items for their own official use. As such, an FBI employee can authorize a printer to reproduce the Seal for this purpose on an order-by-order basis. The printer, however, cannot use any items prepared with the FBI Seal for advertisement or to solicit business from the public. Authorization for support employees to utilize business cards or stationery, on a select basis, may be obtained by formal written requests to the SAC or the appropriate Assistant Director. Such requests must clearly demonstrate the necessity for the employee's use of business cards or stationery and should be limited to support personnel at the GS-7 level or above. The cards or stationery should contain the following: name, official title, Federal Bureau of Investigation, office address, telephone number and may have the FBI Seal inscribed in the upper left corner.

(2) To facilitate the purchase of business cards, the General Services Administration has negotiated with the Seattle Lighthouse for the Blind to be the exclusive national source for federal employees requiring business cards for official duties. The Seattle Lighthouse for the Blind has been provided with electronic artwork of the FBI's seal to ensure quality reproduction. The cost of business cards purchased from the Seattle Lighthouse for the Blind may be paid for using appropriated funds. Expenses incurred for the purchase of business cards from any other vendor, regardless of the circumstances, must be borne by the employee.

(3) The Seattle Lighthouse for the Blind offers the option of plain offset printed cards in one color, dark blue or black ink, or offset with an embossed gold foil-stamped seal. Because of the significant difference in the price of the plain cards and the embossed cards, the only employees authorized to obtain the embossed cards are the ADICs, SACs, Associate SACs, Legats, and Section Chiefs and above at FBIHQ. Employees who wish to upgrade to the embossed gold foil-stamped seal may do so by placing individual orders and paying for the cards using personal funds. Upon receipt of the cards, the employee may claim reimbursement through submission of a draft request form and a copy of the invoice for an amount equal to the cost of the one-sided plain offset printed business cards. (See MAOP, Part 2, 6-3.6 (8).)

### **1-3.6 Copies of Official Correspondence and Documents**

Employees are not to make copies for themselves of any reports or correspondence they prepare in the course of their official duties except copies of expense vouchers, Form CA-1 (Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation), nor should they make or maintain possession of copies of official Bureau documents if they have no justifiable need to know the information contained in them. On separation from the Bureau, every employee must return any official documents made or received while in the Bureau's service except for items such as those enumerated above and originals of letters of appointment, commendation, censure or promotion. (See also MAOP, Part I, 1-19, for Bureau rule on disclosure of information, and MAOP, Part I, 20-4.2, for instructions on FBI employees' access to their own personnel files.)

### **1-3.7 Bureau Seal Matters (See MAOP, Part 1, 1-3.5.)**

(1) It has been the position of the Bureau to deny all requests for commercial reproduction of the FBI's name and initials where a particular product was to be marketed to the public at large. The Director has, however, under certain circumstances, authorized use of the FBI Seal on items when distribution was to be limited to employees and former employees.

(2) Title 18, United States Code (USC), Section 709, prohibits, without the express written permission of the Director, the use of the name or initials "FBI" or any colorable imitation of such words or initials in any manner which reasonably conveys the impression that the FBI approves, endorses, or authorizes a particular product or business.

(3) Title 18, USC, Section 701, prohibits the manufacture, sale, possession, or colorable imitation of any insignia of the design prescribed by the head of any department or agency of the United States for use by any of its officers or employees, except as allowed by regulation.

(4) In conjunction with Section 701, the Department of Justice has issued regulations that are set forth in Title 41, Code of Federal Regulations, Section 128-1.5007, which require permission to reproduce the seal of the FBI for commercial, educational, ornamental, or other purposes by other government agencies or private entities be referred to the head of the respective departmental organization for decision. Requests are reviewed on a case-by-case basis to determine whether approval should be granted.

(5) Authorization to determine use of the FBI's name, initials, and/or seal in conjunction with the above-mentioned statutes and regulations is vested in the Administrative Law Unit, Office of the General Counsel. All requests for use of the FBI's name, initials, and/or seal in any manner, whether requested by a manufacturer or by a Bureau entity for products exclusively for Bureau use, must be referred to the Administrative Law Unit for review and recommendation.

(6) Any violations of Title 18, USC, Sections 701 and 709, should be handled in accordance with the instructions set out in Part 1, Section 43-2.1 and 43-3.4 and 43-3.14 (4) of the Manual of Investigative Operations and Guidelines (MIOG).



#### **1-4 ILLEGAL ACTIVITIES (See MAOP, Part 1, 15-3.2; Legal Handbook for SAs, Part 1, 3-6.4.)**

(1) Illegal activities on the part of any employee, in addition to being unlawful, reflect on the integrity of the FBI and betray the trust and confidence placed in it by the American people. Furthermore, unlawful activities can disqualify one for employment by the government or the United States. It is, therefore, expected that employees will obey not only the letter of the law but the spirit of the law as well whether they be engaged in activities of a personal or official nature. With respect to investigative activities, this admonition particularly applies to entrapment or the use of any other improper, illegal, or unethical tactics in the procurement of evidence. In this regard, it should be especially noted that, in securing information concerning mail matter, the Bureau will not tolerate a violation of law (Title 18, USC, Sections 1702, 1703, 1708, and 1709). Furthermore, employees must not tamper with, interfere with, or open mail in violation of law nor aid, abet or condone the opening of mail illegally by any employee of the U.S. Postal Service.

(2) As a member of a federal investigative agency, FBI employees must at all times zealously guard and defend the rights and liberties guaranteed to all individuals by the Constitution. Therefore, FBI employees must not engage in any investigative activity, including illegal surreptitious entries, which could abridge in any way the rights guaranteed to a citizen of the United States by the Constitution and under no circumstances shall employees of the FBI engage in any conduct which may result in defaming the character, reputation, integrity, or dignity of any citizen or organization of citizens of the United States.

(3) Employees must not install electronic surveillance equipment without FBIHQ written authority.

(4) No brutality, physical violence, duress or intimidation of individuals by our employees will be countenanced nor will force be used greater than that necessary to effect arrest or for self-defense. (See MIOG, Part 2, 12-2.1 and 12-10.4.1 (2); Legal Handbook for SAs, Part 1, 4-2.5.)

(5) All of the foregoing prohibitions, including those pertaining to illegal surreptitious entries, are applicable to all phases of the FBI's work, applicant, criminal, civil, domestic security, and foreign counterintelligence. Violations must be reported to FBIHQ as set out in this manual, Part 1, Section 13, entitled "Disciplinary Matters."

#### **1-5 PAROLE OR PROBATION OFFICERS**

Employees may not act as parole or probation officers.

#### **1-6 LAW ENFORCEMENT ORGANIZATIONS**

Employees may serve as officers of law enforcement organizations only when to do so would in no way affect the conduct of official duties or present a situation wherein a conflict of interest or a lessening of Bureau efficiency would result. Should such occur, the situation must be resolved in favor of terminating the officership. In all cases, prior FBIHQ approval must be requested, accompanied by SAC analysis and recommendations. It is permissible to serve on a committee of a law enforcement organization.

## **1-7 LAW ENFORCEMENT SELECTION BOARDS**

FBI employees will not serve on any promotional or selection boards or committees considering local, county, or state law enforcement personnel.

## **1-8 LABOR ORGANIZATIONS**

The Bureau is exempted from Federal Labor-Management Relations programs and requirements by Executive Order 11491 and will not recognize, or negotiate with, labor organizations. Labor organizations are defined as those which exist, in whole or in part, for the purpose of dealing with agencies concerning grievances, personnel policies and practices, or other matters affecting the working conditions of their employees. Bureau employees are prohibited from engaging in labor activities such as, but not limited to, strikes, picketing, organizing and campaigning. Additionally, they must not use Government time or property for such purposes nor permit the use of same by others.

## **1-9 PARTICIPATION IN NONFEDERAL ENTITIES (See MAOP, Part 1, 1-16, 1-18.1 (1)(i) and (k), 1-26, 20-6.2, 20-6.3; Part 2, 5-4.1.)**

FBI employees who wish to participate in nonfederal organizations, whether in their personal capacities or as part of their official duties, must comply with applicable provisions of sections 1-9.1 or 1-9.2. In no case, however, may an employee acquire an interest in or be active on behalf of a group if that interest or activity conflicts with his or her duties to the federal government. In addition, employees must conform to Bureau policy regarding outside employment. (Provisions regarding outside employment are found in MAOP, Part 1, 20-6 through 20-6.3.2.) Additional limitations apply to personal-capacity participation in certain political organizations. (See MAOP, Part 1, 1-18.)

### **1-9.1 Personal-Capacity Participation (See 1-9.)**

(1) GENERAL. In personal-capacity participation, employees make a personal choice to undertake the activity rather than being assigned to perform the activity by a supervisor as part of their official duties. The FBI does not control or direct employees in outside activities undertaken in a personal capacity. Employees should ensure that their actions and positions taken while participating in these activities are recognized as their own, and not those of the FBI or DOJ. All employees must be aware of the provisions of Sections 203 and 205 of Title 18, United States Code, which prohibit executive branch employees from representing an outside organization before or to any department or agency of the U.S. government. (Organizations whose membership is composed of a majority of federal employees or their family members are not subject to this prohibition.) Employees must also remember that, when performing their FBI duties, they are prohibited from taking any official action that would affect the financial interests of an organization which they serve as officer, director, trustee, general partner, or employee. See Section 208 of Title 18, United States Code, and

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

5 CFR Subparts D (Conflicting Financial Interests) and E (Impartiality in Performing Official Duties).

(2) LIMITATION ON THE SCOPE OF THIS SECTION. This section does not apply to participation in PRO BONO activities. Although the standards for participation in PRO BONO activities are the same as for other outside activities, DOJ has issued more specific guidance for PRO BONO legal services and similar volunteer work. The guidance has been uploaded in ACS as file 66F-HQ-1201415-C Serial 636.

(3) WHEN APPROVAL IS REQUIRED

(a) Employees do not need approval (beyond that required for outside employment) for personal-capacity participation in organizations whose work is not related to the work of the FBI.

(b) Even if an organization's work is related to the work of the FBI, employees do not need FBI approval (beyond that required for outside employment) for personal-capacity participation which will not extend beyond simple membership, i.e., does not involve the management or operation of the organization. Simple membership includes service as a committee member, but not as a committee chair, co-chair, or vice-chair.

(c) If an organization's work is related to the work of the FBI, employees must obtain prior FBI approval if personal-capacity participation will extend beyond simple membership. Participation beyond simple membership includes service as an officer, director, committee chair, co-chair, or vice-chair, or other similar managerial position, or which is accompanied by a fiduciary duty.

(4) SEEKING FBI APPROVAL. Employees shall forward requests for approval via their supervisory chain to their approval authority. Requests shall include: the organization's name; a summary of its goals and objectives and how its work is related to the FBI; a description of its membership or constituency; the title, managerial authority, voting powers, and responsibilities of the position in question; and a certification that an indices check reveals no reason to suggest that official FBI participation would pose a conflict of interests or that participation should be disapproved.

(5) FBI APPROVAL. Authority for approving these requests lies with an employee's SAC, ADIC, or Assistant Director (AD), as appropriate (subject to any supplemental guidance from the concerned FBIHQ AD). This approval authority may not be delegated below ASAC or Section Chief. The approval authority will review such requests and may approve them if he or she determines, with the concurrence of the Chief Division Counsel (CDC) for field divisions or Chief, Administrative Law Unit for FBIHQ divisions, that participation does not conflict with the faithful performance of the employee's FBI duties (and that any applicable outside employment requirements have also been met).

(6) USE OF GOVERNMENT RESOURCES. Ordinarily, personal activities on behalf of outside organizations should not be conducted at the expense of the government in terms of time or money. DOJ generally permits a limited use of office and library equipment and facilities for outside activities so long as the cost to the government is negligible. These resources may not be used in a manner that suggests that the FBI or DOJ endorses the activity, nor may they be used for outside activities in a way that interferes with official business. And, employees may not task subordinate

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

staff to assist them in their personal-capacity outside activities. Managers may continue to authorize administrative time for certain outside activities where there is a benefit to the FBI, in accordance with the FBI's rules applicable to administrative time.

### **1-9.2 Official-Capacity Participation (See 1-9.)**

(1) GENERAL. In official-capacity participation, FBI/DOJ management assigns an employee to participate in a nonfederal organization as part of the employee's official duties, under the direction of an appropriate supervisor. All official-capacity participation requires prior approval. As detailed below, approval authority varies based on the degree of the involvement in the organization.

(2) LIMITATION ON THE SCOPE OF THIS SECTION. This section does not apply to participating in an organization in a personal capacity or appearing in one's official capacity as a speaker, panelist, or other participant in a seminar, convention, or other particular event. Provisions regarding public speaking are found in MAOP, Part 2, 5-4, and MAOP, Part 1, 1-16.2 and 1-26 through 1-26.5.

#### **(3) OFFICIAL-CAPACITY PARTICIPATION THAT IS LIMITED TO PASSIVE MEMBERSHIP**

(a) What is Passive Membership? Passive membership encompasses serving as FBI observer of the organization's activities and exercising the privileges of a member individually. It does not include serving as a representative of the FBI or DOJ to the organization.

(b) Who Approves Passive Membership? For official-capacity participation that does not extend beyond passive membership, the appropriate approval authority is the employee's SAC, ADIC, or AD, as appropriate (subject to any supplemental guidance from the concerned FBIHQ AD). ADs may delegate approval authority, but not below the level of Section Chief. Otherwise, this authority may not be delegated.

(c) Requesting Approval. Employees shall forward requests for approval via their supervisory chain to their approval authority. Requests shall include: the organization's name; a summary of its goals and objectives and how its work is related to the FBI; a description of how the FBI will benefit by participating officially in the organization; a description of its membership or constituency; the title, managerial authority, voting powers, and responsibilities of the position in question; and a certification that an indices check reveals no reason to suggest that official FBI participation would pose a conflict of interests or that participation should be declined.

(d) Approving Requests. The approval authority will review such requests and may approve them if he or she determines that the participation will only constitute passive membership and is necessary and proper for the accomplishment of the FBI's mission. Before acting on a request, the approval authority shall seek legal review from the CDC (field divisions) or Chief, Administrative Law Unit (ALU) (FBIHQ divisions). Correspondence approving official participation shall include an express reminder as to the very limited degree of involvement in the organization inherent in the approval.

#### **(4) OFFICIAL-CAPACITY PARTICIPATION THAT EXCEEDS PASSIVE MEMBERSHIP**

SENSITIVE

(a) What is Official-Capacity Participation Beyond Passive Membership? Participation that is specifically within this category includes, but is not limited to, serving: as an officer, director, or similar managerial position; in a position that is accompanied by a fiduciary duty; or as a representative of the FBI or DOJ to the organization.

(b) Who Approves Official-Capacity Participation Beyond Passive Membership? The Deputy Attorney General (DAG) is the approval authority.

(c) Requesting Approval of Participation Beyond Passive Membership. Employees shall forward requests for approval to the DAG via: 1) their own SAC/ADIC/AD, 2) the concerned FBIHQ AD (i.e., the FBIHQ division with the greatest interest in the programs, objectives, or policies of the organization), and 3) the FBI Deputy Designated Agency Ethics Official (DDAEO) in OGC. Requests shall include: the organization's name; a summary of its goals and objectives and how its work is related to the FBI (DOJ considers that authorizing official-capacity participation where the outside organization's work is unrelated to FBI's mission and responsibilities would mistakenly convey FBI/DOJ endorsement of the organization's activities); a description of its membership or constituency; the title, managerial authority, voting powers, and responsibilities of the position in question; a description of the nature and extent of any fiduciary duty associated with service in the position, and a copy of or citation to any state laws that impose or describe the duty; a description of how the FBI will benefit by participating officially in the organization; a copy of the organization's charter and by-laws, if reasonably available; and a certification that an indices check reveals no reason to suggest that official FBI participation would pose a conflict of interests or that participation should be declined.

(d) Approving Requests

1. Basis for Approval. Approval may only be given when the FBI and DOJ have a clear interest in having an employee represent their interests, and the employee in question is an appropriate one to do so. The views articulated by officials serving in outside organizations as part of official duties must reflect the views of the whole DOJ, not just that of the FBI. These officials also must recognize situations when DOJ should take no position because DOJ has no interest in the matter or when it will always be inappropriate for DOJ to express an official position, such as matters involving the internal operation of an organization. DOJ coordination of official positions is necessary to achieve these results and, therefore, officials serving in this capacity should seek guidance from the supervisor assigned by the DAG to coordinate DOJ's positions.

2. Action by Head of Office. The supervising SAC/ADIC/AD will review each request, ensure it is complete, and may either disapprove it or forward the request along with his or her comments and recommendations to the AD of the concerned FBIHQ division (i.e., the FBIHQ division with the greatest interest in the programs, objectives, or policies of the organization).

3. Action by Concerned FBIHQ AD. The concerned FBIHQ AD shall review each request to determine whether the FBI has a clear interest in having an employee represent the DOJ's interests, whether the candidate employee is fully qualified to represent the FBI and DOJ officially in or before the organization, and whether the participation would conflict with the faithful performance of the employee's duties. If the concerned AD determines that the request should not be approved, he or she may disapprove the request and take any additional action deemed appropriate. If the

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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concerned AD recommends that the request be approved, he or she shall forward the request to the Deputy Designated Agency Ethics Official for the FBI (DDAEO)(c/o OGC/ALU), along with the AD's determinations and any policy guidance he or she believes necessary to ensure that the candidate carries out the duties of the office in accordance with the understanding on which the approval is based.

4. Action by DDAEO. The DDAEO shall review the request for legal sufficiency and may effect such further coordination as warranted. If the DDAEO determines that the request is legally objectionable or otherwise inappropriate, he or she may deny the request and take any additional action deemed appropriate. If the DDAEO determines that the request is legally sufficient and appropriate, he or she shall forward the request to the DAG.

(5) USE OF GOVERNMENT RESOURCES. When employees serve an outside organization as part of their official duties, some government expense and use of subordinate employees' time is permissible, subject to supervisory discretion. However, in general the FBI does not authorize use of FBI resources to support the internal administration of an outside organization. The following use of resources may be authorized for employees serving an outside organization as part of their official duties: official time to prepare materials related to the activities; appropriated funds for travel to meetings; and the time of a subordinate in preparing material for meetings and other activities.

## **1-10 DELETED**

## **1-11 NON-FBI SEMINARS OR CLASSES**

Prior FBIHQ approval is needed for an employee to attend, serve as an instructor, or assist in conducting seminars, classes, or similar gatherings where the employee's FBI affiliation is known with the exception of attendance as a student at a college, law school, school of accounting or other recognized institution of learning. This rule applies to all nonduty time, including leave, and in any case in which a question arises as to the desirability of such participation.

## **1-12 GRATUITIES AND REWARDS (See MAOP, Part I, 1-14 and 1-24.)**

(1) Employees may not accept rewards or gratuities resulting from their FBI employment nor shall they accept fees from an outside source on account of public appearances, speeches, lectures, or publications, if such public appearance or the preparation of the speech, lecture, or publication was part of an employee's official duties. Also, no employee shall receive compensation or anything of monetary value for any consultation, lecture, teaching, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs or operations of the Department, or which draws substantially on official data or ideas which have not become part of the body of public information. Further, in this regard, no employee shall engage, with or without compensation, in teaching, lecturing, or writing that is dependent on information obtained as a result of government employment except when that information has been made available to the general public or when the Attorney General gives written authorization for the use of nonpublic information on the basis that such use is in the public interest. However, an employee injured during a kidnapping, assault or assassination attempt against the President, Vice-President or a

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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Member of Congress may receive contributions or payments from a tax- exempt charitable organization.

(2) Bureau officials or other employees who speak or otherwise represent the FBI at conferences, training sessions, banquets, meetings and similar affairs given by outside groups are in official duty status when making such appearances and are entitled to claim payment through the Bureau for travel, subsistence, or other reimbursable expenses incurred. Only under limited circumstances will approval be granted to accept reimbursement of travel expenses from a nonfederal source. Unless prior approval has been obtained from appropriate FBIHQ officials authorizing the acceptance of travel reimbursement from a nonfederal source, any payment offered by the sponsoring group as reimbursement for such expenses MUST be declined. (See MAOP, Part II, 6-1.7.)

**1-13 GIFTS (See MAOP, Part I, 1-14; Legal Attache Manual, 2-23.)**

**1-13.1 Gifts Between Employees (See MAOP, Part I, 1-13.2.1(5) & 1-14.)**

**(1) GENERAL STANDARDS**

(a) GIFTS TO SUPERIORS: Except as provided below, an employee may not directly, or indirectly, give a gift to, or make a donation toward a gift for an official superior OR solicit a contribution from another employee for a gift to either his/her own or the other employee's official superior.

For purposes of this section, an official superior is not just an employee's immediate supervisor, but any other employee whose official duties include directing or evaluating either the performance of the employee's official duties or the performance of any other official superior of the employee.

(b) GIFTS FROM EMPLOYEES RECEIVING LESS PAY: Except as provided below, an employee may not, directly, or indirectly, accept a gift from an employee receiving less pay unless the two employees are NOT in a subordinate/official superior relationship, and there is a personal relationship between the two employees which would justify the gift.

**(2) EXCEPTIONS**

(a) GENERAL EXCEPTIONS: On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

1. Items, other than cash, with an aggregate market value of \$10 or less per occasion;
2. Items such as food and refreshments to be shared in the office;
3. Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends;
4. Items given in connection with the receipt of personal hospitality if similar in type and value customarily given on such occasions; and,
5. Leave transferred to an employee who is not an immediate supervisor.

(b) SPECIAL INFREQUENT OCCASIONS: A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

SENSITIVE



1. In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child;
2. Upon occasions that terminate a subordinate/official superior relationship, such as retirement, resignation, or transfer.

(c) **VOLUNTARY CONTRIBUTIONS:** An employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior and an employee may make a voluntary contribution of a nominal amount to an appropriate gift to an official superior:

1. On a special infrequent occasion such as described above; or
2. On an occasional basis, for items such as food and refreshments to be shared in the office.

An employee may accept gifts of this nature to which a subordinate or other employee receiving less pay than himself/herself has contributed.

### **1-13.2 Gifts From Outside Sources (See MAOP, Part I, 1-14.)**

#### **1-13.2.1 General Standards (See MAOP, Part I, 1-14.)**

(1) **GENERAL PROHIBITIONS:** An employee shall not, directly or indirectly, solicit, coerce or accept a gift:

- (a) From a prohibited source;
- (b) Given because of the employee's official position;
- (c) In return for being influenced in the performance of an official act;
- (d) From the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using his/her public office for private gain;
- (e) In violation of any statute. Relevant statutes applicable to all employees include:

1. Title 18, USC, Section 201(b), which prohibits a public official from seeking, accepting, or agreeing to receive or accept anything of value in return for being influenced in the performance of an official act or for being induced to take or omit to take any action in violation of his/her official duty. As used in Title 18, USC, Section 201(b), the term "public official" is broadly construed and includes regular and special Government employees as well as all other Government officials;
2. Title 18, USC, Section 209, which prohibits an employee, other than a special Government employee, from receiving any salary or any contribution to or supplementation of salary from any source other than the United States as compensation for services as a Government employee. The statute contains several specific exceptions to this general prohibition, including an exception for contributions made from the treasury of a State, county, or municipality; and
3. Title 41, USC, Section 423(b)(2), which prohibits a procurement official from seeking, accepting, or agreeing to receive any money, gratuity, or other thing of value from any officer, employee, representative, agent, or consultant of a competing contractor during the conduct of a federal

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

agency procurement. Implementing regulations, including exceptions to the gift prohibition, are contained in the Federal Acquisition Regulation, 48 CFR 3.104; or

(f) Vendor promotional training contrary to applicable regulations, policies or guidance relating to the procurement of supplies and services for the Government.

(2) DEFINITIONS OF TERMS: GIFT includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. It does not include:

(a) Modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal;

(b) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;

(c) Loans from banks and other financial institutions on terms generally available to the public;

(d) Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations;

(e) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the employee's entry into the contest or event is required as part of his/her official duties;

(f) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer;

(g) Anything which is paid for by the Government or secured by the Government under Government contract;

(h) Any gift accepted by the Government under specific statutory authority, including:

1. Travel, subsistence, and related expenses accepted by an agency under the authority of Title 31, USC, Section 1353 in connection with an employee's attendance at a meeting or similar function relating to his/her official duties which takes place away from his duty station. The agency's acceptance must be in accordance with the implementing regulations at 41, CFR, Part 304-1; and

2. Other gifts provided in-kind which have been accepted by an agency under its agency gift acceptance statute; or

(i) Anything for which market value is paid by the employee.

(3) MARKET VALUE means the retail cost the employee would incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit shall be the face value of the ticket.

SENSITIVE

(4) PROHIBITED SOURCE means any person who:

- (a) Is seeking official action by the employee's agency;
- (b) Does business or seeks to do business with the employee's agency;
- (c) Conducts activities regulated by the employee's agency;
- (d) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
- (e) Is an organization a majority of whose members are described as prohibited sources. (See MAOP, Part I, 16-10.1.)

(5) A GIFT IS SOLICITED OR ACCEPTED BECAUSE OF THE EMPLOYEE'S OFFICIAL POSITION if it is from a person other than an employee and would not have been solicited, offered, or given had the employee not held his/her position as a federal employee. Note: Gifts between employees are subject to the limitations set forth in MAOP, Part I, Section 1-13.1.

(6) A GIFT WHICH IS SOLICITED OR ACCEPTED INDIRECTLY INCLUDES A GIFT:

- (a) Given with the employee's knowledge and acquiescence to his/her parent, sibling, spouse, child, or dependent relative because of that person's relationship to the employee, or
- (b) Given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee, except as permitted for the disposition of perishable items by 5 CFR 2635.205 (a)(2) of the Office of Government Ethics (OGE) standards of conduct or for payments made to charitable organizations in lieu of honoraria under 5 CFR 2636.204 of the OGE standards of conduct.

(7) VENDOR PROMOTIONAL TRAINING means training provided by any person for the purpose of promoting its products or services. It does not include training provided under a Government contract or by a contractor to facilitate use of products or services it furnishes under a Government contract.

### **1-13.2.2 Exceptions (See MAOP, Part I, 1-14.)**

The prohibitions set forth in OGE standards of conduct do not apply to a gift accepted under the circumstances described in paragraphs (1) through (9) of this section and a gift accepted in accordance with one of those paragraphs will not be deemed to violate the principles set forth in 5 CFR 2635.101(b) of the OGE standards of conduct. EVEN THOUGH ACCEPTANCE OF A GIFT MAY BE PERMITTED BY ONE OF THE FOLLOWING EXCEPTIONS IT IS APPROPRIATE AND FREQUENTLY PRUDENT FOR AN EMPLOYEE TO DECLINE A GIFT OFFERED BY A PROHIBITED SOURCE OR BECAUSE OF HIS/HER OFFICIAL POSITION.

(1) Gifts of \$20 or less: an employee may accept unsolicited gifts having an aggregate market value of \$20 or less per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph shall not exceed \$50 in a calendar year. This exception does not apply to gifts of cash or of investment interests such as stock, bonds, or certificates of deposit. Where the market value of a gift or the aggregate market value of gifts offered on any single occasion exceeds \$20, the employee may not pay the excess value over \$20 in

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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order to accept that portion of the gift or those gifts worth \$20. Where the aggregate value of tangible items offered on a single occasion exceeds \$20, the employee may decline any distinct and separate item in order to accept those items aggregating \$20 or less.

(2) Gifts based on a personal relationship: an employee may accept a gift given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Relevant factors in making such a determination include the history of the relationship and whether the family member or friend personally pays for the gift.

(3) Discounts and similar benefits. An employee may accept:

(a) Reduced membership or other fees for participation in organization activities offered to all Government employees or all uniformed military personnel by professional organizations if the only restrictions on membership relate to professional qualifications; and

(b) Opportunities and benefits, including favorable rates and commercial discounts not precluded by paragraph 3. of this section:

1. Offered to members of a group or class in which membership is unrelated to Government employment;
2. Offered to members of an organization, such as an employees' association or agency credit union, in which membership is related to Government employment if the same offer is broadly available to large segments of the public through organizations of similar size; or
3. Offered by a person who is not a prohibited source to any group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of type of official responsibility or on a basis that favors those of higher rank or rate of pay; provided, however, that--

An employee may not accept for personal use any benefit to which the Government is entitled as the result of an expenditure of Government funds. (See (b).)

(4) Awards and honorary degrees:

(a) An employee may accept gifts, other than cash or an investment interest, with an aggregate market value of \$200 or less if such gifts are a bona fide award or incident to a bona fide award that is given for meritorious public service or achievement by a person who does not have interests that may be substantially affected by the performance or nonperformance of the employee's official duties or by an association or other organization the majority of whose members do not have such interests. Gifts with an aggregate market value in excess of \$200 and awards of cash or investment interests offered by such persons as awards or incidents of awards that are given for these purposes may be accepted upon a written determination by an agency ethics official that the award is made as part of an established program of recognition:

1. Under which awards have been made on a regular basis or which is funded, wholly or in part, to ensure its continuation on a regular basis; and
2. Under which selection of award recipients is made pursuant to written standards.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(b) An employee may accept an honorary degree from an institution of higher education as defined at Title 20, USC, Section 1141(a) based on a written determination by an agency ethics official that the timing of the award of the degree would not cause a reasonable person to question the employee's impartiality in a matter affecting the institution.

(c) An employee who may accept an award or honorary degree pursuant to this section may also accept meals and entertainment given to him/her and to members of his/her family at the event at which the presentation takes place.

(5) Gifts based on outside business or employment relationships. An employee may accept meals, lodgings, transportation and other benefits:

(a) Resulting from the business or employment activities of an employee's spouse when it is clear that such benefits have not been offered or enhanced because of the employee's official position;

(b) Resulting from the employee's outside business or employment activities when it is clear that such benefits have not been offered or enhanced because of the employee's official status; or

(c) Customarily provided by a prospective employer in connection with bona fide employment discussions. If the prospective employer has interests that could be affected by performance or nonperformance of the employee's duties, acceptance is permitted only if the employee first has complied with the disqualification requirements of MAOP, Part I, Section 1-16.1(3) (a) - (c) which is applicable when seeking employment.

(d) For purposes of paragraphs (5) (a) through (c) of this section, employment includes any form of nonfederal employment or business relationship involving the provision of personal services by the employee, whether to be undertaken at the same time as or subsequent to federal employment. It includes, but is not limited to, personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner or trustee.

(6) Widely attended gatherings and other events:

(a) Speaking and similar engagements. When an employee is assigned to participate as a speaker or panel participant or otherwise to present information on behalf of the agency at a conference or other event, his/her acceptance of an offer of free attendance at the event on the day of his/her presentation is permissible when provided by the sponsor of the event. The employee's participation in the event on that day is viewed as a customary and necessary part of his/her performance of the assignment and does not involve a gift to him/her or to the agency. (See (d) and (f).)

(b) Widely attended gatherings. When there has been a determination that his/her attendance is in the "interest of the agency" because it will further agency programs or operations, an employee may accept a sponsor's unsolicited gift of free attendance at all or appropriate parts of a widely attended gathering of mutual interest to a number of parties. A gathering is widely attended if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a range of persons interested in a given matter. For employees subject to a leave system, attendance at the event shall be on the employee's own time or, if authorized by the employee's agency, on excused absence pursuant to applicable guidelines for granting such absence, or otherwise without charge to the employee's leave account. (See (d) and (f).)

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(c) Determination of "agency interest." The determination of "agency interest" required by paragraph (6)(b) of this section shall be made orally or in writing by the agency designee.

1. If the sponsor is a person who has interests that may be substantially affected by the performance or nonperformance of an employee's official duties, or an association or organization, the majority of whose members have such interests, the employee's participation may be determined to be in the interest of the agency only where there is a written finding by the agency designee that the agency's interest in the employee's participation in the event outweighs concern that acceptance of the gift of free attendance may or may appear to improperly influence the employee in the performance of his/her official duties. Relevant factors that should be considered by the agency designee include the importance of the event to the agency, the nature and sensitivity of any pending matter affecting the interests of the sponsor of the event, the significance of the employee's role in any such matter, the purpose of the event, the identity of other expected participants and the monetary value of the gift of free attendance.

2. A blanket determination of agency interest may be issued to cover all or any category of invitees other than those as to whom a finding is required by paragraph (c)1. above. Where a finding under paragraph (c)1. above is required, a written determination of agency interest, including the necessary finding, may be issued to cover two or more employees whose duties similarly affect the interests of the sponsor or its members.

(d) Free attendance. For purposes of paragraphs (6) (a) and (b) above, free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodgings, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees.

(e) Cost provided by sponsor of event. The cost of the employee's attendance will not be considered to be provided by the sponsor where a person other than the sponsor designates the employee to be invited and bears the cost of the employee's attendance through a contribution or other payment intended to facilitate that employee's attendance. Payment of dues or a similar assessment to a sponsoring organization does not constitute a payment intended to facilitate a particular employee's attendance.

(f) Accompanying spouse. When others in attendance will generally be accompanied by spouses, the agency designee may authorize an employee to accept a sponsor's invitation to an accompanying spouse to participate in all or a portion of the event at which the employee's free attendance is permitted under paragraph (6) (a) or (b) above. The authorization required by this paragraph may be provided orally or in writing.

(7) Social invitations from persons other than prohibited sources. An employee may accept food, refreshments and entertainment, not including travel or lodgings, at a social event attended by several persons where:

- (a) The invitation is from a person who is not a prohibited source; and
- (b) No fee is charged to any person in attendance.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(8) Meals, refreshments and entertainment in foreign areas: an employee assigned to duty in, or on official travel to, a foreign area as defined in 41 CFR 301-7.3(c) may accept food, refreshments or entertainment in the course of a breakfast, luncheon, dinner or other meeting or event provided:

(a) The market value in the foreign area of the food, refreshments or entertainment provided at the meeting or event, as converted to U.S. dollars, does not exceed the per diem rate for the foreign area specified in the U.S. Department of State's Maximum Per Diem Allowances for Foreign Areas, Per Diem Supplement Section 925 to the Standardized Regulations (GC,FA) available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

(b) There is participation in the meeting or event by non-U.S. citizens or by representatives of foreign governments or other foreign entities;

(c) Attendance at the meeting or event is part of the employee's official duties to obtain information, disseminate information, promote the export of U.S. goods and services, represent the United States or otherwise furthers programs or operations of the agency or the U.S. mission in the foreign area; and

(d) The gift of meals, refreshments or entertainment is from a person other than a foreign government as defined in Title 5, USC, Section 7342(a)(2).

(9) Gifts accepted under specific statutory authority.

The prohibitions on acceptance of gifts from outside sources contained in this subpart do not apply to any item, receipt of which is specifically authorized by statute. Gifts which may be received by an employee under the authority of specific statutes include, but are not limited to:

(a) Free attendance, course or meeting materials, transportation, lodgings, food and refreshment or reimbursements therefore incident to training or meetings when accepted by the employee under the authority of Title 5, USC, Section 4111 from an organization with tax-exempt status under Title 26, USC, Section 501(c) (3) or from a person to whom the prohibitions in Title 18, USC, Section 209 do not apply. The employee's acceptance must be approved by the agency in accordance with Section 410.701 through Section 410.706 of Title 5, CFR; or

(b) Gifts from a foreign government or international or multinational organization, or its representative, when accepted by the employee under the authority of the Foreign Gifts and Decorations Act, Title 5, USC, Section 7342. As a condition of acceptance, an employee must comply with requirements imposed by the agency's regulations or procedures implementing that Act. Refer to MAOP, Part I, Section 1-13.3.1.

### **1-13.2.3 Proper Disposition of Prohibited Gifts (See MAOP, Part 1, 1-13.3, 1-13.3.1, and 1-14.)**

(1) An employee who has received a gift that cannot be accepted shall:

(a) Return any tangible item to the donor or pay the donor its market value. An employee who cannot ascertain the actual market value of an item may estimate its market value by reference to the retail cost of similar items of like quality.

SENSITIVE



- (b) When it is not practical to return a tangible item because it is perishable, the item may, at the discretion of the employee's supervisor or an agency ethics official, be given to an appropriate charity, shared within the recipient's office, or destroyed.
- (c) For any entertainment, favor, service, benefit or other intangible, reimburse the donor the market value. Subsequent reciprocation by the employee does not constitute reimbursement.
- (d) Dispose of gifts from foreign governments or international organizations in accordance with 41 CFR Part 101-49, and dispose of materials received in conjunction with official travel in accordance with 41 CFR 101-25.103.
- (2) An agency may authorize disposition or return of gifts at government expense. Employees may use penalty mail to forward reimbursements required or permitted by this section.
- (3) An employee who, on his/her own initiative, promptly complies with the requirements of this section will not be deemed to have improperly accepted an unsolicited gift. An employee who promptly consults an FBI ethics official to determine whether acceptance of an unsolicited gift is proper and who, upon the advice of the ethics official, returns the gift or otherwise disposes of the gift in accordance with this section, will be considered to have complied with the requirements of this section on his/her own initiative.

#### **1-13.2.4 Request for Gift Acceptance**

- (1) The Attorney General has gift acceptance authority pursuant to Title 28, U.S. Code, Section 524, and has delegated that authority to the Assistant Attorney General for Administration (AAG/A) in DOJ Order 2400.2. The AAG/A has redelegated this authority to the Director when the gift is valued at no more than \$150 per donor per calendar year. The Director has further redelegated this authority to the Chief, Property Procurement and Management Section (PPMS), Finance Division. The FBI's Deputy Designated Agency Ethics Official must concur with the PPMS Chief for the gift to be accepted. Except as indicated below, these two officials may accept any form of devise, bequest, gift, or donation of property that is appropriate for use or display in the component and is valued at \$150 or less per donor per calendar year.
- (2) Gifts valued at more than \$150, gifts of services, and gifts from DOJ employees may not be accepted by FBI officials, but must instead be processed by the PPMS for DOJ consideration. Gifts from DOJ employees are rarely accepted by DOJ.
- (3) When an individual or group advises an FBI employee of the intent to donate a gift, that FBI employee must evaluate, or obtain from other appropriate employees in that office an evaluation of, the suitability of the proposed gift for use or display either at that office or elsewhere within the Bureau. Gifts of limited value to the FBI due to maintenance requirements, general condition, restrictions placed on their use, or other factors should be refused or discouraged.
- (4) In order to process a gift, the office to which the gift is offered should submit the DOJ Gift Donation Form, signed by the gift's donor, along with information clearly demonstrating the utility of the gift to the FBI and any other pertinent information, to the PPMS. In the unusual circumstance that the donor is unavailable to sign the Gift Donation Form, a gift of more than \$150 may be processed through completion of the Gift Donation Form by the head of the division to which the gift was offered, or a delegate, indicating on the form the circumstances under which the gift was

offered. If the gift is valued at \$150 or less and the donor is unavailable to sign a Gift Donation Form, the recipient division's head or a delegate may complete a Gift Acceptance Form. Both forms can be obtained from the PPMS. Completed forms should be forwarded to PPMS for further processing.

(5) If the PPMS confirms that a gift of more than \$150 is appropriate for use or display either at the office to which it was offered or elsewhere in the Bureau, the PPMS will prepare a cover letter seeking DOJ acceptance of the gift. This cover letter will communicate the basis for the PPMS's determination that the gift would be appropriate for use or display by the FBI and enclose the Gift Donation Form. The PPMS will seek concurrence from OGC before forwarding the cover letter and Gift Donation Form to the AAG/A for

DOJ approval. If the PPMS confirms that a gift of \$150 or less is appropriate for use or display, the PPMS will seek OGC concurrence and, if OGC concurs, accept the gift.

(6) FBI components may not, as a general rule, accept custody of gifts pending decision regarding gift acceptance by the appropriate officials. If, however, a donor insists that the FBI take immediate custody of a proffered gift, the concerned component may do so ONLY if the potential donor agrees in writing to hold the FBI blameless for any damage to the property suffered while it is in FBI custody and to remove the property promptly without cost to the FBI if the gift is ultimately declined. Property taken in temporary FBI custody under this authority shall be safeguarded in the same manner as comparable government property but shall not be used for any purpose.

### **1-13.3 Receipts of Foreign Gifts and Decorations (See MAOP, Part 1, 1-13.2.3, 1-14; Legal Attache Manual, 2-23.)**

(1) Gifts and decorations received from foreign governments fall within one of two categories depending upon the appraised value of the gift. If the appraised value of the gift is less than "minimal" value, as determined by the consumer price index set forth by Congress, with the exception of firearms, it may be retained by the receipt for personal use or as a souvenir provided that all reporting requirements are satisfied. Foreign gifts and decorations of more than minimal value (contact the Property Management Unit (PMU), Property Procurement and Management Section (PPMS), Finance Division (FD), to determine the current minimal value) may be retained and placed into official use (i.e., displayed in reception areas) after the Supply Technician has placed the item(s) on the Property Management Application. All gifts over the minimal value that are not retained shall be declared as excess to the General Services Administration (GSA) and later sold. This declaration will be made by FBIHQ. If the original recipient desires to participate in the sale of the property by GSA, FBIHQ should be advised at the time the gift is reported so that appropriate action can be taken.

(2) In addition to tangible gifts, all foreign gifts of travel or expenses for travel taking place entirely outside the United States should be reported where the acceptance of which has not been authorized in accordance with specific instructions of FBIHQ. (See MAOP, Part 2, 6-1.7 through 6-1.7.4.)

**1-13.3.1 Reporting Requirements (See MAOP, Part 1, 1-13.2.2 (9)(b), 1-13.2.3, 1-14 & Legal Attache Manual, 2-23.)**

All gifts or decorations, valued at greater than \$285, received from foreign individuals and all gifts valued at more than the minimal value GIVEN to foreign individuals by employees acting in an official capacity should be reported within 15 days of the property's receipt or presentation. The report should be submitted to FBIHQ, Attention: PMU, PPMS, FD, by electronic communication as appropriate. A separate statement containing the following information should be submitted for each gift received or presentation made.

(1) For tangible gifts:

- (a) Name and title of recipient.
- (b) Gift, date of acceptance, estimated value, and current disposition or location.
- (c) Identity of foreign donor and government.
- (d) Circumstances justifying acceptance.

(2) For travel or expenses for travel:

- (a) Name and title of recipient.
- (b) Brief description of travel or travel expenses occurring entirely outside the United States.
- (c) Identity of foreign donor and government.
- (d) Circumstances justifying acceptance.

(3) For each gift to a foreign individual:

- (a) Identity of individual receiving gift.
- (b) Description of gift.
- (c) Value of gift.
- (d) Type of funds used for gift (appropriated or nonappropriated).
- (e) Date gift presented.
- (f) Name of individual presenting gifts.

**1-14 MONETARY MATTERS AND FINANCIAL DEALINGS (See MAOP, Part I, 1-12, 1-13 through 1-13.3.1; Part II, 6-5; MIOG, Part I, 211-9.)**

- (1) An employee who is an official superior may not borrow money from or give or receive endorsements of promissory notes of other employees working under him/her or of lesser rank.
- (2) All employees must meet their financial obligations and, in addition, are expected to abide by the laws of the United States and of the several states with respect to filing proper tax statements. Any controversy arising with taxing authorities must be brought to the attention of FBIHQ immediately. Although employees will not be required to pay unjustified claims, these matters should be resolved with reasonable promptness. In this respect, it should be noted that the U.S.

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

Internal Revenue Service may attach salaries of federal employees who refuse to pay delinquent taxes.

(3) Failure on the part of an employee without good reason and in proper and timely manner to honor debts acknowledged by employee to be valid or reduced to judgment by a court or to make or adhere to satisfactory arrangements for settlement thereof may be cause for disciplinary action.

(4) USE OF PUBLIC OFFICE FOR PRIVATE GAIN - An employee shall not use his/her public office for his/her own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations. The specific prohibitions set forth in paragraphs (b) through (e) of this section apply this general standard, but are not intended to be exclusive or to limit the application of this section.

(a) Performance of official duties affecting a private interest. To ensure that the performance of his/her official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment, an employee whose duties would affect the financial interests of a friend, relative or person with whom he/she is affiliated in a nongovernmental capacity shall comply with any applicable requirements of 5 CFR 2635.502.

(b) An employee shall not use or permit the use of his/her government position or title or any authority associated with his/her public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself/herself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

(c) Except as otherwise provided by the OGE standards of conduct, an employee shall not use or permit the use of his/her government position or title or any authority associated with his/her public office in a manner that could reasonably be construed to imply that his/her agency or the government sanctions or endorses his/her personal activities or those of another. When teaching, speaking, or writing in a personal capacity, he/she may refer to his/her official title or position only as permitted in MAOP, Part I, 1-16.2. He/She may sign a letter of recommendation using his/her official title only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual with whom he/she has dealt in the course of federal employment or whom he/she is recommending for federal employment. (See MAOP, Part I, 1-15.3.)

(d) An employee shall not use or permit the use of his/her government position or title or any authority associated with his/her public office to endorse any product, service or enterprise except:

1. In furtherance of statutory authority to promote products, services or enterprises; or
2. As a result of documentation of compliance with agency requirements or standards or as the result of recognition for achievement given under an agency program of recognition for accomplishment in support of the agency's mission.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(e) Nothing in this section prohibits an employee who is ordinarily addressed using a general term of address, such as "The Honorable," "Doctor" or a former military rank, from using that term of address or rank in connection with a personal activity.

(5) No employee shall use, for the financial gain of the employee or another person, or make any other improper use of, whether by direct action on the employee's part or by counsel, recommendation, or suggestion to another person, information which comes to the employee by reason of his/her status as an employee and which has not become part of the body of public information. (See MAOP, Part I, 1-24.) Further, no employee shall make investments

(a) in enterprises which, it is reasonable to believe, will be involved in decisions to be made by the employee,

(b) on the basis of information which comes to notice as the result of the employee's status and which has not become part of the body of public information, or

(c) which are reasonably likely to create any conflict in the proper discharge of the employee's official duties.

(6) No employee shall accept free transportation for official or unofficial purposes when the offer of such transportation might reasonably be interpreted as an attempt to affect the employee's impartiality. (See MAOP, Part II, 6-1.7 through 6-1.7.4.) No employee shall solicit or accept, for the employee or any other person, directly or indirectly, any gift, favor, entertainment, loan or any other thing of monetary value from a person who has or is seeking contractual or other business or financial relations with the Department, is engaged either as a principal or attorney in proceedings before the Department or in court proceedings in which the United States is an adverse party, or has interests that may be substantially affected by the performance or nonperformance of the employee's official duties. This prohibition does not, however, prevent:

(a) solicitation or acceptance of anything from a friend, parent, spouse, child, or other close relative when the circumstances make it clear that the motivation is a personal or family relationship;

(b) acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meetings;

(c) acceptance of loans from financial institutions on customary terms for normal and ordinary activities such as home mortgage loans;

(d) receipt of genuine reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence for which no government reimbursement is made and provided the reimbursement is not excessive and employee is not traveling on official business under Bureau orders;

(e) acceptance of an award for a meritorious public contribution or achievement.

(7) Employees traveling on official business by means of public carriers, and who receive promotional items or property as a result of having purchased tickets are required to relinquish such promotional property to the SAC or other appropriate FBI official. This complies with Treasury Bulletin No. 79-09 which states, "When employees travel on official business all items given

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

beyond the terms of contractual arrangements between the government and public carriers become the property of the government." (See MAOP, Part II, 6-1.1.3.)

**(8) PUBLIC FINANCIAL DISCLOSURE REPORTS (SF-278) FILING REQUIREMENTS:**

**(a) Public Financial Disclosure Reports must be filed by:**

1. Presidential nominees to positions requiring the advice and consent of the Senate.
2. Officers and employees whose positions are classified above GS-15 (SENIOR EXECUTIVE SERVICE (SES)) of the General Schedule, or whose rate of basic pay which is fixed under pay schedules at a rate equal to or greater than 120 percent of the minimum rate of basic pay fixed for a GS-15 of the General Schedule.

**(b) When to file SF-278:**

1. Within 30 days after assuming a designated position, unless the individual has left another position, for which an SF-278 was required to be filed or has already filed a report as a nominee or candidate for position.
2. No later than May 15th annually.
3. Upon termination of a designated position, within 30 days. However, if within 30 days of the termination the individual assumes employment in another position or office for which a public report is required to be filed, no report shall be required.

**(c) Extensions:**

1. Requests for extension must be made in writing to the Office of the General Counsel (OGC) to allow for sufficient time for coordination/referral to the Deputy Designated Agency Ethics Official (DDAEO).

**(d) Late filing fee:**

1. A \$200 late filing fee will become due at the time of filing if a financial disclosure report is filed more than 30 days after the required date or the last day of any approved filing extension. Waivers to the late fee may only be obtained from the Director, Office of Government Ethics. A request for waiver of the late fee must be initiated by the filer in writing, justifying why a waiver should be granted and submitted with supporting documentation. The request for a waiver should be submitted to the DDAEO through the Administrative Law Unit (ALU), OGC.

**(e) Failure to file or falsifying reports:**

1. Failure to file or the filing of false information could result in criminal and administrative action and civil penalties of up to \$10,000. (See (11) (c).)

**(f) Where to file SF-278:**

1. Completed SF-278s are to be signed and dated by the filer and forwarded to his or her immediate supervisor (i.e., rating official), who upon receipt should date-stamp the form to certify compliance with the reporting requirements. After the supervisor conducts the initial review, the form should then be forwarded to OGC for final processing and review by the DDAEO.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

(g) Where SF-278s are maintained:

1. All completed SF-278s are maintained by the ALU, OGC.
2. Forms are to be maintained for a minimum of six years and thereafter may be destroyed.
3. Inspection by the public is permitted by any person who makes written application. Requests for a copy of the report will be honored. It is unlawful for any person to obtain or use a public report for:
  - a. any unlawful purpose;
  - b. any commercial purpose, other than by news and communications media for dissemination to the general public;
  - c. for determining or establishing the credit rating of any individual; or
  - d. use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(9) RESOLUTION OF QUESTIONABLE SF-278s:

Should the immediate supervisor (IS), ALU, and/or the DDAEO determine that an actual or apparent financial conflict of interest exists, additional information may be requested from the filer to assist in taking appropriate action to resolve the conflict. Actions that may be taken to resolve the conflict include: divestiture of the financial interest; recusal from the matter; procurement of a waiver pursuant to Title 18, United States Code (USC), Section 208(b); or the establishment of a qualified trust as permitted by Title 5, Code of Federal Regulations (CFR), Section 2634.401 ET SEQ. for the financial interest.

(10) CONFIDENTIAL FINANCIAL DISCLOSURE REPORT (OGE-450) FILING REQUIREMENTS:

(a) Employees at grades GS-15 and below must file a Confidential Financial Disclosure Report if their duties require them to exercise significant judgment on behalf of the government:

1. Regarding contracting or procurement;
2. Regarding the administration or monitoring of grants, subsidies, licenses or other benefits;
3. As a special government employee serving with or without compensation; or
4. Resulting in a final decision or action which will directly and substantially affect the economic interests of any nonfederal entity.

(b) FBIHQ has determined that the following categories of employees must file the OGE-450 according to the criteria above:

1. FBIHQ PERSONNEL REQUIRED TO FILE:

- a. All GS-15 personnel (including those assigned to Legal Attaches, detail assignments, etc.) who are supervisors or whose duties meet the criteria set forth in (10)(a) above;
- b. All procurement and contracting officials;

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

- c. All Unit Chiefs, regardless of their grade; and
- d. All Government Purchase Card holders assigned to the Finance Division regardless of their grade.

**2. FIELD DIVISION PERSONNEL REQUIRED TO FILE:**

- a. All Assistant Special Agents in Charge (ASACs) who are non-SES and all Supervisory Special Agents;
- b. All Administrative Officers (AOs), Office Services Managers (OSMs), Office Managers (OM) and/or appropriately designated assistants such as Supervisory Administrative Specialists (SAS), Assistant Office Services Managers (AOSM), etc.;
- c. All procurement and contracting officials;
- d. Employees acting in a covered position for more than 60 days;
- e. All Chief Division Counsels at the GS-14 level; and
- f. Deleted

**(c) When to file the OGE-450:**

- 1. Annually by October 31 for the 12 months ending September 30;
- 2. New entrants into covered positions within 30 days of assuming the position unless they have previously satisfied the reporting requirements in another covered position or filed a report in consideration for appointment to the position;
- 3. Whenever an employee is acting in a position for more than 60 days in a 12-month period ending September 30;

**(d) OGE-450 reviewing requirements:**

1. Initial review to be conducted by an IS within 30 days. The IS should have first-hand knowledge of the assignments of the employee to ensure that no potential financial conflicts of interest are present. Consequently, the IS shall be the same individual who acts as the rating official for the employee's annual performance appraisal. The IS will date-stamp the OGE-450 upon receipt, to certify compliance with established deadlines and is to ensure designated employees annually submit a completed OGE-450 by the established deadline, or a Conflict of Interest Certification (CIC) whenever such is required, and sign the form.

2. Secondary review is to be performed by the individual designated by the headquarters division head as being the

Final Reviewer (FR). In the field, the FR is the field office's Chief Division Counsel (CDC), except for the CDC's report, which will be reviewed in final by the SAC.

If the CDC reports directly to the SAC, the SAC will serve as the FR and there will be no initial review. In those offices with an Assistant Director in Charge (ADIC), the ADIC will serve as the FR.

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

3. If a filer's interests did not change from last year, the filer may complete the top part of the first page of the form, sign and date it, write across Part I the words "SEE ATTACHED" and attach a copy of last year's certified report. The initial and secondary review can then be performed.

(11) CONFLICT OF INTEREST CERTIFICATION (CIC), FILING IN LIEU OF THE OGE-450:

(a) The CIC is a one-page abbreviated version of the OGE-450 designed to ensure that the employee has no actual or apparent financial conflicts of interest. A CIC must be executed each time a project is assigned or reassigned to a Contracting Officer's Technical Representative (COTR). Supervisors, coordinators, contracting and procurement officials will be responsible for ensuring the required CIC filing is performed for projects under their responsibility. For the field and all FBIHQ division heads, these individuals are defined as:

1. Employees who occasionally serve as a COTR; which may include Special Agents and/or certain support employees such as Senior Electronics Technicians, Information Systems Analysts or Warehousepersons.
2. Employees acting in a covered position for more than 60 days.

(b) When to file the CIC:

1. Each time a project is assigned or reassigned to a COTR.

(c) Penalty for failure to file:

1. See (8) (e) above.

(d) CIC reviewing requirements:

1. CICs need only be reviewed by the IS who is the same individual who acts as the initial reviewer for the OGE-450. The IS should date-stamp the CIC upon receipt to certify compliance with established deadlines.

(12) DESIGNATION AND RESPONSIBILITY OF THE FINAL REVIEWER (FR):

(a) The designation of the FR rests with the division head or other designated entity. The FR shall review each OGE-450 within 30 days of its receipt from the IS to ensure it is complete and that no apparent or actual conflict of interest exists. Once the FR determines these requirements are met, he/she shall sign the OGE-450 (not necessary on the CIC) and maintain the form in accordance with the guidelines set forth in (14) below.

(13) RESOLUTION OF QUESTIONABLE OGE-450s:

(a) Should the IS and/or the FR determine that an actual or apparent financial conflict of interest exists, additional information may be requested from the filer to assist in taking appropriate action to resolve the conflict. Actions that may be taken to resolve the conflict include: divestiture of the financial interest; recusal from the matter; procurement of a waiver pursuant to Title 18, USC, Section 208(b); or the establishment of a qualified trust as permitted by Title 5, CFR, Section 2634.401 ET SEQ. for the financial interest. Should resolution prove difficult or further problems arise, the FR should forward the signed or unsigned report to the SAC or division head for further consideration.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(b) Upon receipt of a questionable OGE-450 or CIC, the SAC or division head shall take whatever action is necessary to resolve the actual or apparent conflict to ensure compliance with the law. Conflicts which cannot be satisfactorily resolved should be brought to the attention of the ALU, OGC, for advice, guidance and resolution.

(14) MAINTENANCE OF OGE-450s AND CICS: (See (12) above and MAOP, Part I, 11-1.3; Part II, 2-4.5.10.)

(a) OGE-450s are to be maintained in folders titled "Confidential Financial Disclosure Reports" by the division's front office in date order. CICs will be maintained in a second folder titled "Confidential Financial Disclosure Reports/CICs," also in date order. These folders will be maintained in a secure manner, and every effort should be made to ensure their privacy. Both OGE-450s and CICs will be maintained for a period of six years, after which they must be destroyed, unless needed for an ongoing investigation.

(b) Should an employee transfer out of an office, his/her previously submitted OGE-450s and/or CICs should be transferred with the employee to his/her new assignment in a sealed envelope. In the event an employee terminates employment, previously submitted forms are to be placed in a sealed envelope and labeled with the employee's name and the words "CONFIDENTIAL FINANCIAL DISCLOSURE REPORTS AND/OR CONFLICT OF INTEREST CERTIFICATIONS." These envelopes should be dated, maintained by the employee's last duty station in a secure location for six years, and then destroyed, unless needed for an ongoing investigation.

(c) SACs and division heads shall be responsible for ensuring that any employee who falls within one of the categories detailed above files the appropriate report or certifications, and that the required documentation is properly maintained according to the guidelines set out above.

(15) NO PUBLIC ACCESSIBILITY

(a) OGE-450s are confidential. No member of the public can have access to such reports except pursuant to the order of Federal Court or as otherwise provided under the Privacy Act.

**1-14.1 Financial Relationships with Witnesses, Subjects, and Individuals Furnishing Information to the FBI (See Part 1, 137-7 (12).)**

(1) Because of the appearance of improper conduct or conflict of interest usually involved in such relationships as well as the high potential for actual impropriety inherent in such relationships, Bureau employees are prohibited from engaging in private business and financial relationships with subjects, witnesses, individuals furnishing information to the FBI (including informants), and counsel or other representatives of such persons without prior FBIHQ approval. This prohibition includes giving or receiving gifts, selling, purchasing, or exchanging property, making or receiving loans, and engaging in other transactions or business relationships in which some financial or tangible benefit is bestowed upon either the employee or third party.

(2) In seeking FBIHQ approval for an exception to this general prohibition, employees must be able to demonstrate that the proposed transaction or relationship will not create an appearance of impropriety, involve a conflict of interest, or otherwise reflect adversely upon the FBI.

SENSITIVE

(3) Requests for exceptions should be directed to the the Office of the General Counsel and, for informant matters, the Assistant Director, Office of Intelligence.

#### **1-14.2 Restriction on Financial Involvement with Employees, Relatives, or Friends of Employees (See MAOP, Part 2, 6-11.)**

The FBI is prohibited from any type of financial involvement with its employees, relatives or friends of employees, business concerns or organizations owned or substantially owned or controlled by one or more employees, unless specifically approved by FBIHQ in advance. All such requests must be submitted in writing to the Office of the Chief Contracting Officer, Property Procurement and Management Section, Finance Division. The restriction on government agencies which prohibits financial involvement with its employees or relatives of employees is to avoid either actual or perceived conflicts of interest which may arise with respect to the government showing favoritism or preferential treatment toward its employees.

### **1-15 ADMINISTRATIVE MATTERS**

#### **1-15.1 Promotions, Transfers, Administrative Action**

(1) Recommendations for the promotion of any employee shall come only from the official superior of the employee. This procedure shall be followed, too, concerning any recommendations tending to initiate, retard, or rescind any order or administrative action of the Bureau. Failure to abide by these regulations will result in severe administrative action as well as possible removal from the service. See 1-15.4 for further policy on personnel actions concerning relatives of Bureau managers.

(2) In connection with any pending, contemplated or recommended personnel action, such as promotions, reassignments, transfers, commendations, incentive awards, and disciplinary action, every precaution should be taken to ensure existing files and records are provided adequate security. Except for considering access to such records in response to a request submitted under the Privacy Act, disclosure of the existence of such contemplated action must be kept to a minimum. There should be no unnecessary discussions of the proposed action until a final decision is made by FBIHQ.

(3) In this regard, it should be understood by all employees that the matter of promotions, demotions, transfers, and any other similar, official personnel action must be decided solely on the merits of the individual case. The welfare of the Bureau must take precedence over desires and convenience of the employee involved, particularly with respect to transfers of investigative personnel who are expected to be available for service wherever the needs of the Bureau may require their assignment. Any attempt, either directly or indirectly, to bring outside influence to bear on the Bureau to promote, rescind, or alter official actions in any manner is contrary to the above-stated policy.

(4) In accordance with the provisions of the Privacy Act, the employee may request access to FBI records concerning his/her employment, including those compiled during the course of an internal administrative inquiry. To access his/her employment records, the employee should execute an FD-488, the Privacy Act Request Form. The Field Privacy Control Officer is responsible for ensuring prompt attention to each request. Requests must be processed without delay, and the employee

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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provided with copies of whatever records are accessible to him/her under the law. The submission and processing of Privacy Act requests by employees should not be impeded by management personnel. (See MAOP, Part I, 20-4.2.)

### **1-15.2 Employee Arrests or Involvement with Police**

(1) Under no circumstances, except in an official capacity, should any SAC or other FBI personnel become involved in any matter directly or indirectly concerning an employee or nonemployee who has been arrested or is otherwise in difficulty with a law enforcement agency; nor should any Bureau employee attempt to mitigate the action of any arresting officer, agency, or prosecuting officer, or in any way try to minimize publicity concerning such incident. Any incidents of this nature must be reported immediately to FBIHQ as set out in this manual, Part I, Section 13 entitled "Disciplinary Matters."

(2) All employees are to report promptly to their supervisors any incident in which they are involved with law enforcement authorities.

### **1-15.3 Testimonials and/or Personal Recommendations Regarding FBI Employees and Personal Acquaintances (See MAOP, Part I, 1-14, 20-15.3; II, 9-4.4 (2)(d).)**

(1) Except as authorized in subparagraph (2) below, FBI employees shall not provide oral or written testimonials, opinions, or letters of recommendation to non-FBI personnel regarding the official status or performance of current or former Bureau employees. "Official status or performance" includes such information as current or former positions or titles held in the Bureau, salaries, duty stations, evaluations, reasons for separation, and so forth. Persons making such inquiries should be advised that their questions should be addressed to: Personnel Verification and Records Subunit, Field Services Unit, Information Resources Division, FBIHQ, 935 Pennsylvania Avenue, Washington, D.C. 20535. (See MAOP, Part I, 20-15, regarding service record and credit inquiries.)

(2) FBI employees may, however --

(a) Sign a letter of recommendation regarding a current or former Bureau employee using their official titles and official stationery in response to a request for an employment recommendation or character reference based upon personal knowledge of the abilities or character of an individual with whom the writer has dealt in the course of federal employment or whom the writer is recommending for federal employment. All such recommendations must include a disclaimer that the information provided is based solely on PERSONAL KNOWLEDGE and should not be construed as the official views of the FBI. Persons seeking the OFFICIAL views of the FBI in such matters should be advised to direct their questions to: Personnel Verification and Records Subunit, Field Services Unit, Information Resources Division, FBIHQ, 935 Pennsylvania Avenue, Washington, D.C. 20535. (See MAOP, Part I, 20-15, regarding service record and credit inquiries.)

(b) Respond to inquiries from non-FBI personnel asking for their PERSONAL opinions about the nonofficial aspects or characteristics of current or former FBI employees. Such inquiries include questions about an individual's loyalty, character, habits, community reputation, and so forth. Responses must: be approved in advance by the declarant's SAC or division head; make no reference to official performance or status; not disclose information concerning or from any FBI

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

investigation, inquiry, operation or file; reveal any confidential or sensitive information; disclose any information protected from disclosure by any law or regulation, including the Privacy Act; and include a disclaimer that all information provided is based solely on personal knowledge and should not be construed as the official views of the FBI. Official stationery may NOT be used in responding to such inquiries.

(3) Employees may, in regard to friends or acquaintances that are NOT former or present Bureau employees, furnish PERSONAL opinions based upon PERSONAL ASSOCIATION pertaining to loyalty, character, habits, conduct, reputation, etc., to individuals collecting information as part of a background investigation gathering information relating to suitability for employment or issuance of a security clearance. BUREAU STATIONERY MAY NOT BE USED TO PROVIDE WRITTEN COMMENTS.

(4) Any employee interviewed during the conduct of an employment or clearance background investigation conducted by the FBI may provide his/her PERSONAL opinions based on PERSONAL ASSOCIATION with the subject of the investigation, but must recuse himself/herself from participation in the conduct of that investigation to avoid the appearance of bias or partiality by the FBI. The employee must ask the interviewer to include in the report of the interview the fact that the views expressed are the employee's own. Field managers (Assistant Director in Charge, Deputy Assistant Director in Charge, SAC, ASAC or Supervisory Special Agent) must be interviewed at the conclusion of the investigation to avoid any concerns that the field manager's remarks could influence the outcome or direction of the investigation. (See MAOP, Part II, 10-17.11.2 (1).)

(5) In background investigations conducted by the FBI, Agents routinely select for interview representatives of the federal law enforcement community, from whom official observations are solicited. Agents are permitted to use their own discretion in selecting the interviewee but are encouraged to interview representatives outside the FBI. (See MIOG, Part I, 77-4.5.)

(6) Employees may not offer opinions or conclusions drawn from information gained from FBI or other agency investigations to those conducting background investigations.

(7) CAUTION: Information obtained solely from FBI or other agency records cannot be disclosed outside the FBI, except pursuant to established dissemination procedures.

**1-15.4 Nepotism (See MAOP, Part 1, 1-15.1 and 3-3.1.)**

(1) No Bureau managers shall advocate one of their relatives for appointment, employment, promotion, or advancement to a position in the FBI or any other component of the Department of Justice (DOJ).

(2) No Bureau managers shall appoint, employ, promote, or advance their relatives to any post within the FBI.

(3) No Bureau managers shall appoint, employ, promote, or advance the relatives of other Bureau or DOJ managers to any post within the FBI if those other managers have advocated the appointment, employment, promotion or advancement of their relatives for positions within the FBI.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(4) No Bureau managers, as either Rating or Reviewing Officials, shall appraise the performance of any of their relatives.

(5) For the purpose of this section, Bureau managers who recommend relatives or refer relatives for consideration by a Bureau manager lower in the chain of command (i.e., the line of supervisory personnel that runs from position of Bureau manager to the Director) for appointment, employment, promotion or advancement are deemed to have advocated the appointment, employment, promotion or advancement of those relatives.

(6) All Bureau managers whose assignments cause them to confront any of the circumstances described in paragraphs (1) through (4) must immediately contact their superiors to effect a prompt resolution of the matter. In this respect, the Administrative Services Division should be included in the resolution process.

(7) The resolution of each appointment, employment, promotion, advancement or appraisal incident with nepotistic potential will be coordinated on a case-by-case basis by the respective SAC or division head with the Personnel Officer at FBI Headquarters. Once each situation is satisfactorily resolved, documentation of that resolution will be filed in the respective personnel files of the affected employees.

(8) Failure to properly address a nepotism matter may cause a loss of pay to the individual appointed, employed, promoted or advanced in violation of law. Bureau managers who fail to address any personnel matters which contain potential for nepotism will be subjected to appropriate administrative action.

(9) See MIOG, Part 1, 67-1.4, regarding FBI applicant matters affected by this policy.

**1-15.5 Employment Recommendations for Applicants by Members of Congress (See also MIOG, Part I, 67-7.12.)**

FBI officials concerned with examining or appointing an applicant may not receive or consider a recommendation from a Senator or Representative, except as to the character or residence of the applicant, unless the recommendation is based on the personal knowledge or records of the sender. In no case is the FBI required to return a letter to the sender, even if it does not meet the above requirement. All recommendation letters received from Members of Congress about Bureau applicants should be answered by the Chief Division Counsel in the field office or the appropriate applicant entity in the Personnel Division, i.e., the Bureau Support Applicant Unit or the Special Agent Applicant Unit. The following standard reply is to be used:

"This is to acknowledge receipt of your letter on behalf of (applicant's name), who has applied for a position with the Federal Bureau of Investigation (FBI).

"You may be assured that (applicant's name's) application will receive appropriate consideration for this position.

"We appreciate (applicant's name's) interest in employment with the FBI."

The following illustrates the types of recommendations that we may or may not consider. For example, we may consider the following recommendation from a Member of Congress since it relates only to the applicant's character and residence:

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

"I have known Mary Smith, a resident of my State, to be a very fine person. She has always been reliable, and shown good judgment and integrity. She is very highly regarded in the community."

The following expanded recommendation may also be considered because it is based on personal knowledge:

"I recommend Mary Smith for the vacant policy analyst position because of her excellent performance while working in a similar capacity in my office for the past nine years. Mary has recently attended several training classes which make her even more qualified for the job."

If a recommendation is not based on the personal knowledge or records of the sender, then it should not discuss the qualifications of the applicant or assess the applicant's suitability for employment with the FBI or in a particular job. If it does, then we may not consider it.

**1-16 OUTSIDE EMPLOYMENT (See MAOP, Part 1, 1-18.1 (1)(i), (k), 1-24, 20-6, 20-28; MIOG, Part 1, 67-11 (1)(d).)**

Employees shall not engage in other work, employment, occupation, profession, business or partnership without receiving prior Bureau approval. This rule applies whether the outside employment is self-employment or employment by a third party. Any case of doubt should be referred to Bureau for decision. Furthermore, no employee, even though having Bureau approval to engage in part-time outside employment in a sales capacity, may solicit business on Bureau premises at any time, whether during the workday or on own time before or after working hours or during lunch or rest periods. In no case may Bureau premises be used for storage or display of merchandise. Special Agents are further restricted in outside employment as set forth in Part 1, 20-6.3.2 of this manual.

**1-16.1 Conflicting Outside Employment and Activities (See MAOP, Part 1, 1-27, 20-28; MIOG, Part 1, 67-11 (1)(d).)**

(1) An employee shall not engage in outside employment or any other outside activity that conflicts with his/her official duties. An activity conflicts with an employee's official duties:

- (a) If it is prohibited by statute or by an agency supplemental regulation; or
- (b) If it would require the employee's disqualification from matters so central or critical to the performance of his/her official duties that the employee's ability to perform the duties of his/her position would be materially impaired.

(2) Employees are cautioned that even though an outside activity may not be prohibited under this section, it may violate other principles or standards or require the employee to disqualify himself/herself from participation in certain particular matters under either subpart D or subpart E of 5 CFR Part 2635.

(3) Disqualification while seeking employment: (See MAOP, Part 1, 1-13.2.2(5).)

- (a) Obligation to disqualify. Unless the employee's participation is authorized in accordance with (2) above, the employee shall not participate in a particular matter that, to his/her knowledge, has a direct and predictable effect on the financial interests of a prospective employer with whom he/she

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

is seeking employment. Disqualification is accomplished by not participating in the particular matter.

(b) Notification. An employee who becomes aware of the need to disqualify himself/herself from participation in a particular matter to which he/she has been assigned should notify his/her immediate supervisor. An employee who is responsible for his/her own assignment should take whatever steps are necessary to ensure that he/she does not participate in the matter from which he/she is disqualified. Appropriate oral or written notification of the employee's disqualification may be made to coworkers by the employee or a supervisor to ensure that the employee is not involved in a matter from which he/she is disqualified.

(c) Documentation. An employee need not file a written disqualification statement unless he/she is required by 5, CFR, Part 2634 to file written evidence of compliance with an ethics agreement with the Office of Government Ethics or is specifically asked by the FBI's ethics official or the person responsible for his/her assignment to file a written disqualification statement. However, an employee may elect to create a record of his/her actions by providing written notice to their supervisor or other appropriate official.

(d) Agency determination of substantial conflict. Where the FBI determines that the employee's action in seeking employment with a particular person will require his/her disqualification from matters so central or critical to the performance of his/her official duties that the employee's ability to perform the duties of his/her position would be materially impaired, the FBI MAY allow the employee to take annual leave or leave without pay while seeking employment, or may take other appropriate administrative action.

(4) Waiver or authorization permitting participation while seeking employment:

(a) Waiver. Where an employee is engaged in discussions that constitute employment negotiations for purposes of Title 18, USC, Section 208(a), the employee may participate in a particular matter that has a direct and predictable effect on the financial interests of a prospective employer only after receiving a written waiver issued under the authority of Title 18, USC, Section 208(b) (1) or (b) (3).

(b) Authorization. Where an employee is seeking employment, a reasonable person would be likely to question his/her impartiality if he/she were to participate in a particular matter that has a direct and predictable effect on the financial interests of any such prospective employer. The employee may participate in such matters only where the Bureau's ethics officer has authorized his/her participation.

(5) Disqualification based on an arrangement concerning prospective employment or otherwise after negotiations.

(a) Employment or arrangement concerning employment. An employee shall be disqualified from taking official action in a particular matter that has a direct and predictable effect on the financial interests of the person by whom he/she is employed or with whom he/she has an arrangement concerning future employment, unless authorized to participate in the matter by a written waiver issued under the authority of Title 18, USC, Section 208(b) (1) or (b) (3).

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(b) Offer rejected or not made. The Bureau's ethics officer may, in an appropriate case, determine that an employee not covered by the preceding paragraph who has sought but is no longer seeking employment nevertheless shall be subject to a period of disqualification upon the conclusion of employment negotiations. Any such determination shall be based on a consideration of all the relevant factors, including those listed in MAOP, Part 1, 1-1, and a determination that the concern that a reasonable person may question the integrity of the Bureau's decision-making process outweighs the government's interest in the employee's participation in the particular matter.

**1-16.2 Teaching, Speaking and Writing (See MAOP, Part 1, 20-28; MIOG, Part 1, 67-11 (1)(d).)**

(1) An employee, shall not receive compensation from any source other than the government for teaching, speaking or writing that relates to the employee's official duties.

(2) Definitions of Terms: TEACHING, SPEAKING OR WRITING relates to the employee's official duties if:

(a) The activity is undertaken as part of the employee's official duties;

(b) The circumstances indicate that the invitation to engage in the activity was extended to the employee primarily because of his/her official position rather than his/her expertise on the particular subject matter;

(c) The invitation to engage in the activity or the offer of compensation for the activity was extended to the employee, directly or indirectly, by a person who has interests that may be affected substantially by performance or nonperformance of the employee's official duties;

(d) The information conveyed through the activity draws substantially on ideas or official data that are nonpublic information; or

(e) The subject of the activity deals in significant part with:

1. Any matter to which the employee presently is assigned or to which the employee had been assigned during the previous one-year period;

2. Any ongoing or announced policy, program or operation of the agency.

3. In the case of a noncareer employee as defined in 5 CFR 2636.303(a), the general subject matter area, industry, or economic sector primarily affected by the programs and operations of his/her agency.

(3) Reference to official position. An employee who is engaged in teaching, speaking or writing as outside employment or as an outside activity shall not use or permit the use of his/her official title or position to identify him/her in connection with his/her teaching, speaking or writing activity or to promote any book, seminar, course, program or similar undertaking, except that:

(a) An employee may include or permit the inclusion of his/her title or position as one of several biographical details when such information is given to identify him/her in connection with his/her teaching, speaking or writing, provided that his/her title or position is given no more prominence than other significant biographical details;

SENSITIVE

(b) An employee may use, or permit the use of, his/her title or position in connection with an article published in a scientific or professional journal, provided that the title or position is accompanied by a reasonably prominent disclaimer satisfactory to the agency stating that the views expressed in the article do not necessarily represent the views of the agency or the United States; and

(c) An employee who is ordinarily addressed using a general term of address, such as "The Honorable," "Doctor," or former military rank, may use or permit the use of that term of address or rank in connection with his/her teaching, speaking or writing. (See MAOP, Part 1, 1-14(4).)

(4) See MAOP, Part 1, 1-24, Prepublication Review Matters; 1-26.2, Types of Employee Public Speech; 1-26.3, Factors Determining Appropriateness of Employee Public Speech.

### **1-17 ACTIVE PARTICIPATION IN MILITARY RESERVE OR NATIONAL GUARD UNITS (READY RESERVE STATUS) (See MAOP, Part I, 10-11.)**

(1) According to Department of Defense Directive 1200.7, heads of federal agencies should make determinations identifying key agency positions and the key personnel occupying such positions and then take the necessary action to assure that agency key employees holding key positions are not permitted to hold conflicting mobilization assignments with military Ready Reserve. If employees are permitted to hold conflicting mobilization assignments, the agency's emergency operating capabilities may be seriously eroded, which is contrary to the purpose and intent of preparedness planning.

(2) Due to the key federal employee status of Special Agents, following appointment of a New Agent with Ready Reserve Status the employee is required, as a condition of employment, either to request the appropriate branch of the military to transfer (screen) him/her from the Ready Reserve to the Standby Reserve, or request to be discharged from Reserve or National Guard obligation. Due to availability requirements of all Special Agent personnel, and in order to permit adequate contingency planning in the event of an emergency which would necessitate the mobilization of the Ready Reserve, Bureau policy precludes any Special Agent from enlisting, reenlisting, or reactivating into a Ready Reserve Unit (including Individual Mobilization Augmentee (IMA) billets and all National Guard billets, whether active or inactive). (See MIOG, Part I, Section 67.)

### **1-18 POLITICAL ACTIVITIES**

(1) The Hatch Act, Title 5, United States Code (USC), Section 7324 et seq., prohibits federal employees from using their official authority or influence to interfere with or affect the result of an election and from taking an active part in partisan political management and partisan political campaigns. Partisan campaigns and issues are ones which are identified with a national or state political party or political party of a territory or possession of the United States. Permissible nonpartisan political activity includes campaigns and issues relating to constitutional amendments, referendums, approval of municipal ordinances and others of a similar character. In addition, other federal laws control certain political contributions and services; prohibit the political use of authority and influence; and prohibit most federal executive agency employees requesting or receiving from, or giving to, another federal employee, member of Congress, or officer of a uniformed service any thing of value for political purposes. See Title 5, USC, Sections 7321-7323.

(2) Under the Hatch Act, federal employees do retain the right to vote as they choose and to express opinions on political subjects and candidates.

(3) The prohibitions of the Hatch Act are in effect whether an employee is on or off duty, and they apply to employees on leave, including employees on leave without pay. Violation of the Hatch Act is punishable by discharge or suspension for not less than 30 days.

(4) Beyond the above-mentioned administrative directives found in Chapter 73 of Title 5, USC, which pertain to political activities, employees should also be aware that there are federal criminal statutes and penalties relating to (a) promises of, or deprivation of, employment in connection with political contributions; (b) soliciting or making certain political contributions; or (c) intimidation to secure political contributions. See Title 18, USC, Sections 600-607.

(5) The Office of Personnel Management (OPM) has compiled a list of permissible and prohibited political activities derived from the Hatch Act. This list, as set forth below, is published in Title 5, Code of Federal Regulations (CFR), Section 734, Subpart D. These provisions apply to FBI employees, among others. In addition, the Department of Justice (DOJ), through regulation (Title 28, CFR, Section 45.735-19), has adopted the strictures on partisan political activities found in the above-cited OPM regulations.

#### **1-18.1 Permissible Activities (Title 5, CFR, Section 734, Subpart D) (See MAOP, Part I, 1-18.1(2), 1-18.3(1), 1-24.)**

(1) All employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this subpart. Each employee retains the right to --

(a) Register and vote in any election;

(b) Express (his or her) opinion as an individual privately and publicly on political subjects and candidates (note FBI policy limitations set forth below); (See MAOP, Part I, 1-18.3.)

(c) Display a political picture, sticker, badge, or button (except in situations that are connected to his (or her) official duties, i.e., such items may not be displayed while on duty, on government property, including government vehicles);

(d) Participate in the nonpartisan activities of a civic, community, social, labor, or other professional organization, or of a similar organization;

(e) Be a member of a political party or other political organization and participate in its activities to the extent consistent with FBI policy limitations set forth below and with federal law;

(f) Attend a political convention, rally, fund- raising function; or other political gathering (note FBI policy limitations set forth below);

(g) Sign a political petition as an individual;

(h) Make a financial contribution to a political party or organization (BUT SEE Title 18, USC, Section 603, dealing with contributions to one's federal employer);

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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- (i) Take an active part, as a candidate or in support of a candidate, in a nonpartisan election (BUT SEE MAOP, Part I, Sections 1-7, 1-8, 1-9, 1-16, and 20-6.1 ET SEQ. which require Bureau approval for outside employment);
- (j) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;
- (k) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by state or local law (BUT SEE MAOP, Part I, Sections 1-7, 1-8, 1-9, 1-16, and 20-6.1 ET SEQ. which require Bureau approval for outside employment); and
- (l) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not compromise his/her efficiency or integrity as an employee or the neutrality, efficiency, or integrity of his/her agency.
- (m) Each employee has the right to engage in any of the activities listed in subsections (b), (c), (g), (j), and (l), as long as such activity is not performed in concert with a political party, partisan political group, or a candidate for partisan political office.
- (2) Paragraph (1) of this section does not authorize an employee to engage in political activity in violation of law; while on duty; while wearing a uniform, badge, or insignia that identifies the employing agency or the position of the employee; while in any room or building occupied in the discharge of official duties; or while using a government-owned or leased vehicle or while using a privately owned vehicle in the discharge of official duties. The head of an agency may prohibit or limit the participation of an employee or class of employees of his/her agency in an activity permitted by paragraph (1) of this section, if participation in the activity would interfere with the efficient performance of official duties, or create a conflict or apparent conflict of interests. (The FBI policy, which is more restrictive, is set forth below, under "FBI Policy.") (See MAOP, Part I, 1-18.3(1).)

**1-18.2 Prohibited Activities (Title 5, CFR, Section 734, Subpart D) (See MAOP, Part I, 1-18.3.)**

- (1) An employee may not take an active part in political management or in a political campaign, except as permitted by this subpart.
- (2) Activities prohibited by paragraph (1) of this section include but are not limited to--
  - (a) Serving as an officer of a political party, a member of a National, State, or local committee of a political party, an officer or member of a committee of a partisan political club, or being a candidate for any of these positions;
  - (b) Organizing or reorganizing a political party organization or political club;
  - (c) Soliciting, accepting, or receiving political contributions.
  - (d) Organizing, selling tickets to, promoting, or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party, or political club;

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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- (e) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office;
- (f) Becoming a candidate for, or campaigning for, an elective public office in a partisan election;
- (g) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;
- (h) Acting as a recorder, watcher, challenger, or similar officer at the polls on behalf of a political party or a candidate in a partisan election;
- (i) Driving voters to the polls on behalf of a political party or a candidate in a partisan election;
- (j) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature, or similar material;
- (k) Serving as a delegate, alternate, or proxy to a political party convention;
- (l) Addressing a convention, caucus, rally, or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office;
- (m) Initiating or circulating a partisan nominating petition;
- (n) Soliciting, collecting, or receiving a contribution at or in the federal workplace from any employee for any political party, political fund, or other partisan recipient;
- (o) Paying a contribution at or in the federal workplace to any employee who is the employer or employing authority of the person making the contribution for any political party, political fund, or other partisan recipient; and
- (p) Deleted

### **1-18.3 FBI Policy**

(1) As noted above in Section 1-18.1(2) "the head of an agency may prohibit or limit the participation of an employee or class of employees of his/her agency in an activity permitted by Section 1-18.1(1), if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests." This discretionary authority has been exercised by the FBI, and, as a matter of policy concerning FBI standards of conduct, FBI employees are restricted in the nature of their participation in political activities, partisan or otherwise.

(2) Of course, FBI employees retain the right to vote as they choose and to register and vote in any election. Also, FBI employees are entitled to express their opinions on political matters and matters of public interest. However, sound discretion and judgment dictate that such activity be conducted with the utmost care so as not to interfere with the efficient performance of the employee's official duties, or create a conflict or apparent conflict of interest.

(3) By virtue of our role and status in law enforcement, the FBI as an organization, and its employees individually, have assumed some special responsibilities. Employees must recognize

SENSITIVE



that their participation in political activities can easily be subject to misinterpretation and criticism by the public, which can readily impact on the efficiency, effectiveness, and integrity of the FBI as an organization. Clearly, the more actively and overtly the employee participates in a political activity and the more directly the employee is identified as an FBI employee, the more likely the potential for interference with the efficient performance of the employee's official duties. Likewise, FBI employees should avoid any political activity which has the slightest partisan connection (thereby suggesting that the FBI favors any political party) or which, by virtue of the employee's participation, will hamper or render less effective the performance of the employee or adversely reflect upon the integrity of the FBI. Employees must fully understand the inherent difficulty involved in separating themselves personally from their positions as FBI employees where participation in political activities is concerned. Also, when an employee participates in political activity, his/her conduct must comport with the standards of professionalism and good judgment which are required generally of FBI personnel.

#### **1-18.3.1 Off-Duty Political Activities**

While off duty, FBI personnel may participate in permissible political activities, as set forth above. However, employees must take steps to make it absolutely clear that the opinions they express are their own personal opinions, not those of the FBI. In this regard, employees must not highlight their FBI employment status unnecessarily through volunteering the fact that they are employed by the FBI or through conspicuously displaying FBI insignia when engaging in permissible political activities. Further, since professionalism and good judgment are required of all FBI personnel, off duty as well as on duty, employees must not engage in political activities in a manner which is clearly offensive, outrageous, nonpeaceful or otherwise unprofessional.

#### **1-18.3.2 On-Duty Political Activities**

(1) While on duty, FBI personnel are prohibited from engaging in otherwise permissible political activities when in contact with the public. Exchanging political views with members of the public while on duty may suggest favoritism or bias on the part of the FBI toward political candidates or parties. The FBI, like all law enforcement agencies, must be perceived by the public as nonpartisan and apolitical. While on duty, employees are prohibited from displaying to members of the public any button, sign, advertisement,

etc., of a partisan nature. Likewise, no advertisement supporting any political candidate/party or any public issue may be placed on Government property, including Government vehicles.

(2) In order to ensure harmonious and close working relations with co-workers in the workplace, no political buttons, signs or other advertisements may be displayed within FBI or Government office space or vehicles. Similarly, FBI employees must avoid protracted political discussions or debate with co-workers in the workplace, since such activity can easily disrupt or negatively impact upon harmonious working relations and efficient office operations.

(3) Failure to adhere to Federal laws and regulations, and FBI policy, as set forth above, regarding participation in political activities may result in an employee's discharge, suspension, or other administrative action.

(4) In the event an FBI employee desires to participate in some form of political activity (other than partisan political activity) beyond voting and discreet expressions of opinion on matters of political or public concern, and if there is any doubt about whether the activity is prohibited, the employee is advised to seek guidance from the Administrative Summary Unit, Personnel Division, FBIHQ.

## **1-19 CONFIDENTIAL NATURE OF FBI OPERATIONS**

(1) Employees must afford confidential orders involving special assignments and, in some instances, transfers appropriate secrecy in accordance with the exigencies thereof. Should there be any doubt in these matters, the advice of the SAC or ASAC should be sought.

(2) Employees are required to keep strictly confidential all information secured in their official capacities. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing severe penalties. (See also regulations set out in Manual of Investigative Operations and Guidelines, Part 2, Section 26, on unauthorized disclosure of classified security information.)

**1-19.1 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

**1-20 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

## **1-21 EMPLOYEES' RIGHTS UNDER THE PRIVACY ACT OF 1974**

### **1-21.1 Privacy Act of 1974**

In accordance with a provision of the Privacy Act (Title 5, USC, Section 552a(e) (3)), each FBI employee who is requested to provide personal information about himself/herself or his/her personal activities must be apprised of the authority which allows the solicitation of information, whether providing the information is mandatory or voluntary, the purpose and use to be made of that information, and the effects on that individual if individual does not provide this information. This notice need not be provided if the solicitation of information from the employee is related to an investigation of alleged criminal activity. Each applicant for employment with the FBI is furnished a statement contained in our Application for Employment (FD-140) and in the form entitled Applicant Background Survey (FD-804). This statement includes the FBI authority to conduct personnel investigations pursuant to Title 28, Code of Federal Regulations, Section 0.137, the reasons and uses of the solicitation of information which was to determine the suitability for employment, and advises that willfully making a false statement or concealing a material fact would be the basis for dismissal if an applicant received an appointment. In addition to the above, each employee should be aware that he or she may be asked to furnish information concerning themselves by completing various forms during their tenure with the Bureau in order for the Bureau to carry out its many administrative duties and responsibilities.

**1-21.2 Standards of Conduct**

(1) All employees are expected to abide by the standards of conduct set forth in Executive Order 12674 dated April 12, 1989, Departmental Order 350-65 and rules and regulations of the FBI pursuant to the above-mentioned authority set forth in the Code of Federal Regulations.

(2) According to these regulations, investigations will be conducted in connection with violations of the standards and will include an interview of the employee involved. The purpose of the inquiry will be to determine whether disciplinary action is warranted. The inquiry may encompass any conduct which is reasonably related to work performance. Thus, a disciplinary inquiry is not restricted to activities within the critical elements and performance standards of the employee's position and may also include on- or off-duty conduct when such conduct affects an employee's ability to perform his or her job or adversely affects the Bureau's ability to secure needed cooperation from members of the public. If an employee refuses to cooperate in an interview during an administrative inquiry regarding work performance or other conduct which affects job performance, that employee could be disciplined for insubordination. Failure by an employee to follow all regulations will result in appropriate disciplinary action, including possible dismissal.

It is not intended that an administrative inquiry will involve an unreasonable intrusion into the private lives of FBI employees. These inquiries will be pursued only where there are indications that the conduct in question impacts upon work performance and/or the ability of the FBI to discharge its responsibilities.

**1-21.3 Penalties**

The Privacy Act of 1974 sets forth the following provisions which you should be aware of regarding criminal penalties which may be imposed under certain circumstances:

(1) Any officer or employee of an agency, who by virtue of employment or official position, has possession of, or access to, agency records which contain individually identifiable information, the disclosure of which is prohibited by this section or by rules or regulations established thereunder; and, who knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$5,000.

(2) Any officer or employee of any agency who willfully maintains a system of records without meeting the notice requirements of subsection (e) (4) of this section shall be guilty of a misdemeanor and fined not more than \$5,000.

(3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

**1-22 INTELLIGENCE OVERSIGHT BOARD (See NFIPM, Section 2-56.)**

(1) The President, by Executive Order 12863 of September 13, 1993, established the Intelligence Oversight Board as a standing committee of the President's Foreign Intelligence Advisory Board. The Board is charged with reviewing activities of the Intelligence Community and informing the President of any activities that any member believes are in violation of the Constitution, the laws of

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

the United States, or Executive Orders, or Presidential Directives. In this regard, the Board will receive and consider reports of Inspectors General and General Counsels of the Intelligence Community concerning any intelligence activities of their organizations that they have reason to believe may be unlawful or contrary to Executive Orders, Presidential Directives, or other guidelines or regulations approved by the Attorney General, in accordance with Executive Order 12333, if such provisions were intended to protect the individual rights of a United States person.

(2) In the FBI, reports to the Board are submitted by the Office of the General Counsel (OGC). Employees must refer matters which they believe may require submission to the Board to the Inspection Division, Attention: Internal Investigations Section IIS), and the OGC. It should be noted in this regard that matters involving allegations of illegal or improper personal conduct on the part of government employees generally are not matters within the purview of the Intelligence Oversight Board. Accordingly, allegations of illegal or improper personal conduct which are not related to the FBI's intelligence or counterintelligence responsibilities, if detected, should be reported to the FBI's Initial Processing Unit, IIS, INSD. Additionally, while reports of overdue administrative or investigative activities conducted under the NSIG may be considered in evaluating the work performance of FBI employees, such errors are not required to be reported to OGC as potential IOB matters.

(3) Pursuant to provisions of Executive Order 12863, of September 13, 1993, on a quarterly basis, each field office and FBIHQ division is required to submit to the OGC, Attention: NSLB, an electronic communication (EC) certifying that all employees of the office or division have been contacted concerning the requirement to report any intelligence or counterintelligence activities within their office or division that they believe may be unlawful or contrary to Executive Order, Presidential Directive, or Departmental regulation. Such canvassing may be accomplished by e-mail. EC certifications reporting the results of employee canvassing may be signed out by an ASAC or Deputy Assistant Director, as appropriate. Allegations of potential IOB violations not previously reported pursuant to the requirements of Section 2-56 of the NFIPM shall be reported to OGC within 14 days of discovery. The failure to report such matters, for whatever reason, may result in severe disciplinary action, up to and including dismissal from the FBI.

(4) Questions concerning the IOB process or reporting procedures should be directed to IIS, INSD, or NSLB, OGC.

(5) Reports of potential IOB errors can be submitted electronically using FBI form number FD-962.

### **1-23 DEPARTMENT OF JUSTICE OFFICE OF PROFESSIONAL RESPONSIBILITY**

(1) By Departmental Order No. 635-75, the Department of Justice Office of Professional Responsibility (DOJ-OPR) was created to oversee investigations of allegations of criminal or ethical misconduct by departmental employees. The office, headed by a Counsel, is responsible for reviewing allegations against departmental employees involving violations of law, regulations or standards of conduct. To this end, DOJ-OPR serves as a special review and advisory body, reporting directly to the Attorney General or, in appropriate cases, to the Deputy Attorney General or the Solicitor General.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(2) Each employee has the responsibility to report promptly, any indication of possible exploitation or misuse of Bureau resources; information as to violations of law, rules or regulations; personal misconduct; or improper performance of duty as stated in MAOP, Part I, 13-1. Reporting may be to supervisors, the Director, the Office of Professional Responsibility, Inspection Division, FBIHQ, or directly to the Department of Justice Office of Professional Responsibility, Washington, D.C.

(3) Each SAC and division head is to bring the above reporting requirement to the attention of all employees on June 1, and December 1, of each year. Forward a letter to the attention of Office of Professional Responsibility, Inspection Division, when this has been accomplished.

(4) Whenever any employee provides information pursuant to this requirement, that employee's confidentiality shall be maintained unless the employee consents to the release of his or her identity or it is determined by DOJ-OPR that the disclosure of the identity is necessary to resolve the allegation.

### **1-23.1 Protecting Employees (Whistleblowers) From Official Reprisals**

(1) Pursuant to the Civil Service Reform Act of 1978, Section 2303 of Title 5, United States Code, as added by Section 101(a), employees of the FBI who disclose information of violation of law, mismanagement, gross waste of funds, or other misconduct are protected from official reprisals. Official reprisal includes, but is not limited to, punitive personnel action taken or favorable action not taken in order to penalize an employee for having discharged the duty to report. This protection is assured by the monitoring of such employee's subsequent career by Office of Professional Responsibility, Inspection Division, in order to detect any official reprisal.

(2) Office of Professional Responsibility, Inspection Division, will receive complaints of reprisal and furnish any evidence to the Director and DOJ-OPR. Complaints may also be made directly to DOJ-OPR. If the Counsel, DOJ-OPR, determines that reasonable grounds exist to believe that personnel action was taken or favorable action not taken as a reprisal for disclosure of information, the Attorney General may, upon request by the Counsel, DOJ-OPR, stay such action.

### **1-24 PREPUBLICATION REVIEW**

(1) CROSS-REFERENCES: MAOP, Part 1, 1-16 (Outside Employment); 1-18 (Political Activities); 1-26 (Employee Public Speech Rights and Obligations); 1-27 (Service as an Expert Witness); 20-6 (Outside Employment), and 20-28.3 (Administration and Requirements of PTAP). See also 28 CFR Section 17.144 (Nondisclosure of Classified Information) and 5 CFR Part 2635 (Standards of Conduct).

(2) BACKGROUND (See MAOP, Part 1, 1-14 (4).)

(a) This section promulgates regulations and provides guidance on the FBI's prepublication review program. It applies to both current and former employees and is meant to regulate individual conduct as well as to set forth organizational policy.

(b) As a condition of employment, all FBI personnel signed an "Employment Agreement" (FD-291) in which they promised to never divulge, publish, reveal, or otherwise disclose any information or material from or relating to FBI files or any other information acquired by virtue of their official employment, duties, or status, without the written permission of the Director. Each employee also

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

promised to present the full text of any proposed disclosure in writing for the Director's consideration at least 30 days in advance of the proposed disclosure. BREACH OF THESE OBLIGATIONS IS GROUNDS FOR DISCIPLINARY ACTION, A CIVIL SUIT AGAINST THE OFFENDER, OR BOTH. IN SOME INSTANCES, UNAUTHORIZED DISCLOSURE MAY ALSO CONSTITUTE CAUSE FOR REVOCATION OF A SECURITY CLEARANCE OR BE A CRIMINAL OFFENSE. For example, Title 5, USC, Section 552a(i)(1) makes it a crime to wrongfully disclose individually identifiable information from a system of records protected by the Privacy Act; and Title 18, USC, Section 1905 makes it a crime for federal employees to wrongfully disclose trade secrets acquired during the course of their employment.

(c) The FBI prepublication review program is designed to implement the Employment Agreement by establishing a process by which employees and former employees who wish to make disclosures--WHETHER ORAL, ELECTRONIC, OR WRITTEN--within the scope of the agreement may request permission to do so. By its nature, the prepublication review process contemplates a tangible expression of information. Most often this involves a writing but, regardless of the medium through which a disclosure is to be made (written, oral, electronic, etc.), an employee's obligation under the Employment Agreement is NOT to disclose ANY information within the scope of the agreement without written permission to do so.

1. Thus, outlines of oral presentations, drafts and manuscripts of fictional or nonfictional written works, software and other electronic works, and so forth must be submitted for prepublication review if their subject matter falls within the scope of the Employment Agreement.
2. Disclosures made in the performance of official duties are outside the scope of the prepublication review program. Official speeches, writings, and publications are reviewed and authorized by cognizant FBI officials and need not be further reviewed. (See MAOP, Part 1, 1-12.)
3. Completely extemporaneous oral disclosures by their very nature cannot be reviewed in advance. This does not mean that an employee or former employee can disregard the terms of the Employment Agreement when making such disclosures; on the contrary the Agreement covers ALL disclosures, not just written ones. It does, however, mean that as a practical matter, compliance with the prepublication review program is impossible in such situations. Thus, while an employee or former employee may be held accountable for making an extemporaneous oral disclosure of information obtained during the course of FBI employment without permission to do so, he or she will not be sanctioned for failing to comply with the prepublication review program.

(d) Compliance with the prepublication review program does not relieve a current employee from the obligation to comply with the FBI's outside employment rules or the Standards of Ethical Conduct for the Executive Branch. Thus, current employees must ensure that any acceptance of compensation for speaking or writing conforms to these rules and standards.

(3) BASIC RULE (See MAOP, Part 1, 1-14 (5).)

(a) Current and former employees must submit to the Office of Public and Congressional Affairs (OPCA) for prepublication review any nonfiction or fiction work, regardless of the medium in which the work is to be memorialized, that they intend to publish or otherwise divulge which discusses, concerns, is based on, derived from, or otherwise relates to any data, information, files,

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

documents, or materials acquired from or relating to FBI files or any other information acquired by virtue of official employment, duties, or status.

1. No disclosure is authorized prior to the completion of the prepublication review process. Thus, oral disclosures and disclosures of drafts, initial manuscripts, and so forth to prospective publishers, co-authors, ghost writers, attorneys, or other persons not properly authorized to have access to the information in question are prohibited if the subject of the disclosure falls within the scope of the basic rule.

2. Works that clearly have nothing to do with the FBI or its activities, investigations, mission, or which are not otherwise related to any information, documents, or materials acquired by virtue of FBI employment, duties, or status need not be submitted for review. For example, a book of children's stories, an article on stamp collecting, or an outline of a presentation on religion need not be submitted for prepublication review.

3. For further information, see 28 CFR Section 17.144.

(4) PROCEDURES

(a) The following procedures govern the prepublication review process:

1. Submissions must be made in writing even if an oral disclosure is contemplated. Submissions must be presented to OPCA at least 30 WORKDAYS in advance of the proposed disclosure. (Some oral presentations are not scheduled that far in advance. In such cases, the concerned employee must submit the related written materials as far in advance as possible. The Bureau will endeavor to review the material in a timely manner but disclosure is not authorized until the review is complete.)

2. OPCA will coordinate the prepublication review process for the Director. In this regard, OPCA will --

- a. provide assistance to persons with questions about the prepublication review process.
- b. prepare the FBI response to each request for prepublication review not later than 30 workdays after the request and all related materials are received by the FBI. (The day of receipt is not counted for purposes of calculating the 30 work day period but the day of response is.)
- c. screen all requests:

(i) If no further review is required, then OPCA will inform the requester in writing that the FBI has no objection to disclosure or publication of the material in question.

(ii) If further review is required, then OPCA will refer the work, in writing, to a prepublication review panel (see below), via the responsible division Assistant Director (AD), and inform the requester in writing that the work has been received and is under review.

(iii) If the request reveals that the author has breached his or her Employment Agreement by making an unauthorized disclosure prior to submitting the work for review, then OPCA will forward copies of the request and the work to the Deputy General Counsel, Litigation Branch, Office of the General Counsel (OGC) for possible institution of civil suit against the author. If the author is a current employee, then OPCA shall also forward copies to the Personnel Security Unit, National Security Division, for evaluation of the effect of the disclosure on the employee's

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

continued trustworthiness and security clearance, and to the Office of Professional Responsibility (OPR) for further investigation. OPCA will also simultaneously pursue the actions described in subparagraphs (i) or (ii) above, as appropriate in such cases, unless directed to the contrary by OGC or OPR.

3. A prepublication review panel shall review all works referred by OPCA for further review:

a. Three panels shall be constituted. Each panel shall be comprised of one FBI employee from each of the following: the Criminal Investigative Division, the National Security Division, the Counterterrorism Division, the Investigative Services Division, the Information Resources Division, the Laboratory Division, and the Training Division. Members will be appointed in writing by their respective division AD and shall serve one-year terms. Designated attorneys appointed by the General Counsel shall provide legal advice and counsel to the panels, as needed.

b. OPCA shall refer a work to a panel via the AD who, in OPCA's judgment, has the greatest interest in the subject matter of that particular work. (Advance copies of the work will be provided directly to the panel members by OPCA to permit them to begin their substantive review.) That AD shall then be responsible to OPCA, acting for the Director, for ensuring that the panel to which the work is assigned completes its review in a timely and substantively correct manner. The panel member from the division through which the work is referred by OPCA shall act as the chairperson for the review panel for that particular work and is responsible to his or her respective AD for completing the review in a timely and substantively correct manner.

c. When a work is referred to a panel, each member shall review the work in question using the standards set forth below and such guidelines as may be provided by OPCA. (OPCA will provide the panel with seven copies of the work at the time of the referral, one for each member.) The panel may request the assistance of any FBI employee with specialized knowledge or skills in reviewing the work. Additionally, the panel may request the assistance of personnel from other agencies or entities if the work pertains or relates to matters under the cognizance of or involves the expertise of such agencies or entities.

d. The panel may meet to discuss the work or otherwise determine how to proceed at the discretion of the chairperson. The panel will either authorize disclosure in full or provide written objections to specific portions (by page and paragraph number) specifying why the FBI should withhold permission to disclose. The chairperson shall be responsible for writing up the panel's findings but may task any member of the panel with assisting. The panel's findings must be submitted to OPCA not later than five workdays before the date when the FBI response is due to the author. OPCA may presume that the panel has no objections to the work if this deadline is not met.

4. If a panel objects to disclosure of any portion of a work, OPCA shall notify the requester that the FBI withholds permission to disclose or publish the portions to which the board has objected and request such modifications as may be necessary. If the author submits corrected portions for further review, OPCA will continue to work with the requester and the concerned panel until final clearance is authorized. If a particular matter cannot be resolved, then the requester may appeal to the Director. The decision of the Director is final, except that decisions relating to the deletion of classified information may be appealed to the Deputy Attorney General per 28 CFR Section 17.144(s)(3).

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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5. If a current or former employee publishes or otherwise discloses information within the scope of the Employment Agreement without obtaining the requisite FBI authorization, and OPCA (or any other FBI entity or employee) learns of the violation, then they will refer the case to the Deputy General Counsel, Litigation Branch, OGC and to OPR and the Personnel Security Unit if the individual is a current employee. OGC will determine whether institution of civil suit is warranted. OPR will investigate the matter and refer the case, if warranted, for consideration of appropriate disciplinary action to the Adjudication Unit. The Personnel Security Unit will evaluate the effect of the disclosure on the employee's continued trustworthiness for security access and clearance.

6. Any work submitted for prepublication review is presumed to be proprietary and shall not, with the exceptions set forth in paragraph 3.c. above, be disseminated to any person not involved in the prepublication review process or in the enforcement of that process. In general this means that the work shall not be disclosed outside OPCA and the concerned prepublication review panel except on a "need-to-know" basis during the prepublication review process, and to OGC and OPR during the enforcement process. No copies of the work may be made without the approval of OPCA.

(5) STANDARDS

(a) The following standards will be observed during the review process:

1. Proposed disclosure or publication by current or former employees of the following ordinarily will be grounds for objection:

- a. Information protected from agency disclosure by the Privacy Act;
- b. Information that is classified or the disclosure of which could otherwise harm national security;
- c. Information that reveals sensitive law enforcement, intelligence, or counterintelligence techniques, sources or methods; or that reveals the sensitive, confidential, or proprietary techniques, sources, or methods of other agencies or governmental entities;
- d. Information that would reveal grand jury material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure;
- e. Information that would reveal the identity of a confidential source or informant;
- f. Information that relates to any sensitive operational details or the substantive merits of any ongoing or open investigation, inquest, probe, prosecution, appeal, or case;
- g. Information that consists of the proprietary information of another, including trade secrets;
- h. Information pertaining to wiretaps or intercepts protected or regulated by Title III (Title 18, USC, Sections 2510-2520);
- i. Information pertaining to currency transaction reports regulated or protected by Title 31, USC, Section 5319;
- j. Tax return information regulated or protected by Title 26, USC, Section 6103;
- k. Information pertaining to contractor bids or proposals or source-selection information before the award of the procurement contract to which the information relates;
- l. Information protected from disclosure by any other federal statute or regulation; and

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

m. Information exempt from disclosure under the Freedom of Information Act (Title 5, USC, Section 552) unless the material is clearly already in the public domain.

2. No objection to disclosure or publication by a current or former employee will be interposed solely because a work is critical or disparaging of the FBI, the government, or its officers and employees. If, however, a work by A CURRENT EMPLOYEE contains material the disclosure of which would adversely affect the ability of the FBI to effectively and efficiently fulfill its responsibilities to the public (including speech concerning private grievances or that impairs discipline or harmony among co-workers or exerts a detrimental impact on close working relationships for which personal loyalty and confidence are necessary), then the declarant or author shall be informed that disclosure or publication may result in adverse consequences, including disciplinary action. In other words, the FBI will not object to the disclosure or publication of such material but the declarant or author may be warned that disclosure is not without potential consequences.

3. No objection will be interposed solely because of errors (factual, grammatical, or otherwise) in the work.

**1-25 DRUG DETERRENCE PROGRAM (DDP) CONSISTING OF THE  
DRUG-FREE WORKPLACE PROGRAM (DFWP) AND ALCOHOL AND CONTROLLED  
SUBSTANCE ABUSE PROGRAM (ACSAP) (See MAOP, Part 1, 24-8.2(3).)**

**1-25.1 Background and Purpose, DFWP**

(1) On May 7, 1986, the FBI and the DEA adopted a joint policy statement that sets forth the details of the FBI's Drug-Free Workplace Program (DFWP). All employees were notified of the new FBI/DEA policy by the Director's June 3, 1986, Memorandum to All Employees. On July 28, 1986, Agent applicant testing commenced.

(2) On September 15, 1986, President Reagan signed Executive Order (EO) 12564 establishing the goal of a drug-free federal workplace. The order made it a condition of employment for all federal employees to refrain from using illegal drugs on or off duty.

(3) The EO recognized that illegal drug use seriously impairs a portion of the national work force. The FBI is concerned with the well-being of its employees, the successful accomplishment of its missions, and the need to maintain employee productivity. The intent of a drug-testing policy is to offer a helping hand to those who need it, while sending a clear message that any illegal drug use is incompatible with federal service.

(4) On July 11, 1987, legislation was enacted affecting implementation of the EO under Section 503 of Public Law 100-71 in an attempt to establish uniformity among federal agency drug-testing plans, reliable and accurate drug testing, employee access to drug-testing records, confidentiality of drug test results and centralized oversight of the federal government's drug-testing program.

(5) The purpose of the FBI's DFWP is to set forth objectives, policies, procedures, and implementation guidelines to achieve a drug-free federal workplace, consistent with the EO and the mandatory guidelines required by subsection (a)(1)(A)(ii) of Section 503 of Public Law 100-71. The intent of Congress and the President is clear: illegal drug use by federal employees, on or off

SENSITIVE

duty, particularly in agencies such as the FBI, is inconsistent with the national security and with the public's health and safety.

#### **1-25.1.1 Background and Purpose, ACSAP**

(1) The Omnibus Transportation Employee Testing Act ("the Act") of 1991 (Public Law 102-143), was signed into law by former President Bush on October 28, 1991. The Act requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad and mass transit industries.

(2) The Act recognizes that alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation. Millions of the Nation's citizens utilize transportation by aircraft, railroads, trucks, and buses and depend on the operators of such to perform in a safe and responsible manner.

(3) The Act further acknowledges that efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs by individuals involved with the operation of these vehicles. The use of alcohol and illegal drugs has been demonstrated to affect significantly the performance of individuals, and has been proven to be a critical factor in transportation accidents. Testing has shown to be the most effective deterrent to abuse of alcohol and the use of illegal drugs.

(4) The Secretary of Transportation was charged with the responsibility of expanding drug and alcohol testing regulations. These regulations would affect over seven million employees in the transportation industry, to include certain covered employees within the federal government. Final rules were published in the Federal Register on February 15, 1994.

(5) In response, the FBI's Drug Deterrence Program developed a comprehensive Alcohol and Controlled Substance Abuse Program (ACSAP) for all FBI employees operating commercial motor vehicles for official Bureau business. This program was approved by the Director on February 19, 1999.

(6) The intent of the FBI's Alcohol and Controlled Substance Abuse program is to prevent accidents and injuries resulting from alcohol and/or illegal drug use.

#### **1-25.2 Statement of Policy, DFWP**

(1) The FBI has been charged with enforcing the federal narcotics laws and is expected to be drug-free. It has been a longstanding FBI policy that employees should never cause themselves to be mentally or physically unfit for duty. (See MAOP, Part 1, Section 1-2 supra.) The use of illegal drugs is strictly prohibited at any time. As employees of the nation's chief federal law enforcement agency, FBI employees must not themselves engage in criminal conduct. See the Memorandum to all Employees dated May 15, 1981, captioned "Disciplinary Matters," regarding the FBI Personal Conduct Policy.

(2) The very nature of the FBI's investigative work and unique mission in the criminal, domestic security, foreign counterintelligence and security-loyalty background areas demands that a high degree of special trust be required not only in the conduct of these investigations but also by all personnel who are involved in the reporting, processing and filing of our investigative results. The unauthorized dissemination of material or information developed during our investigations or

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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maintained in our files (by employees such as Office Automation Clerks/Assistants as well as by Special Agents) would significantly affect our mission, endanger the lives or safety of our Agents or informants, destroy or diminish their usefulness and invade personal privacy. Thus, it is imperative that ALL employees conduct their lives in such a way that they are free from potential blackmail or other possible pressure from agents of hostile foreign governments who wish to procure sensitive information contained in the FBI's records.

(3) Pursuant to Office of Personnel Management (OPM) guidelines, all positions within the FBI are designated "critical sensitive," permitting employees access to classified information. Federal drug testing can be done on all jobs labeled "critical sensitive"; therefore, all FBI positions are testing designated. Furthermore, EOs 10450 and 12356 and Director of Central Intelligence Directive 1/14 make it clear that drug use by federal employees with access to classified information is NOT consistent with the interests of national security.

(4) In carrying out the FBI's mission, Special Agents conduct many types of investigations over which the FBI has jurisdiction; must be available for general and special assignments whenever and wherever their services are required; must apprehend subjects, many of whom are armed and dangerous; participate in undercover assignments; operate automobiles at high speed; be able to subdue persons and defend themselves and others as required; and must operate scientific crime detection devices and investigative equipment, and firearms, explosives and gases. Therefore, they must remain alert and in total control of their physical and mental faculties and unencumbered by drugs. The FBI believes that the threat to public safety posed by Special Agents (as well as a wide variety of support employees with investigative duties) whose judgment may be impaired by illegal drug use is a legitimate factor in establishing a mandatory urinalysis drug-testing program.

(5) Assignments for Special Agents and many support employees alike necessitate appearing and testifying before courts, grand juries, and other judicial and administrative tribunals. Hence, FBI employees who are themselves violating the drug laws would be impeachable and lose all credibility as witnesses.

As a result of the above, the FBI has an especially compelling obligation to deter and eliminate illegal drug use from its workplace. FBI officials have a legitimate interest in assuring that all employees are not under the influence of illegal drugs and that they are fully capable of performing their duties. The FBI believes this summary of the necessity for Special Agents to be unencumbered by the effects of illegal drug use to be equally applicable to all support positions within the FBI as job functions associated with these positions directly and immediately relate to public health and safety, the protection of life and property and/or to the national security.

(6) The FBI's DFWP therefore established a comprehensive drug-testing program which, as applied to FBI employees, consists of the following:

- (a) The testing/screening of all applicants seeking employment;
- (b) The testing of probationary Special Agents during the first two years of employment;
- (c) The testing of employees when there is reasonable suspicion of illegal drug use;
- (d) The testing of all employees under a "random testing" program;

SENSITIVE

- (e) Follow-up testing; and
- (f) The testing of employees on a voluntary basis.

### **1-25.2.1 Statement of Policy, ACSAP**

(1) FBI employees who operate commercial motor vehicles are charged with operating these vehicles in a safe and responsible manner. It has been a longstanding FBI policy that employees should never cause themselves to be mentally or physically unfit for duty. (See MAOP, Part 1, Section 1-2 supra.) The use of illegal drugs is strictly prohibited as is the use of alcohol and/or controlled substances, except when the controlled substance use is pursuant to the instructions of a physician who has advised that the use does not adversely affect the ability to safely operate a commercial motor vehicle.

(2) As a result, the FBI's ACSAP has a compelling obligation to deter alcohol and/or drug use by FBI employees who operate commercial motor vehicles. To ensure compliance, the ACSAP will test commercial motor vehicle operators under the following categories:

(a) Post-Accident Testing - A driver will be tested as soon as practical following an accident involving a Commercial Motor Vehicle, when he/she:

1. Was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
2. Received a citation under state or local law for a moving violation arising from the accident.

(b) Random Testing - A Commercial Motor Vehicle Operator will be subject to random testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(c) Reasonable Suspicion Testing - This type of testing for drugs and/or alcohol may be required when the employee's management official has reason to believe that the driver has used or is using illegal drugs and/or alcohol. This belief must be based on specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(d) Return-to-Duty Testing - This type of testing will be required after the driver has engaged in prohibited alcohol use.

(e) Follow-Up Testing - This type of testing will be required following a determination, by a Substance Abuse Professional, that a driver is in need of assistance in resolving problems associated with alcohol and/or controlled substances on an unannounced basis.

(f) Pre-Duty - FBI employees who are assigned to a testing designated position will be required to undergo a pre-duty drug test prior to the first time a CD performs a safety-sensitive function.

In addition, Commercial Motor Vehicle Operators are also subject to drug testing as required by the DFWP.

### **1-25.3 Employee Notifications, DFWP**

(1) Memorandum to All Employees dated June 3, 1986, from Director Webster advised of the provisions of the DDP.

(2) Memorandum to All Employees dated November 14, 1989, from Director Sessions advised of random testing.

#### **1-25.3.1 Employee Notification, ACSAP**

Memorandum to All Employees dated August 5, 1999, from Director Freeh advised of the provisions of the Alcohol and Controlled Substance Abuse Program.

#### **1-25.4 Drugs to be Screened, DFWP**

In accordance with Department of Health and Human Services (HHS) guidelines, the testing process involves the detection of the following categories of drugs:

- (1) Amphetamines
  - (a) Amphetamine
  - (b) Methamphetamine
- (2) Cocaine
- (3) Cannabinoids
- (4) Opiates
  - (a) Codeine
  - (b) Morphine
- (5) Phencyclidine (PCP)

In the case of reasonable suspicion testing, any drug in Schedule I and II can be tested for in accordance with HHS guidelines.

#### **1-25.4.1 Drugs to be Screened, ACSAP**

FBI testing protocol involves the detection of the following substance:

- (1) Alcohol
  - (a) Ethanol
- (2) Amphetamines
  - (a) Amphetamine
  - (b) Methamphetamine
- (3) Cocaine
  - (a) Benzoylcegonine
- (4) Cannabinoids
  - (a) Marijuana (THC)
- (5) Opiates



- (a) Codeine
- (b) Hydromorphone (Dilaudid)
- (c) Oxycodone
- (6) Phencyclidine (PCP)

In the case of reasonable suspicion testing, an employee can be tested for any drug in Schedule I and II in accordance with HHS guidelines.

### **1-25.5 Detection Method, DFWP**

Urinalysis testing is performed using a two-step screening-confirmation process.

- (1) Initial screening immunoassay (IA) is a rapid semi- quantitative chemical test which uses a specific antibody to react with the drug or metabolite of interest.
- (2) Confirmation assay used in the drug analysis procedure is GC/MS, Gas Chromatography/Mass Spectrometry, which is scientifically acknowledged to be the most sensitive and accurate method for confirming the presence of drugs in biological samples.

### **1-25.5.1 Detection Method, ACSAP**

#### **(1) Controlled Substance Testing**

Urinalysis testing is performed using a two-step screening-confirmation process.

- (a) Initial screening immunoassay (IA) is a rapid semiquantitative chemical test which uses a specific antibody to react with the drug or metabolite of interest.
- (b) Confirmation assay used in the drug analysis procedure is GC/MS, Gas Chromatography/Mass Spectrometry, which is scientifically acknowledged to be the most sensitive and accurate method for confirming the presence of drugs in biological samples.

#### **(2) Alcohol Testing**

(a) Evidential Breath Testing (EBT) devices will be used to measure alcohol concentrations in the breath. A screening test shall be conducted to determine whether the employee has a prohibited concentration of alcohol in the system. Confirmation testing shall be conducted when the result of the screening test is 0.02 or greater.

(b) Testing shall be conducted using Electrochemical Oxidation/Fuel Cells. This method of measuring breath alcohol uses special electronic components that generate electrical energy by oxidizing alcohol. The components are called "electrochemical cells," or fuel cells, which are comprised of two platinum electrodes.

How does the fuel cell work?

1. When the subject blows into a mouthpiece, a small (1.5 cc) sample of expired breath is drawn into the fuel cell for analysis.
2. When breath containing alcohol molecules comes into contact with the fuel cell, a spontaneous flow of electricity is generated. The amount of electrical current generated indicates how much

alcohol is present in the breath sample. The end result is the alcohol measurement which is displayed on the EBT.

### **1-25.6 Scope of Testing, DFWP**

The FBI's DFWP establishes a comprehensive drug-testing program in the test/screening of all applicants seeking employment with the FBI, testing of probationary Special Agents during their first two years of service, testing of employees when there is "reasonable suspicion" of illegal drug use, the testing of all FBI employees under a random selection program and voluntary testing. In addition, all employees who undergo a counseling and rehabilitation program for illegal drug use through the Employee Assistance Program (EAP) will be subject to unannounced follow-up testing.

#### **1-25.6.1 Scope of Testing, ACSAP**

(1) The FBI's ACSAP establishes a comprehensive drug and alcohol testing program for employees who operate Commercial Motor Vehicles (CMV). Drug testing will be done using established DDP collection officials. Actual testing of the specimen will be done using a contract laboratory certified by the National Institute of Drug Abuse. As with the current DFWP, all positive drug tests will be verified by the FBI's Medical Review Officer. Thereafter, the case will be referred to the Employee Assistance Program (EAP) and to the Office of Professional Responsibility (OPR) for administrative action.

(2) Certified Breath Alcohol Technicians will conduct alcohol testing. Any employee found over the permissible breath- alcohol limit will be referred to the EAP and to OPR for administrative action.

### **1-25.7 Collection Procedures, DFWP**

The following highlights the collection procedure. For complete details of the collection procedure, refer to Section IX of the "Drug Deterrence Program Drug-Free Workplace Policy and Procedure Manual."

(1) Before testing, the collection official will request the individual to be tested (the donor) to present photo identification, if necessary.

(2) Social Security numbers will be used as specimen identifying numbers throughout the collection, shipping and testing phases of the screening to protect the identity of the donor.

(3) Chain of Custody forms shall be used to account for the integrity of each urine specimen by tracking its handling from point of specimen collection to final disposition of the specimen.

(4) Each donor will be escorted by a collection official to the collection area. Same-sex collectors will be used in the instances where collection personnel have reason to believe that the donor may alter or substitute the urine specimen, but are not limited to:

(a) Evidence that employee has tampered with previous specimen.

(b) An individual has equipment, implements, or substances that may be used to tamper with a drug test.

(5) Donors will be allowed individual privacy when providing specimens unless collection personnel have reason to believe that the donor may alter or substitute the urine specimen or otherwise tamper with the drug test.

#### **1-25.7.1 Collection Procedures, ACSAP**

The following highlights the collection procedure. For complete details of the collection procedure, refer to Section XI of the Drug Deterrence Program "Alcohol and Controlled Substance Abuse Policy and Procedure Manual."

##### **(1) Breath Alcohol Testing:**

- (a) Breath Alcohol Testing will be conducted by a Certified Breath Alcohol Technician (BAT).
- (b) Prior to testing, the BAT will request to see the donor's photo identification.
- (c) Social Security numbers will be used as employee identification numbers.
- (d) A Breath Alcohol Testing form will be used to record necessary information.
- (e) The breath testing location will provide aural and visual privacy, sufficient to prevent unauthorized persons from seeing or hearing test results.

##### **(2) Drug Testing:**

- (a) Drug Collections will be conducted by established DDP Collection Officials (CO's).
- (b) Prior to testing, the CO will request to see the donor's photo identification.
- (c) Social Security numbers will be used as specimen identifying numbers throughout the collection, shipping, and testing phases of the screening to protect the identity of the donor.
- (d) Chain of Custody forms shall account for the integrity of each urine specimen by tracking its handling from point of specimen collection to final disposition of the specimen.
- (e) Each donor will be escorted by a CO to the collection area. Same sex collectors will be used in the instances where collection personnel have reason to believe that the donor may alter or substitute the urine specimen.

#### **1-25.8 Reporting Procedures, DFWP**

##### **1-25.8.1 Applicant Testing, DFWP**

(1) All tests confirmed positive for drugs will be reviewed by the FBI's medical review officer (MRO) prior to the initiation of any official action. If the MRO determines, after contacting the donor, that there is no alternate medical explanation for the positive test, the DDP Administrator will be notified. A communication will be immediately prepared by the DDP Administrator identifying the donor and describing the drugs identified upon testing. This communication will be forwarded to the Administrative Services Division (ASD), Attention: Bureau Applicant Employment Unit (BAEU), and will become a permanent part of the applicant record. Upon receiving a communication regarding a verified positive test, the BAEU will immediately notify the field office through which the applicant is being processed to discontinue the processing of that

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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applicant. The BAEU will, over the signature of the Personnel Officer, prepare an appropriate letter notifying the applicant that he or she is no longer being considered for employment. (See MIOG, Part 1, 67-2.7.4, for additional notification instructions.)

(2) Inquiries and appeals received from applicants being denied employment with the FBI due to positive drug tests will be handled by the Personnel Officer, ASD. Cases in which illegal drugs, such as marijuana, cocaine, or PCP, were detected will not be given further consideration for employment with the FBI. (Also see MIOG, Part 1, 67-2.7.1, for guidelines for determining applicants' suitability based on their drug history.) In the event that the drug detected was a legitimate prescription drug and the applicant had failed to inform the FBI that he or she was taking such a drug prior to testing, the applicant may appeal to the Personnel Officer, who will refer the appeal to the MRO for review prior to a final decision. Such appeals will be reviewed on an individual basis taking into consideration the verification of the legitimacy of the drug and possible lack of candor on the part of the applicant.

### **1-25.8.2 Testing On-Board Employees, DFWP**

#### **(1) Random Selection and Probationary Testing**

(a) Notification of employees to be tested by random selection and probationary Special Agents within their first two years of employment will be made to field offices and FBIHQ divisions by the FBIHQ DDP. The field office will follow the established collection procedures and forward collected specimens to the testing laboratory.

(b) All examinations confirmed positive for drugs will be reviewed by the FBI's MRO prior to the initiation of any official action. It is the responsibility of the MRO to review all positive test results and medical information provided by the employee for an alternate medical explanation for the positive test. The MRO may interview the employee, review medical history, consult with laboratory personnel and order retesting as determined necessary. If no alternate medical explanation can be determined, the test will be designated a "verified positive" by the MRO.

(c) In the event of a "verified positive" test, the MRO will notify the DDP Administrator who will prepare an appropriate communication outlining the selection procedures and test results. This communication will be forwarded through the Assistant Director, ASD, to the Director, FBI, Attention: Assistant Director, Office of Professional Responsibility (OPR), requesting that the OPR initiate an appropriate investigation.

(d) Investigations conducted by OPR will be conducted in accordance with the FBI regulations regarding investigation of employee misconduct. The results of such investigations will be forwarded to the Adjudication Unit, OPR, for review. The degree of severity of administrative action will be determined on a case-by-case basis.

(e) A copy of the communication prepared for a "verified positive" test will be forwarded to an EAP counselor who will immediately initiate contact with the employee and extend the assistance and rehabilitation services mandated by EO 12564. A letter will be sent by the DDP to the employee outlining the services available and providing names of EAP contacts. This letter will be sent by registered mail, return receipt requested.

#### **(2) Reasonable Suspicion Testing**

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(a) If an employee is suspected of using illegal drugs, the first-line supervisor will gather information, specific facts, and circumstances leading to and supporting this suspicion. This information is then brought to the second-line supervisor who then decides if there is enough documentation to substantiate reasonable suspicion. This information is then brought to the attention of the SAC or division head who will then determine whether to recommend to OPR that an employee be tested. When such a recommendation is made, a written communication will be prepared to include, at a minimum, the appropriate dates and times of reported drug-related incidents, reliable/credible sources of information and any other justification for a test. This communication is to be forwarded to the OPR, FBIHQ. It is the responsibility of the Assistant Director, OPR, or his/her designee to review the facts in each case and to authorize the institution of an investigation and the collection of a urine specimen for testing.

(b) All test results will be forwarded to OPR by the DDP staff after the MRO has conducted the required review to ensure that an alternate medical reason for the presence of a drug does not exist. Where testing is conducted based on reasonable suspicion, the urine specimen will be obtained by a collection official using set collection procedures. Same-sex collectors will be used in the instances where collection personnel have reason to believe that the donor may alter or substitute the urine specimen. A refusal to provide a specimen will be considered refusal to participate in testing, and administrative action for insubordination may be instituted. Following investigation by OPR, the investigative results will be forwarded to the Adjudication Unit which will act upon each case as outlined under random and probationary testing.

(3) Follow-up Testing

(a) Follow-up testing, on an unannounced basis, may be required during or after EAP counseling or rehabilitation up to one year after completion of rehabilitation.

(b) In such cases, the DDP Administrator is authorized, at his/her discretion to initiate the collection of a urine specimen for testing. Thereafter, the reporting procedures will be the same as those detailed for reasonable suspicion testing, including direct observation.

(4) Voluntary Testing

In order to demonstrate their commitment to the FBI goal of a drug-free workplace, employees may volunteer for testing by contacting the DDP Administrator. The DDP Administrator, at his/her discretion, is authorized to initiate the collection of a urine specimen for testing. Thereafter, the reporting procedures will be the same as those detailed for random selection testing.

**1-25.8.3 Reporting Procedures, ACSAP**

(1) Alcohol Testing

(a) Notification of drivers to be tested will be made to field offices and FBIHQ divisions by FBIHQ DDP.

(2) Confirmed Positive Alcohol Tests (Greater Than 0.02, Less Than 0.04)

(a) Commercial Drivers (CDs) having a breath alcohol content greater than 0.02 - .039 will be placed on temporary restriction from performing safety-sensitive functions.

SENSITIVE

SENSITIVE

ManI-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(b) Management Officials (MOs) shall complete an FD-907, Temporary Restriction Form, and fax the form to the DDP Administrator.

(3) Confirmed Positive Alcohol Test (0.04 or Greater)

(a) In the event the confirmation test reveals an alcohol concentration of 0.04 or greater, the CD shall be placed on full restriction from performing safety-sensitive functions. MOs shall complete an FD-908, Full Restriction Form, and shall fax this information to the DDP Administrator.

(b) The DDP Administrator will prepare an appropriate communication to the Office of Professional Responsibility (OPR), requesting that the Internal Investigation Unit (IIU) initiate an appropriate investigation.

(c) A copy of this communication will be forwarded to an Employee Assistance Counselor who will immediately contact the employee to extend assistance and provide rehabilitation services.

(d) Investigations conducted by OPR will be conducted in accordance with FBI regulations regarding investigations of employee misconduct. The degree of severity of administrative action will be determined on a case-by-case basis, taking into consideration all extenuating or mitigating factors.

(4) Drug Testing

(a) Notification of CDs to be tested will be made to field offices and FBIHQ divisions by FBIHQ DDP.

(b) In the event of a "verified positive" test, the MRO will notify the DDP Administrator who will prepare an appropriate communication of the confirmed positive test. Information regarding the positive test shall be forwarded through the Assistant Director to OPR, requesting that the IIU initiate an appropriate investigation.

(c) A copy of this communication will be forwarded to an Employee Assistance Counselor who will immediately contact the employee to extend assistance and provide rehabilitation services.

(d) Investigations conducted by OPR will be conducted in accordance with FBI regulations regarding investigations of employee misconduct. The degree of severity of administrative action will be determined on a case-by-case basis, taking into consideration all extenuating or mitigating factors.

### **1-25.9 Supervisory Responsibilities, DFWP**

(1) All supervisors will be trained to recognize and address illegal drug use by employees and will be provided information regarding referral of employees to the EAP, procedures and requirements for drug testing and behavioral patterns that give rise to a reasonable suspicion that an employee may be using illegal drugs. First- and second-line supervisors shall:

(a) Be responsible for developing reasonable suspicion of illegal drug use by employees under their supervision after first making appropriate factual observations, documenting those observations and obtaining approval from the next higher supervisor or manager;

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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- (b) Notify the SAC or division head that reasonable suspicion drug tests may be warranted for employees under their supervision; and
  - (c) Refer employees to the EAP for assistance in obtaining counseling and rehabilitation when there is a finding of illegal drug use.
- (2) The SAC or division head shall:
- (a) Be responsible for developing reasonable suspicion of illegal drug use by a direct subordinate after making factual observations and documenting those facts;
  - (b) Determine whether a request to test for reasonable suspicion should be made to OPR for any employee under his or her supervision; and
  - (c) Ensure that employees under his or her supervision have been referred to the EAP for assistance in obtaining counseling and rehabilitation when there is a finding of illegal drug use.

**1-25.9.1 Supervisory Responsibilities, ACSAP**

- (1) Supervisors will be trained to recognize alcohol and/or drug use and impairment and will be provided information regarding referral of drivers to the EAP, procedures and requirements for alcohol and/or drug testing and behavioral patterns that give rise to a reasonable suspicion that an employee may be using controlled substances an/or misusing alcohol.
- (2) Supervisors shall ensure that Commercial Drivers (CDs) do not perform safety-sensitive functions while taking over-the- counter medications that may impair judgment or motor skills.
- (3) Trained supervisors will be responsible for developing reasonable suspicion of illegal drug and/or alcohol misuse based on specific, contemporaneous articulable observations concerning the appearance, behavior, speech or body odors of the driver.
- (4) Supervisors will be responsible for placing drivers on restriction as warranted and shall ensure that drivers under his/her supervision have been referred to the EAP for assistance in counseling and rehabilitation.

**1-25.10 Records and Reports, DFWP**

**1-25.10.1 Confidentiality of Test Results, DFWP**

- (1) Laboratory results will be forwarded to the MRO. Any positive result which the MRO justifies by appropriate medical or scientific documentation to account for the result as other than the intentional ingestion of an illegal drug will be reported as a negative test result and may not be released for purposes of identifying illegal drug use. The MRO may maintain only those records necessary for compliance with this program and such records shall be the records of the FBI. Records of the MRO may be released to any supervisor or management official having authority to take adverse personnel actions or for purposes of auditing the activities of the MRO.
- (2) In order to comply with the Privacy Act and Section 503(e) of Public Law 100-71, the results of a drug test of an FBI employee may not be disclosed without the prior written consent of such employee, unless the disclosure would be to:

SENSITIVE



- (a) The MRO;
- (b) The Employee Assistance Administrator (EAA) when the employee is receiving counseling or treatment or is otherwise participating;
- (c) Any supervisory or management official within the FBI having authority to recommend or approve adverse personnel action against such employee; or
- (d) A court of competent jurisdiction, pursuant to an order of the court, and where required by the United States government to defend against any challenge against any adverse personnel action.

Test results with all identifying information removed shall also be made available to FBI personnel for data collection and auditing.

#### **1-25.10.2 Confidentiality of Records, DFWP**

All drug-testing information specifically relating to individuals is confidential and shall be treated as such by anyone authorized to review or compile program records. All records and information of the personnel actions taken on employees with "verified positive" test results shall be maintained in accordance with previously established procedures in regard to the maintenance of records of alleged employee misconduct.

#### **1-25.10.3 Maintenance of Records, DFWP**

(1) The FBI shall establish or amend a recordkeeping system to maintain the records of the DDP consistent with the FBI's Privacy Act System of Records and with all applicable federal laws, rules and regulations regarding confidentiality of records.

(2) If necessary, records may be maintained as required by subsequent administrative or judicial proceedings, or at the discretion of the Director of the FBI. The recordkeeping system should capture sufficient documents to meet the operational and statistical needs of legislation and regulations and include:

- (a) Numbers of "verified positive" test results referred by the MRO;
- (b) Written material justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen;
- (c) Anonymous statistical reports; and
- (d) Other documents the DDP Administrator, MRO, or EAA deems necessary for efficient compliance with this program and which satisfy the records and confidentiality requirements of law.

#### **1-25.10.4 Records Maintained by Government Contractors, DFWP**

Any contractor hired to satisfy any part of this program shall comply with the confidentiality requirements of this program, and with all applicable federal laws, rules, regulations and guidelines.

#### **1-25.10.5 Statistical Information, DFWP**

The DDP Administrator shall collect and compile anonymous statistical data for reporting the number of:

- (1) Random, reasonable suspicion, follow-up, probationary, voluntary and applicant tests;
- (2) "Verified positive" test results;
- (3) Voluntary drug counseling referrals;
- (4) Involuntary drug counseling referrals; and
- (5) Terminations or denial of employment offers resulting from refusal to submit to testing.

#### **1-25.10.6 Validity of Preemployment Drug Tests, DFWP**

To ensure the integrity of the DDP, it is essential that all applicant drug tests are done within one year of EOD.

#### **1-25.10.7 Records and Reports, ACSAP - Confidentiality of Records**

The FBI is required to maintain strict standards of confidentiality in carrying out its responsibilities.

- (1) Authorized disclosures - The results of drug and alcohol tests shall not be disclosed without the prior written consent of the CD, unless the disclosure would be:
  - (a) To a Medical Review Officer.
  - (b) To the Administrator of any EAP in which the employee is receiving counseling or treatment or is otherwise participating.
  - (c) To supervisory or management officials having authority to take adverse personnel action against such employee.
  - (d) Pursuant to an order of a court of competent jurisdiction where required to defend an adverse personnel action.
  - (e) To the National Transportation Safety Board as part of an accident investigation.
- (2) Maintenance of records
  - (a) The ACSAP will maintain records in a manner consistent with the Privacy Act and all other applicable laws, rules and regulations regarding confidentiality of records.
  - (b) Records maintained by government contractors - Any contractor hired to satisfy any part of this program shall comply with the confidentiality requirements of this program and with all applicable federal laws, rules, regulations and guidelines.

#### **1-25.11 Disciplinary Actions, DFWP**

- (1) Determination

An employee may be found to use illegal drugs on the basis of any appropriate evidence including, but not limited to:

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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- (a) Direct observation;
- (b) Evidence obtained from an arrest or criminal conviction;
- (c) A "verified positive" test result; or
- (d) An employee's voluntary admission.

(2) Administrative Actions

The FBI shall immediately refer an employee found to use illegal drugs to the EAP. The FBI shall initiate action to remove or suspend from service any employee the first time that employee is found to illegally use drugs. However, as part of an EAP rehabilitation program, an employee may remain on duty or return to duty if the employee's continued employment would not endanger public health and safety or national security.

(3) Range of Consequences

In determining the severity of the disciplinary action to be taken against an employee found to use illegal drugs, the FBI may consider the nature of the position, the risk to the public of the employee's illegal drug use, and the employee's personnel and/or performance records. The FBI shall initiate disciplinary action against any employee found to use illegal drugs, provided that such action is not required for an employee who voluntarily admits to illegal drug use, obtains counseling or rehabilitation and thereafter refrains from using illegal drugs.

Such disciplinary action may include any of the following measures, but some disciplinary action must be initiated:

- (a) Reprimand the employee in writing;
- (b) Place the employee in an enforced leave status;
- (c) Suspend the employee for 14 days or less;
- (d) Suspend the employee for 15 days or more;
- (e) Suspend the employee until he or she successfully completes the EAP or until the FBI determines that action other than suspension is more appropriate; or
- (f) Dismiss the employee from the FBI.

(4) Initiation of Mandatory Removal From Service

The FBI shall initiate action to dismiss an employee for:

- (a) Refusing to obtain counseling or rehabilitation through the EAP as required by the EO 12564 after having been found to use illegal drugs; or
- (b) Having been found not to have refrained from illegal drug use after a first finding of illegal drug use.

(5) Refusal to Take Drug Test When Required

An employee who refuses to be tested when so required will be considered insubordinate and subject to the full range of disciplinary action, up to and including dismissal. Attempts to alter or

SENSITIVE

substitute the specimen provided will be deemed a refusal to take the drug test when required. No applicant who refuses to be tested shall be extended an offer of employment.

(6) Voluntary Referral

(a) Pursuant to EO 12564, the FBI is required to discipline any employee found to use illegal drugs in every circumstance except one: If an employee (1) voluntarily admits his or her drug use; (2) completes counseling and rehabilitation through the EAP; and (3) thereafter refrains from drug use, such discipline is not required and may be waived.

(b) The decision whether to discipline a voluntary referral will be made on a case-by-case basis depending upon the facts and circumstances. Although an absolute bar to discipline cannot be provided because of the extreme sensitivity of all FBI positions, the FBI, in determining whether to discipline, shall consider that the employee has come forward voluntarily.

**1-25.11.1 Disciplinary Actions, ACSAP**

(1) Determination - A Commercial Driver (CD) may be found to be engaging in prohibited alcohol and/or drug activity on the basis of appropriate evidence including, but not limited to:

- (a) Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
- (b) Evidence obtained from an arrest or criminal conviction.
- (c) A verified positive test result.
- (d) A driver's voluntary admission.

(2) Administrative action - A CD found to be engaged in prohibited alcohol or drug use shall immediately be referred to the EAP. The FBI shall initiate administrative action to remove or suspend from service any CD the first time that CD is found to be engaging in prohibited activity. If, however, the CD has sought out EAP assistance voluntarily as part of an EAP rehabilitation program, a CD may remain on duty if the CD's continued employment would not endanger public health and safety or national security.

(3) Range of consequences - In determining the severity of the disciplinary action regarding a CD found to be engaged in prohibited alcohol and/or drug use, the FBI will take into consideration all extenuating and mitigating factors, the nature of the position, the risk to the public, and the CD's personnel and/or performance records. The FBI shall initiate disciplinary action against any CD found to use illegal drugs, provided that such action is not required for a CD who voluntarily admits to prohibited alcohol or drug use, obtains counseling or rehabilitation and thereafter refrains from prohibited activity.

(4) Initiation of mandatory removal from service - The FBI shall initiate action to dismiss a CD for:

- (a) Refusing to obtain counseling or rehabilitation through the EAP as required after being found to be engaging in prohibited alcohol and/or drug activity.
- (b) Having been found not to have refrained from prohibited alcohol and/or drug activity after the first finding.

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(5) Refusal to take alcohol and/or drug tests when required - A CD who refuses to be tested when so required will be considered insubordinate and subject to the full range of disciplinary action, up to and including dismissal. Attempts to alter or substitute tests will be deemed a refusal. No applicant who refuses to be tested shall be extended an offer of employment.

**1-25.12 Prohibited Activity, ACSAP**

**(1) ALCOHOL**

(a) Alcohol Concentration - No Commercial Driver (CD) shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No supervisor having actual knowledge that a CD has an alcohol concentration of 0.04 or greater shall permit the CD to perform or continue to perform safety-sensitive functions.

(b) Alcohol Possession - No CD shall be on duty or operate a commercial motor vehicle while the CD possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. No supervisor having actual knowledge that a CD possesses unmanifested alcohol may permit the CD to drive or continue to drive a commercial motor vehicle.

(c) On-duty Use - No CD shall use alcohol while performing safety-sensitive functions. No supervisor having actual knowledge that a CD is using alcohol while performing safety-sensitive functions shall permit the CD to perform or continue to perform safety-sensitive functions.

(d) Preduty Use - No CD shall perform safety-sensitive functions within four hours after using alcohol. No supervisor having actual knowledge that a CD has used alcohol within four hours shall permit a CD to perform or continue to perform safety-sensitive functions.

(e) Use Following an Accident - No CD required to take a post-accident alcohol test shall use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

(f) Refusal to Submit to a Required Alcohol Test - No CD shall refuse to submit to required alcohol testing under this program. A CD who refuses to be tested will be considered insubordinate and subject to disciplinary action, up to and including dismissal. See Part 1, 1-30.3 of the Manual of Administrative Operations and Procedures (MAOP). Any attempt to alter or substitute an alcohol test will be deemed a refusal to take the alcohol test when required.

**(2) DRUGS**

(a) Controlled Substance Use - No CD shall perform safety-sensitive functions when the CD uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the CD that the substance does not adversely affect the ability to safely operate a CMV. The CD must notify his/her Management Official (MO), division head or SAC of any condition or drug use which may impair his/her fitness for full duty.

(b) Over-the-Counter Medications - No CD shall perform safety-sensitive functions while taking over-the-counter medications that may impair judgment or motor skills. The CD must notify his/her MO, SAC, or division head of any condition or medication which may impair his/her fitness for full duty.

SENSITIVE

(c) Positive Drug Test - No CD who has tested positive for controlled substances shall be permitted to perform or continue to perform safety-sensitive functions pending completion of administrative action.

(d) Refusal to Submit to a Required Drug Test - No CD shall refuse to submit to a drug test under this program. A CD who refuses testing shall be considered insubordinate and subject to the full range of disciplinary action, up to and including dismissal. See Part 1, Section 13 of the MAOP. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

(e) On-duty Use - No MO, SAC or division head having actual knowledge that a CD has used a controlled substance or an over-the-counter medication, as defined by above, shall permit the CD to perform or continue to perform a safety-sensitive function.

## **1-26 POLICY AND GUIDELINES REGARDING EMPLOYEE PUBLIC SPEECH RIGHTS AND OBLIGATIONS**

### **1-26.1 General Statement**

(1) This policy is intended to inform FBI employees of their rights and obligations prior to engaging in public speech that is or may be perceived as related to the duties, responsibilities or administration of the FBI. FBI employees enjoy rights protected by the First Amendment, including freedom of expression. However, the FBI has interests as an employer in regulating the speech of its employees that may affect its mission.

(2) This policy seeks to balance the interests of FBI employees in commenting publicly upon matters of public concern, on the one hand, and the interests of the FBI, as their employer, in promoting efficiency and effectiveness in the discharge of its responsibilities, on the other.

(3) The policy and guidance provided herein is based on an analysis of cases decided in the state and Federal courts under the First Amendment. It is founded on generally accepted principles of First Amendment law which address the rights and obligations of public employees who desire to engage in public comment.

(4) Public comment or speech as referred to in this section includes, but is not limited to, interviews given members of the media or others knowing that it is intended to be used in magazines or other publications, letters to editors, and contacts with Congress, its committees and investigative arms.

(5) Any questions concerning the implementation or application of this policy should be directed to the National Press Office, Office of Public and Congressional Affairs, FBIHQ.

### **1-26.2 Types of Employee Public Speech**

#### **(1) Public Speech Regarding Matters Unrelated to FBI Employment**

(a) FBI employees ordinarily may speak publicly about matters unrelated to their employment if they are expressing their personal views. However, when speaking publicly about such matters, employees should make clear that they are stating their personal opinion, not the opinion of the FBI and not their official opinion as an employee of the FBI. Particular care in this regard should be taken if the employee is somehow identified as an FBI employee. For example, an employee may

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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wish to publicly comment on topical social issues, school board issues or other similar matters. Such speech is deemed unrelated to FBI employment and protected under the First Amendment so long as the employee solely and clearly expresses his/her opinions as an individual.

(b) Employees' speech regarding matters unrelated to their employment is subject to the general guidance contained in Title 28, Code of Federal Regulations, entitled "Standards of Conduct" and in Departmental Order 960-81 (10/26/81), which provides that employees shall conduct themselves in a manner that creates and maintains respect for the DOJ and the United States Government.

(2) Public Speech Regarding Issues Closely Related to FBI Mission

(a) Certain matters of significant public concern may be so closely related to the responsibilities and mission of the FBI as to create a substantial likelihood that personal comments on such matters by FBI employees would be perceived as reflecting their official views as FBI employees or the views of the agency. Employee comments regarding such matters as whether use of certain controlled substances should be legalized, whether the Government should punish certain crimes by use of capital punishment or whether a certain criminal statute is constitutional and enforceable are examples of when such misperceptions might occur. When speaking about matters closely related to the responsibilities and mission of the FBI, employees have an obligation to make absolutely clear that they are expressing their personal opinions. Further, certain employees may be precluded from stating publicly their personal opinions on a particular matter. For example, it may be inappropriate for a senior FBI official to express publicly his/her personal view regarding matters within the investigative jurisdiction of the FBI. This is because, as a practical matter, others may perceive the personal views of a senior management employee possessing substantial policy-making authority as indistinguishable from his/her official position as a senior FBI manager. The public expression of personal views in such situations could undermine the ability of the FBI to enunciate official policy or to remain neutral on some issues.

(b) Employees should be alert to situations in which the public expression of their personal views on matters closely related to the responsibilities or mission of the FBI may be perceived as expressing the official views of FBI employees. When such circumstances are identified, the employee should seek guidance from his/her immediate supervisor or division head.

(3) Public Speech Regarding FBI Enforcement Operations or Investigations

(a) Employee public speech regarding specific FBI enforcement operations or investigations is subject to relatively strict regulation. The FBI's policy and guidelines for contact with the news media are contained in the Manual of Administrative Operations and Procedures (MAOP), Part II, Section 5. That section requires that all inquiries by representatives of the news media concerning information under the control of the FBI be referred to designated media representatives of the field office or the National Press Office, FBIHQ. Additionally, disclosure of certain types of information, such as classified information or information relating to pending criminal investigations, may be unlawful or regulated by statute, rule or regulation. Therefore, FBI employees must not publicly comment on investigations or enforcement operations unless authorized to do so.

(4) Public Speech Regarding FBI Administration, Personnel Practices or Disciplinary Matters

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(a) Employee public speech concerning the administration of the FBI in matters such as investigative programs, personnel practices and procedures, disciplinary matters, the conduct or integrity of its managers and other matters has the potential to undermine the discipline, efficiency, and effectiveness of the agency. Such speech may also affect morale, weaken or destroy necessary working relationships and erode public confidence in the agency. Though public comment on matters such as corruption or racial discrimination may have significant public value, such speech must nonetheless be balanced against the concerns and interests of the Bureau, such as those discussed above. If the public value of the speech outweighs the interests of the FBI, the speech is protected under the First Amendment and may not be the basis for discipline against an employee.

(b) The FBI may effectively address an employee's work-related concerns only if the employee brings the matter to the attention of appropriate supervisory personnel. Therefore, employees are required to express their work-related comments and criticisms to their immediate supervisor, division head, or an appropriate ombudsman at least seven days prior to commenting publicly about such a matter. This rule is not intended to require that an employee in each case obtain the approval of his/her supervisor prior to commenting publicly on a matter he/she believes is of public concern. The rule is, however, intended to accomplish several objectives. First, it will notify the employee's supervisor that the employee believes that a grievance or an issue warrants his/her speaking out publicly. Second, it will assist in channeling the employee's comments and criticisms to the appropriate supervisors, who can then investigate and seek to resolve the matter. Third, it enables supervisors to alert the employee that his/her intended public statement may be inappropriate or impermissible, based upon a balancing of the employee's First Amendment right to comment upon matters of public concern and the FBI's legitimate interests in effectively managing the agency.

(c) If after seven days, the employee still desires to publicly comment on the matter, the employee must notify his/her SAC or Assistant Director of the intent to do so. The SAC or Assistant Director must, in turn, notify the Office of Public and Congressional Affairs.

**(5) Speech Protected Under the FBI "Whistleblower" Statute**

(a) Federal law expressly prevents the FBI from engaging in adverse employment actions or reprisal against most employees who disclose to the Attorney General, the Department of Justice Office of Professional Responsibility, or the FBI Office of Professional Responsibility, information which is reasonably believed to evidence a violation of law, rule, or regulation; mismanagement; gross waste of funds; abuse of authority; or a substantial and specific danger to public health or safety. See, Title 5, United States Code, Section 2303; Title 28, Code of Federal Regulations, Section 0.39(c); MAOP, Part I, Section 1-23.1.

(b) Employees who possess such information and bring it to the attention of the Department of Justice or the FBI under the procedures set forth in paragraph (4), above, before making public comment on it will be considered to have complied with and be protected under this statute.

**1-26.3 Factors Determining Appropriateness of Employee Public Speech**

Applicable law regarding the necessary balancing of an employee's First Amendment right to speak publicly regarding a matter of public concern and an agency's legitimate law enforcement interests is complex. It is not possible to list all of the factors that would be considered in determining

SENSITIVE

whether to counsel an employee that his/her proposed public statements may be inappropriate and, therefore, possibly subject the employee to discipline, or whether to discipline an employee for making such comments. However, the following factors are among those that would be considered in determining whether disciplinary action would be appropriate:

- (1) The speech violated a specific provision of FBI policy or DOJ regulation (e.g., it concerned a particular FBI investigation and was made by an unauthorized employee).
- (2) The speech related only to a personal internal grievance of the employee or other matter that did not implicate a significant public concern. For example, an employee's concern about his/her performance appraisal report, or failure to receive a particular bonus or award is generally a personal matter which does not involve political, social or community concerns and would not, absent other significant factors, constitute protected speech.
- (3) The speech compromised or contained classified or sensitive information relating to an investigation or administrative matter.
- (4) The public comment was delivered in an intemperate, offensive, caustic or unprofessional manner. For example, if the speech identifies a specific fellow employee or supervisor by name or position and characterizes that person in an intemperate manner as a racist, thief or bigot, the manner of such speech may subject the employee to discipline.
- (5) The speech interfered with a pending civil, criminal, personnel or administrative proceeding.
- (6) The level and responsibility of the employee and his/her concomitant obligation to support FBI management and its policies. Generally, as employees gain higher positions in the FBI's supervisory and management ranks, there is a corresponding higher duty of loyalty to publicly support FBI policies and executives. The failure to do so, particularly by one who holds a supervisory or management position, can increase the degree of harm to the efficiency and effectiveness to FBI operations and administration.
- (7) The employee criticized another employee or supervisor in a way that undermined discipline or a close working relationship.
- (8) The employee made the comments knowing they were false, or with reckless disregard for their truth or falsity.
- (9) The employee failed without sufficient cause to use the required seven-day notice of intended public comment.
- (10) The speech constituted a disclosure of information prohibited by law. For example, public disclosure of information governed by the Privacy Act, Title 5, United States Code, Section 552a, or Rule 6(e), Federal Rules of Criminal Procedure, could lead to disciplinary action as well as possibly subjecting the employee to potential criminal, civil, or contempt of court sanctions.

#### **1-26.4 Existing Procedures**

(1) Part I of the MAOP contains procedures for addressing certain matters of interest and/or concern to FBI employees. Section 14 establishes a grievance system for the orderly and effective resolution of employee grievances. Section 3 contains procedures relating to Special Agent Career

Development Matters, and Section 4 contains procedures relating to Equal Employment/Upward Mobility matters. Employees are encouraged to use these established mechanisms for the resolution of their concerns and grievances.

(2) Employees are also reminded of their obligation under FBI and Department of Justice policies and regulations to submit any written product for which they seek publication to the Office of Public and Congressional Affairs for review prior to publication. See, MAOP, Part I, Section 1-24; Title 28, Code of Federal Regulations, Section 17.144."

### **1-26.5 Guidelines on Religious Freedom in the Federal Workplace**

The following Guidelines, addressing religious exercise and religious expression, shall apply to all civilian executive branch agencies, officials, and employees in the federal workplace. These Guidelines principally address employees' religious exercise and religious expression when the employees are acting in their personal capacity within the federal workplace and the public does not have regular exposure to the workplace. The Guidelines do not comprehensively address whether and when the government and its employees may engage in religious speech directed at the public.

#### **(1) GUIDELINES FOR RELIGIOUS EXERCISE AND RELIGIOUS EXPRESSION IN THE FEDERAL WORKPLACE**

Executive departments and agencies shall permit personal religious expression by federal employees to the greatest extent possible, consistent with the Religious Freedom Restoration Act (Title 42, USC, Section 2000bb-1) and Title VII of the Civil Rights Act of 1964 (Title 42, USC, Section 2000e et seq.), as amended and interests in workplace efficiency as described in this set of Guidelines. Agencies shall not discriminate against employees on the basis of religion, require religious participation or nonparticipation as a condition of employment, or permit religious harassment. Agencies shall accommodate employees' exercise of their religion in the circumstances specified in these Guidelines. These requirements are but an application of the general principle that agencies shall treat all employees with the same respect and consideration, regardless of their religion (or lack thereof).

(a) Religious Expression. As a matter of law, agencies shall not restrict personal religious expression by

employees in the federal workplace except where the employees' interest in the expression is outweighed by the government's interest in the efficient provision of public services or where the expression intrudes upon the legitimate rights of other employees or creates the appearance, to a reasonable observer, of an official endorsement of religion.

As a general rule, agencies may not regulate employees' personal religious expression on the basis of its content or viewpoint. In other words, agencies generally may not suppress employees' private religious speech in the workplace while leaving unregulated other private employee speech that has a comparable effect on the efficiency of the workplace, including ideological speech on politics and other topics. To do so would be to engage in presumptively unlawful content or viewpoint discrimination. Agencies, however, may, in their discretion, reasonably regulate the time, place, and manner of all employee speech, provided such regulations do not discriminate on the basis of

SENSITIVE

ManI-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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content or viewpoint. The federal government generally has the authority to regulate an employee's private speech, including religious speech, where the employee's interest in that speech is outweighed by the government's interest in promoting the efficiency of the public services it performs. Agencies should exercise this authority evenhandedly and with restraint, and with regard for the fact that in some cultures it is not appropriate to disagree on controversial subjects, including religious ones. Agencies are not required, however, to permit employees to use work time to pursue religious or ideological

agendas. Federal employees are paid to perform official work, not to engage in personal, religious, or ideological campaigns during working hours.

(2) EXPRESSION IN PRIVATE WORK AREAS

Employees should be permitted to engage in private religious expression in personal work areas not regularly open to the public to the same extent that they may engage in nonreligious private expression, subject to reasonable content- and viewpoint- neutral standards and restrictions: such religious expression must be permitted so long as it does not interfere with the agency's performance of its official responsibilities.

(a) Expression Among Fellow Employees. Employees should be permitted to engage in religious expression with fellow employees, to the same extent that they may engage in comparable nonreligious private expression, subject to reasonable and content- neutral standards and restrictions. Such expression should not be restricted so long as it does not interfere with workplace efficiency. Though agencies are entitled to regulate such employee speech based on reasonable predictions of disruption, they should not restrict speech based on merely hypothetical concerns, having little basis in fact, that the speech will have a deleterious effect on workplace efficiency.

(3) EXPRESSION DIRECTED AT FELLOW EMPLOYEES

(a) Employees are permitted to engage in religious expression directed at fellow employees, and may even attempt to persuade fellow employees of the correctness of their religious views, to the same extent as those employees may engage in comparable speech not involving religion. Some religions encourage adherents to spread the faith at every opportunity, a duty that can encompass the adherent's workplace. As a general matter, proselytizing is as entitled to constitutional protection as any other form of speech -- as long as a reasonable observer would not interpret the expression as government endorsement of religion. Employees may urge a colleague to participate or not to participate in religious activities to the same extent that, consistent with concerns of workplace efficiency, they may urge their colleagues to engage in or refrain from other personal endeavors. But employees must refrain from such expression when a fellow employee asks that it stop or otherwise demonstrates that it is unwelcome.

(b) Though personal religious expression is protected in the same way, and to the same extent, as other constitutionally valued speech in the federal workplace, such expression should not be permitted if it is part of a larger pattern of verbal attacks on fellow employees (or a specific employee) not sharing the faith of the speaker. Such speech, by virtue of its excessive or harassing nature, may constitute religious harassment or create a hostile work environment and an agency should not tolerate it.

(4) EXPRESSION IN AREAS ACCESSIBLE TO THE PUBLIC

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(a) Where the public has access to the federal workplace, all federal employers must be sensitive to the Establishment Clause's requirement that expression not create the reasonable impression that the government is sponsoring, endorsing, or inhibiting religion generally, or favoring or disfavoring a particular religion. This is particularly important in agencies with adjudicatory functions.

(b) However, even in workplaces open to the public, not all private employee religious expression is forbidden. For example, federal employees may wear personal religious jewelry absent special circumstances (such as safety concerns) that might require a ban on all similar nonreligious jewelry. Employees may also display religious art and literature in their personal work areas to the same extent that they may display other art and literature, so long as the viewing public would reasonably understand the religious expression to be that of the employee acting in his/her personal capacity, and not that of the government itself. Similarly, in their private time employees may discuss religion with willing coworkers in public spaces to the same extent as they may discuss other subjects, so long as the public would reasonably understand the religious expression to be that of the employees acting in their personal capacities.

#### (5) RELIGIOUS DISCRIMINATION

Federal agencies may not discriminate against employees on the basis of their religion, religious beliefs, or views concerning religion.

(a) **Discrimination in Terms and Conditions.** No agency within the executive branch may promote, refuse to promote, hire, refuse to hire, or otherwise favor or disfavor, an employee or potential employee because of his or her religion, religious belief, or views concerning religion.

(b) **Coercion of Employees' Participation or Nonparticipation in Religious Activities.** A person holding supervisory authority over an employee may not, explicitly or implicitly, insist that the employee participate in religious activities as a condition of continued employment, promotion, salary increases, preferred job assignments, or any other incidents of employment. Nor may a supervisor insist that an employee refrain from participating in religious activities outside the workplace except pursuant to otherwise legal, neutral restrictions that apply to employees' off-duty conduct and expression in general (e.g., restrictions on political activities prohibited by the Hatch Act).

1. This prohibition leaves supervisors free to engage in some kinds of speech about religion. Where a supervisor's religious expression is not coercive and is understood as his or her personal view, that expression is protected in the federal workplace in the same way and to the same extent as other constitutionally valued speech. For example, if surrounding circumstances indicate that the expression is merely the personal view of the supervisor and that employees are free to reject or ignore the supervisor's point of view or invitation without any harm to their careers or professional lives, such expression is so protected.

2. Because supervisors have the power to hire, fire, or promote, employees may reasonably perceive their supervisor's religious expression as coercive, even if it was not intended as such. Therefore, supervisors should be careful to ensure that their statements and actions are such that employees do not perceive any coercion of religious or nonreligious behavior (or respond as if such coercion is occurring), and should, where necessary, take appropriate steps to dispel such misperceptions.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(c) Hostile Work Environment and Harassment. The law against workplace discrimination protects federal employees from being subjected to a hostile environment, or religious harassment, in the form of religiously discriminatory intimidation, or pervasive or severe religious ridicule or insult, whether by supervisors or fellow workers. Whether particular conduct gives rise to a hostile environment, or constitutes impermissible religious harassment, will usually depend upon its frequency or repetitiveness, as well as its severity. The use of derogatory language in an assaultive manner can constitute statutory religious harassment if it is severe or invoked repeatedly. A single incident, if sufficiently abusive, might also constitute statutory harassment. However, although employees should always be guided by general principles of civility and workplace efficiency, a hostile environment is not created by the bare expression of speech with which some employees might disagree. In a country where freedom of speech and religion are guaranteed, citizens should expect to be exposed to ideas with which they disagree.

(6) ACCOMMODATION OF RELIGIOUS EXERCISE

(a) Federal law requires an agency to accommodate employees' exercise of their religion unless such accommodation would impose an undue hardship on the conduct of the agency's operations. Though an agency need not make an accommodation that will result in more than a de minimis cost to the agency, that cost or hardship nevertheless must be real rather than speculative or hypothetical. The accommodation should be made unless it would cause an actual cost to the agency or to other employees or an actual disruption of work, or unless it is otherwise barred by law.

(b) In addition, religious accommodation cannot be disfavored as compared with other, nonreligious accommodations. Therefore, a religious accommodation cannot be denied if the agency regularly permits similar accommodations for nonreligious purposes.

(c) In those cases where an agency's work rule imposes a substantial burden on a particular employee's exercise of religion, the agency must go further. An agency should grant the employee an exemption from that rule, unless the agency has a compelling interest in denying the exemption, and there is no less restrictive means of furthering that interest.

(7) ESTABLISHMENT OF RELIGION

Supervisors and employees must not engage in activities or expression that a reasonable observer would interpret as either government endorsement or denigration of religion or a particular religion. Activities of employees need not be officially sanctioned in order to violate this principle; if, in all the circumstances, the activities would leave a reasonable observer with the impression that government was endorsing, sponsoring, or inhibiting religion generally or favoring or disfavoring a particular religion, they are not permissible. Diverse factors, such as the context of the expression or whether official channels of communication are used, are relevant to what a reasonable observer would conclude.

(8) GUIDING LEGAL PRINCIPLES

In applying the guidance set forth in this order, executive branch departments and agencies should be advised of the following legal principles.

(a) Religious Expression. It is well-established that the Free Speech Clause of the First Amendment protects government employees in the workplace. This right encompasses a right to speak about

SENSITIVE

religious subjects. The Free Speech Clause also prohibits the government from singling out religious expression for disfavored treatment: "Private religious speech, far from being a First Amendment orphan, is as fully protected under the Free Speech Clause as secular private expression," *Capitol Square Review Board v. Pinette*, 115 S.Ct. 2448 (1995). Accordingly, in the government workplace, employee religious expression cannot be regulated because of its religious character, and such religious speech typically cannot be singled out for harsher treatment than other comparable expression.

1. Many religions strongly encourage their adherents to spread the faith by persuasion and example at every opportunity, a duty that can extend to the adherent's workplace. As a general matter, proselytizing is entitled to the same constitutional protection as any form of speech. Therefore, in the governmental workplace, proselytizing should not be singled out because of its content for harsher treatment than nonreligious expression.

2. However, it is also well-established that the government in its role as employer has broader discretion to regulate its employees' speech in the workplace than it does to regulate speech among the public at large. Employees' expression on matters of public concern can be regulated if the employees' interest in the speech is outweighed by the interest of the government, as an employer, in promoting the efficiency of the public services it performs through its employees. Governmental employees also possess substantial discretion to impose content-neutral and viewpoint-neutral time, place, and manner rules regulating private employee expression in the workplace (though they may not structure or administer such rules to discriminate against particular viewpoints). Furthermore, employee speech can be regulated or discouraged if it impairs discipline by superiors, has a detrimental impact on close working relationships for which personal loyalty and confidence are necessary, impedes the performance of the speaker's duties or interferes with the regular operation of the enterprise, or demonstrates that the employee holds views that could lead his/her employer or the public reasonably to question whether he/she can perform his/her duties adequately.

3. Consistent with its fully protected character, employee religious speech should be treated within the federal workplace, like other expression on issues of public concern. In a particular case, an employer can discipline an employee for engaging in speech if the value of the speech is outweighed by the employer's interest in promoting the efficiency of the public services it performs through its employee. Typically, however, the religious speech cited as permissible in the various examples included in these guidelines will not unduly impede these interests and should not be regulated. And rules regulating employee speech, like other rules regulating speech, must be carefully drawn to avoid any unnecessary limiting or "chilling" of protected speech.

(b) Discrimination in Terms and Conditions. Title VII of the Civil Rights Act of 1964 makes it unlawful for employers, both private and public, to "fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's ... Religion." 42 U.S.C. Section 2000e-2(a)(1). The federal government also is bound by the equal protection component of the Due Process Clause of the Fifth Amendment, which bars intentional discrimination on the basis of religion. Moreover, the prohibition on religious discrimination in employment applies with particular force to the federal government, for Article VI, Clause 3 of the Constitution bars the government from enforcing any religious test as a requirement for qualification to any office. In



addition, if a government law, regulation or practice facially discriminates against employees' private exercise of religion or is intended to infringe upon or restrict private religious exercise, then that law, regulation, or practice implicates the Free Exercise Clause of the First Amendment. Last, under the Religious Freedom Restoration Act, 42 U.S.C. Section 2000bb-1, federal governmental action that substantially burdens a private party's exercise of religion can be enforced only if it is justified by a compelling interest and is narrowly tailored to advance that interest.

(c) Coercion of Employees' Participation or Nonparticipation in Religious Activities. The ban on religious discrimination is broader than simply guaranteeing nondiscriminatory treatment in formal employment decisions such as hiring and promotion. It applies to all terms and conditions of employment. It follows that the federal government may not require or coerce its employees to engage in religious activities or to refrain from engaging in religious activity. For example, a supervisor may not demand attendance at (or a refusal to attend) religious services as a condition of continued employment or promotion, or as a criterion affecting assignment of job duties. *Quid pro quo* discrimination of this sort is illegal. Indeed, wholly apart from the legal prohibitions against coercion, supervisors may not insist upon employees' conformity to religious behavior in their private lives any more than they can insist on conformity to any other private conduct unrelated to employees' ability to carry out their duties.

(d) Hostile Work Environment and Harassment. Employers violate Title VII's ban on discrimination by creating or tolerating a "hostile environment" in which an employee is subject to discriminatory intimidation, ridicule, or insult sufficiently severe or pervasive to alter the conditions of the victim's employment. This statutory standard can be triggered, at the very least, when an employee because of her or his religion or lack thereof, is exposed to intimidation, ridicule, and insult. The hostile conduct - which may take the form of speech - need not come from supervisors or from the employer. Fellow employees can create a hostile environment through their own words and actions.

1. The existence of some offensive workplace conduct does not necessarily constitute harassment under Title VII. Occasional and isolated utterances of an epithet that engenders offensive feelings in an employee typically would not affect conditions of employment, and therefore would not in and of itself constitute harassment. A hostile environment, for Title VII purposes, is not created by the bare expression of speech with which one disagrees. For religious harassment to be illegal under Title VII, it must be sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment. Whether conduct can be the predicate for a finding of religious harassment under Title VII depends on the totality of the circumstances, such as the nature of the verbal or physical conduct at issue and the context in which the alleged incidents occurred. As the Supreme Court has said in an analogous context:

Whether an environment is "hostile" or "abusive" can be determined only by looking at all the circumstances. These may include the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance. The effect on the employee's psychological well-being is, of course, relevant to determining whether the plaintiff actually found the environment abusive. *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 23 (1993).

SENSITIVE

ManI-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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2. The use of derogatory language directed at an employee can rise to the level of religious harassment if it is severe or invoked repeatedly. In particular, repeated religious slurs and negative religious stereotypes, or continued disparagement of an employee's religion or ritual practices, or lack thereof, can constitute harassment. It is not necessary that the harassment be explicitly religious in character or that the slurs reference religion. It is sufficient that the harassment is directed at an employee because of the employee's religion or lack thereof. That is to say, Title VII can be violated by employer tolerance of repeated slurs, insults and/or abuse not explicitly religious in nature if that conduct would not have occurred but for the targeted employee's religious belief or lack of religious belief. Finally, although proselytization directed at fellow employees is generally permissible (subject to the special considerations relating to supervisor expression discussed elsewhere in these Guidelines,) such activity must stop if the listener asks that it stop or otherwise demonstrates that it is unwelcome.

(e) Accommodation of Religious Exercise. Title VII requires employers "to reasonably accommodate..... an employee's or prospective employee's religious observance or practice" unless such accommodation would impose an "undue hardship on the conduct of the employer's business." 42 U.S.C. Section 2000e(j). For example, by statute, if an employee's religious beliefs require him/her to be absent from work, the federal government must grant that employee compensation time for overtime work to be applied against the time lost, unless to do so would harm the ability of the agency to carry out its mission efficiently. 5 U.S.C. Section 5550a.

1. Though an employer need not incur more than de minimis costs in providing an accommodation, the employer hardship nevertheless must be real rather than speculative or hypothetical. Religious accommodation cannot be disfavored relative to other, nonreligious, accommodations. If an employer regularly permits accommodation for nonreligious purposes, it cannot deny comparable religious accommodation: "Such an arrangement would display a discrimination against religious practices that is the antithesis of reasonableness." *Ansonia Bd. of Educ. v. Philbrook*, 479 U.S. 60, 71 (1986).

2. In the federal government workplace, if neutral workplace rules - that is, rules that do not single out religious or religiously motivated conduct for disparate treatment - impose a substantial burden on a particular employee's exercise of religion, the Religious Freedom Restoration Act requires the employer to grant the employee an exemption from that neutral rule, unless the employer has a compelling interest in denying an exemption and there is no less restrictive means of furthering that interest. 42 U.S.C. Section 2000bb-1.

(f) Establishment of Religion. The Establishment Clause of the First Amendment prohibits the government including its employees from acting in a manner that would lead a reasonable observer to conclude that the government is sponsoring, endorsing or inhibiting religion generally or favoring or disfavoring a particular religion. For example, where the public has access to the federal workplace, employee religious expression should be prohibited where the public reasonably would perceive that the employee is acting in an official, rather than a private, capacity, or under circumstances that would lead a reasonable observer to conclude that the government is endorsing or disparaging religion. The Establishment Clause also forbids federal employees from using government funds or resources (other than those facilities generally available to government employees) for private religious uses.

SENSITIVE

## (9) GENERAL

These Guidelines shall govern the internal management of the civilian executive branch. They are not intended to create any new right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. Questions regarding interpretations of these Guidelines should be brought to the Office of the General Counsel.

### **1-27 SERVICE AS AN EXPERT WITNESS**

(1) Restriction. An employee shall not serve, other than on behalf of the United States, as an expert witness, with or without compensation, in any proceeding before a court or agency of the United States in which the United States is a party or has a direct and substantial interest, unless the employee's participation is authorized by the agency under paragraph (3) of this section.

(2) Authorization to serve as an expert witness. Provided that the employee's testimony will not result in compensation for an appearance in violation of 5 CFR 2636.201 or violate any of the principles or standards set forth in the Office of Government Ethics standards of conduct, authorization to provide expert witness service otherwise prohibited by paragraph (1) of this section may be given by the Designated Agency Ethics Official of the agency in which the employee serves when:

(a) After consultation with the agency representing the Government in the proceeding or, if the Government is not a party, with the Department of Justice and the agency with the most direct and substantial interest in the matter, the Designated Agency Ethics Official determines that the employee's service as an expert witness is in the interest of the Government; or

(b) The Designated Agency Ethics Official determines that if the subject matter of the testimony does or does not relate to the employee's official duties as defined in MAOP, Part I, Section 1-16.1.

(3) Nothing in this section prohibits an employee from serving as a fact witness when subpoenaed by an appropriate authority. (See (1).)

### **1-28 STANDARDS OF ETHICAL CONDUCT FOR EXECUTIVE BRANCH EMPLOYEES ON DETAIL OUTSIDE THE FBI (See MAOP, Part I, 1-1 (6).)**

(1) DETAILS TO OTHER AGENCIES: Except as provided in paragraph (4) of this section, an employee on detail to another agency for a period in excess of 30 calendar days shall remain subject to the Office of Government Ethics (OGE) standards of conduct codified at 5, CFR, Part 2635, and shall be subject to any supplemental agency regulations to the OGE standards of conduct of the agency to which he/she is detailed rather than to any supplemental agency regulations of his/her employing agency.

(2) DETAILS TO THE LEGISLATIVE OR JUDICIAL BRANCH: An employee on detail to the legislative or judicial branch for a period in excess of 30 calendar days shall be subject to the ethical standards of the branch or entity to which detailed. For the duration of any such detail or assignment, the employee shall not be subject to the OGE standards of conduct, except this section, or, except as provided in paragraph (4) of this section, to any supplemental agency regulations of

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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his/her employing agency, but shall remain subject to the conflict of interest prohibitions in Title 18 of the United States Code.

(3) DETAILS TO NON-FEDERAL ENTITIES: Except to the extent exempted in writing pursuant to this paragraph, an employee detailed to a non-Federal entity remains subject to the OGE standards of conduct, the FBI standards of conduct and any supplemental agency regulation of the FBI. When an employee is detailed pursuant to statutory authority to an international organization or to a State or local government for a period in excess of six months, the Designated Agency Ethics Official may grant a written exemption from the restrictions of 5, CFR, subsections 2635.201 - 2635.205, based on his/her determination that the entity has adopted written ethical standards covering solicitation and acceptance of gifts which will apply to the employee during the detail and which will be appropriate given the purpose of the detail.

(4) APPLICABILITY OF SPECIAL AGENCY STATUTES: Notwithstanding paragraphs (1) and (2) of this section, an employee who is subject to an agency statute which restricts his/her activities or financial holdings specifically because of his/her status as an employee of that agency shall continue to be subject to any provisions in the supplemental agency regulations of his/her employing agency that implement that statute.

(5) The Department of Justice has submitted and obtained preliminary approval of the following supplemental regulation to the OGE standards of conduct:

Any employee of the Federal Bureau of Investigation or the Drug Enforcement Administration who is subject to any supplemental regulations or standards of ethical conduct by reason of detail or assignment from his/her component to any other entity shall also remain subject to the supplemental regulations and/or standards of ethical conduct of the Department of Justice (including, without limitation, his/her component's internal standards and guidelines, if any); provided, however, that in case of conflict between applicable supplemental regulations and/or standards of ethical conduct, the more restrictive shall govern and control.

**1-29 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

## **1-30 ALCOHOL POLICY (SEE MAOP, PART I, 1-2.)**

### **1-30.1 Background and Purpose (See MAOP, Part I, 1-2 and 15-3.3.)**

In, September, 1994, the Director personally reviewed incidents involving employees having been criminally charged with Driving Under the Influence (DUI) of alcohol to determine the FBI's response to the problem posed by alcohol abuse within the FBI. He was convinced that it was necessary to firmly promulgate the FBI's policy regarding alcohol-related misconduct and, in particular, to establish harsh consequences for anyone who operates a motor vehicle while under the influence of alcohol. He addressed the problem both from a preventive and disciplinary standpoint. The policy set forth below, in 1-30.2 through 1-30.4, should in no way be construed to indicate any lack of sensitivity to problems faced by FBI employees or any lessening in his strong endorsement of our Employee Assistance Program (EAP).

SENSITIVE

### **1-30.2 Statement of Policy (See MAOP, Part I, 1-2, 1-30.1 and 15-3.3.)**

(1) It has long been the policy of the FBI to forbid employees to consume alcohol while "on duty." This prohibition is closely tied to the role of FBI Special Agents as law enforcement officers and the perception of the American public that our organization should serve as a role model for law enforcement. With limited exceptions necessary for Special Agents in certain undercover or surveillance assignments, the requirement for all employees to abstain from alcohol during duty hours is reaffirmed.

(2) Special Agents are expected to be available for duty on a 24-hour basis. Consequently, they must take affirmative steps to remain fit for duty at all times.

(3) Every employee is strongly recommended to take steps to avoid operating a motor vehicle after consumption of any alcoholic beverages. Steps such as making prior arrangements for a designated driver at social events are not only a prudent but reasonable course of action which should be taken by all employees despite the minor inconvenience which may be involved.

(4) All employees must redouble their efforts -- as coworkers, as "brick agents" and as supervisors and managers -- to intervene directly to assist those who need EAP help. We must ensure that employees plagued by substance abuse do not endanger themselves, their families, fellow employees, or the public we have all sworn to protect. We must not tolerate or seek to hide problems such as alcoholism which so gravely threaten members of our Bureau or the public's safety.

### **1-30.3 Alcohol-Related Misconduct (See MAOP, Part I, 1-2, 1-3.1, 1-30.1, 8-1.12.2, 12-1.5, 13-13 and 15-3.3.)**

In the interest of public safety and the Bureau's integrity, the FBI is obligated to take severe administrative action for alcohol-related misconduct. Employees must be held accountable for their on- and off-duty alcohol-related misconduct, WHETHER OR NOT they are specifically charged with an alcohol-related offense by a local law enforcement agency.

(1) Upon an employee's FIRST offense of driving under the influence or while intoxicated, whether established by a conviction in court or as the result of an administrative inquiry, he/she will be suspended from duty, without pay, for a period of not less than 30 days. If aggravating circumstances are present, he/she may be terminated from employment. A SECOND offense will result in termination, absent compelling mitigating circumstances.

(2) Immediately following an employee's arrest for driving while under the influence (DUI) or while intoxicated (DWI), an employee will be prohibited by his/her division/office head from operating a government motor vehicle for an indefinite period of time. This indefinite suspension of an employee's privilege to operate a government motor vehicle will continue until an administrative determination has been reached regarding the employee's guilt or innocence of the alleged misconduct. In such matters, renewal of an employee's privilege to operate a government motor vehicle will be resolved by an administrative determination of the Bureau made in association with adjudication of employee's alleged misconduct. While the result of a judicial review of the employee's actions, his/her plea bargaining, or entry into a diversion or substance abuse program as a result of his/her arrest will be considered in reaching this administrative determination, such

SENSITIVE

ManI-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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factor(s) will NOT, in and of themselves, determine the appropriateness of the Bureau's renewal of an employee's privilege to operate a government motor vehicle. That decision will be made on the merits of each case and the government's responsibility to ensure the public's safety through proper licensing of the operator of official motor vehicles.

(3) An employee's arrest for driving while under the influence or while intoxicated MUST be reported to the Office of Professional Responsibility (OPR) as an issue of serious misconduct. An administrative inquiry will be conducted by the division/office head under the direction of OPR regarding the employee's alleged misconduct. Sufficient information/evidence must be obtained in this inquiry to facilitate an administrative determination of the employee's guilt or innocence of the noted charge. Such information should include, but not be limited to, the result of the adjudication of the employee's arrest by the judicial system in which charges were filed against the employee.

(4) In those instances in which an employee is found guilty in an administrative inquiry of alcohol-related misconduct while operating a motor vehicle, his/her privilege to operate a government motor vehicle will continue to be suspended following such determination of guilt. This suspension will occur REGARDLESS whether the nature of the employee's motor vehicle offense has been reduced as a result of judicial review, plea bargaining, or the employee's entry into a diversion or substance abuse program. A presumption will exist that there is a necessity to suspend the employee's privilege to operate a government motor vehicle for a period of not less than ONE YEAR following his/her offense. During the period of a Special Agent's suspension of his/her privilege to operate a government motor vehicle, and following a determination of his/her alcohol-related misconduct by the Bureau, he/she will NOT be considered eligible to earn premium compensation, such as Sunday pay, holiday pay, night differential, and Availability Pay. Prior to discontinuing eligibility for Availability Pay, the employee will be afforded appropriate adverse action proceedings. (See MAOP, Part I, 1-3.1 and 8-1.12.2.)

(5) As the suspension of a Special Agent's entitlement to earn Availability Pay compensation is an adverse personnel action, it is dependent upon completion of adverse action procedures set forth in, MAOP, Part I, 13-14. These procedures are designed to afford employees due process as well as procedural entitlements which arise from an employee's personnel status. For example, a preference-eligible veteran has specific procedural entitlements which are set forth in MAOP, Part I, 13-10.

(6) When suspension of an employee's privilege to operate a government motor vehicle is continued as a result of an adverse personnel action, it will be the responsibility of a division/office head to determine the extent to which the employee's privilege to operate a government motor vehicle will be suspended. In reaching that determination in alcohol misconduct cases involving the use of a motor vehicle, a presumption will exist that there is a necessity to suspend the employee's privilege to operate a government motor vehicle for a PERIOD OF NOT LESS THAN ONE YEAR following the occurrence of the offense. Any reduction of that period must be fully justified by the division/office head on the merits of the case involved. Such a determination must be documented in the employee's official personnel file. Any continuation of the period of suspension of a Special Agent's privilege to operate a government motor vehicle beyond one year from date of the offense, which has predicated suspension of his/her entitlement to Availability Pay, will require the initiation of a SEPARATE adverse personnel action. Such an action may be requisite in situations

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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in which a Special Agent fails to comply with a program of rehabilitation determined necessary by his/her fitness for duty examination, or other appropriate cause.

(7) When an FBI employee is involved in alcohol-related misconduct, REGARDLESS WHETHER THAT MISCONDUCT IS ASSOCIATED WITH OPERATION OF A MOTOR VEHICLE, his/her division head, in addition to notifying OPR, will conduct an inquiry specifically focused on whether the employee suffers from alcohol-related problems. The result of that inquiry will be documented in the employee's official personnel file.

(a) If the inquiry determines that the employee is experiencing an alcohol-related problem, the division/office head will instruct the employee to seek counseling and/or assistance through the EAP or some outside source.

(b) Employees subject to a medical standard for fitness for duty - such as Special Agents - who are suspected to have an alcohol abuse problem, will be referred for a fitness for duty exam. This examination will confirm whether the problem exists, and, if appropriate, will enable management to refer the employee through EAP for professional treatment and assistance. In addition, it will facilitate the Bureau's issuance of a notice to employees with alcohol abuse problems to avoid misconduct/performance deficiencies arising from alcohol abuse which are contrary to the efficiency of the Bureau's operations. Such a "firm choice" notice may be required for the Bureau to finalize adverse personnel action against the employee if he/she fails to correct his/her misconduct/performance which arises from alcohol abuse.

(c) In all such matters, it will be the responsibility of the division/office head to determine whether there is a necessity to suspend the employee's privilege to operate a motor vehicle. Such a determination will consider the merits of each case and the government's responsibility to ensure the public's safety through proper licensing of the operator of official motor vehicles.

**1-30.4 Manager and Supervisor Responsibilities (See MAOP, Part I, 1-2, 1-30.1, and 15-3.3.)**

Since sensitivity to employee problems and support of the EAP are integral to good leadership, FBI managers are expected to facilitate employee assistance and outreach efforts. To underscore the importance of these efforts, all management and supervisory personnel will be held directly accountable for any inaction on their part under circumstances which reasonably require their intervention. Such intervention would include:

(1) Encouraging any employee who experiences problems with substance abuse to seek professional assistance on an immediate basis.

(2) Assertively reaching out to co-workers in need of EAP services and take steps to ensure those in need are promptly afforded whatever counseling, treatment or assistance may be necessary. Managers, in particular, are to facilitate employee assistance and outreach efforts.

SENSITIVE



## SECTION 2. EMPLOYEE INDOCTRINATION PROCEDURES

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D2D3      Cav:      SecCls:

### 2-1 REQUIREMENTS FOR INDOCTRINATION

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPE/STP

Support and Special Agent personnel must be given detailed indoctrination on rules, regulations, procedures, and policies of the FBI as soon as they enter on duty. | Additionally, it essential that they have a thorough understanding of the culture of the FBI. This | can only be accomplished through a complete orientation process, which | should begin as soon as a Bureau employee reports for duty. This | process is to be more than an administrative one, and should include | briefings on history, traditions, and folklore of the FBI. | Additional indoctrination must continue during the course of their Bureau careers. All employees (field and Headquarters) must enter on duty on the Monday following a pay period Sunday. The effective date of appointment will be recorded by the Bureau on SF-50, Notification of Personnel Action, as Sunday, the beginning of the pay period.

\*\*EffDte: 07/30/1999 MCRT#: 894      Div: D3D2      Cav:      SecCls:

### 2-2 NONINVESTIGATIVE PERSONNEL AT FBIHQ

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

#### | 2-2.1 |FBIHQ|Orientation|Session|

A new support employee must initially receive an oath of | office|and "FBI Employee Handbook," be photographed for identification | and building access media, be fingerprinted, and complete the required | entry-on-duty forms. The new employee is required to attend a | training course, where various topics mentioned in the "FBI Employee | Handbook" are discussed, including the government-wide and FBI | benefits programs. The new employee must promptly read and digest the | contents of this handbook. | A tour of FBIHQ is part of his/her initial indoctrination.

\*\*EffDte: 06/21/2001 MCRT#: 1136      Div: D3      Cav:      SecCls:

## **| 2-2.2    |Responsibilities of Employing Division/Office|**

|            (1) |Following the orientation session, the new employee  
| reports to his/her employing office. The employee's immediate  
| supervisor meets the new employee and explains the duties of the  
| employee's new position, as well as office policies on matters such as  
| working hours, lunch periods, maintenance of property, supplies, and  
| use of equipment. The supervisor is responsible for issuing the  
| employee's position description and performance plan under the  
| Bureau's Performance Appraisal System.|

|            (2) |As soon as practical after the new employee reports  
| for duty, the employee should be introduced to his/her Assistant  
| Director. The Assistant Director describes the nature of the  
| division's duties and responsibilities, and reiterates rules  
| concerning safeguarding confidential Bureau data and maintaining high  
| standards of conduct. The Assistant Director advises that his/her  
| door (and the door of every official in the division) is open to any  
| employee who has a problem of any type to discuss. The Assistant  
| Director must make a record of such interviews. The new employee's  
| section chief and unit chief must also greet the employee and brief  
| him/her on the division's administrative organization, the  
| confidential aspect of Bureau records, any special section or unit  
| regulations, and desired personal conduct. A tour of the division  
| should also be arranged.|

\*\*EffDte: 06/21/2001 MCRT#: 1136 Div: D3            Cav:            SecCls:

## **| 2-2.3    |Deleted|**

\*\*EffDte: 07/24/1996 MCRT#: 572    Div: D3            Cav:            SecCls:

## **2-3        NONINVESTIGATIVE FIELD OFFICE EMPLOYEES**

\*\*EffDte: 06/28/1991 MCRT#: 0        Div: D3            Cav:            SecCls:

### **2-3.1    Field Orientation**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (1) Orientation similar to that afforded new support employees at FBIHQ must also be given. A formal five-day course is not practical since new employees usually enter on duty singly in the field. Therefore, field orientation for new support employees is to be done within the first six months of employment. This process will be outlined herein. As part of this orientation the "FBI Employee Handbook" must be given to each support employee for ready reference and is to be studied and digested. Additionally, an Orientation Checklist (FD-877) must be completed to document that new support hires receive their orientation training. The checklist highlights those items, which are to be incorporated in the orientation process as well as a number of the most significant areas to be included in this training. This checklist can be modified by adding additional orientation task items as defined by the head of the office. Upon completion, the checklist should be filed in a subfile of the Support Employee Orientation Program control file.

| (2) The field orientation program will consist of five blocks. New support employees should be given the opportunity to participate in the orientation program within the first six months of employment with the exception of block one. Block one should be presented on the first day the employee comes on board, even before the employee is taken to his/her office supervisor. While each office has the discretion to adjust the time commitments necessary for the orientation goal to be realized, it is recommended that a total of 25 hours, divided into five, five-hour blocks, be used as the initial format. It is recommended that blocks one through three be conducted on consecutive days; block four, approximately one month later; and the final five-hour block, the following month.

| (3) Each field office should standardize its orientation program to include the information contained in the model below. Receiving offices should take the liberty to adapt this model for differences in their operating structures or mission, taking into consideration the number of new employees coming on board.

| (4) Block One: Administer Oath of Office and fingerprint; incoming employees must complete their payroll forms (i.e., Skills Survey, disability (SF-256) and race/national origin (FD-758) forms, statements of previous federal service (FD-173 and FD-195), W-4 tax form, appointment affidavits (SF-61), etc.). (See also MAOP, Part 1, 2-6.) Completing these forms is both mandatory and time sensitive, and should be accomplished on the first day of orientation.

| (a) The new employee must make decisions regarding health insurance, life insurance, SAMBA, SATI, and the Benevolent Fund within the first 30 days (60 for health benefits) of employment. It is essential that each new employee have the benefit of the full 30 days to explore his or her options, seek consultation, and arrive at a decision in the above areas. Benefits such as retirement and workers' compensation coverage, earning of leave, and basic life insurance coverage take effect immediately upon reporting to duty. Employees should be made aware of these benefits without delay in the event that they need them after entry on duty. Other employee benefits and information should be explained, such as the Thrift Savings Plan,

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| resources such as Employee Assistance Program (EAP), AEGIS Employee  
| Advisory Committee, Equal Employment Opportunity (EEO), OMBUDSMAN, and  
| the Federal Bureau of Investigation Recreation Association (FBIRA).  
| Field office policies concerning use of telephone for personal  
| business, Voluntary Leave/Transfer Program (VLTP), and annual/sick  
| leave policies; and alternate and flexible work schedules should be  
| discussed.

| (b) In this "Welcome to the Office" phase of the  
| orientation process, the new employee may view videos produced by the  
| FBI Academy regarding the FBI's mission (such videos will be provided  
| by the Office of Information and Learning Resources, FBI Academy);  
| review field office organizational charts; learn the chain of command  
| in the office for SAs and support personnel; define Bureau jargon and  
| acronyms (such as "creds," "unsubs," "on the box," and "FNU LNU");  
| review the FBI's organizational culture and history; tour the physical  
| office space; and be provided a description of the various support  
| functions shown on the support organizational chart.

| (c) One hour of ethics training should be part of the  
| orientation. This training needs to be given within the first two  
| days of orientation. It is recommended that field office Agents or  
| support attorneys, approved by the Office of the General Counsel  
| Designated Agency Ethics Official, be on hand to answer questions the  
| new employees may have. Also to be discussed are the standards  
| outlined in the Director's "bright line" and other Office of  
| Professional Responsibility directives rather than relying on the  
| employee to read the "Ethics Handbook."

| (d) A discussion by the Security Office should include  
| physical security measures within the office space, the location of  
| restricted areas, and critical response plans for the field office in  
| the event of an emergency, office takeover, etc. The prohibition  
| against unauthorized disclosure of information should also be  
| addressed. Block one should be interpreted to include provisions of  
| any security and Bureau identification (credentials, badges, or other  
| materials) so the new employees may promptly enter the field office  
| without "red tape" or other delays.

| (e) The administrative processing of new employees, as  
| well as briefings to introduce them to the FBI and make them aware of  
| both their benefits, and their responsibilities as Bureau employees,  
| must be given the utmost priority. The urgency of our security  
| matters and the time sensitivity of the decisions new employees must  
| make (and the paperwork involved) suggest that this material must be  
| covered within the first day or two of a new employee's tenure.

| (5) Block Two: The continuation of the "Welcome Phase"  
| should include a review of the map of the division's territory,  
| including the location and description of work in the resident  
| agencies. A map of the United States with the 56 field offices and  
| other field entities highlighted should be shown, along with a mention  
| of the worldwide locations of all FBI Legats and our international  
| training initiative.

| (a) Present an overview of all office equipment used

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| by support employees; e.g., radios, facsimile machines, computers,  
| copiers, and telephone systems. Introductions should be made to the  
| Assistant Director in Charge (if applicable), the SAC, Associate SAC  
| (if applicable), and ASAC(s); squad supervisor introductions, to  
| include brief presentations by each squad supervisor or relief  
| supervisor concerning the squads' assignments; explanation of the  
| daily work and support positions on the squad. (This could be  
| combined with the squad briefings given to new Agents arriving from  
| Quantico.) In the larger offices where meeting all supervisors may  
| not be feasible, videotaped presentations could be distributed with a  
| communication listing the squad designation, location, supervisor,  
| criminal violations or other work addressed, and the names of the  
| squad secretary and rotor. FBI Task Forces with non-Bureau personnel  
| assigned should be noted, to include the agencies represented and  
| their particular missions.

| (6) Block Three: Finally, conclusion of squad  
| introductions; recognition for performance such as "on-the-spot"  
| awards, time-off awards and incentive awards should also be explained.  
| A discussion/presentation of a major case handled by the division  
| could also be scheduled; the case Agent could discuss the course of  
| the investigation, with particular attention to the support  
| employees/functions utilized and how they impacted on the success of  
| the case.

| (a) Public relations materials, such as "FBI Fact and  
| Figures," should be provided for review. A bibliography of books  
| written about the FBI may also be distributed, if employees are  
| interested. Such a bibliography will be provided by the Office of  
| Information and Learning Resources at the FBI Academy.

| (7) Block Four: View the SA applicant recruiting video for  
| background information, followed with a brief discussion by recent  
| Quantico graduates on their experiences in the training program; the  
| Administrative Officer presents the basics of job criteria and  
| position classification and provides an explanation of the Merit  
| Promotion and Placement Plan and the Performance Appraisal System.

| (a) The Training Technician should explain how to get  
| supervisory approval to obtain in-service training and identify where  
| the training schedules are published; consideration should be given to  
| the establishment of a mentoring program for new support employees  
| with volunteers from the senior support staff and arrange  
| introductions. Field offices may also consider a SA/support mentoring  
| program which would facilitate SA/support interaction, and would serve  
| to increase the support employees' understanding of how the office  
| works.

| (8) Block Five: Short presentations should be presented by  
| selected SA personnel on subject areas that Probationary SAs are  
| briefed on when they report for duty. New support employees will  
| benefit from this information as they develop a general understanding  
| of how the FBI works. Possible areas include:

| (a) A discussion by the Chief Division Counsel (CDC)  
| about the use of subpoenas (Federal Grand Jury, Administrative); the

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Privacy Act of 1974 concerning dissemination of information; the  
| various Attorney General's Guidelines; how pen registers, consensual  
| monitoring and Title III's are worked; what we do when we execute a  
| search warrant; why we need to work well with the United States  
| Attorney's Office; and how the Federal Grand Jury gets selected and  
| how it fulfills its role in the criminal justice system.

| (b) A discussion by the Telecommunications Manager  
| (TM) concerning technical equipment, familiarization, radio operations  
| and protocol; and the use of call signs for all investigative support  
| staff.

| (c) Moot Court should be required (outside of the  
| orientation program) for all new investigative support staff,  
| including pretrial testimony preparation, instruction on testifying  
| before the Grand Jury.

| (d) A general discussion by the Undercover Coordinator  
| concerning undercover operations and the history of undercover cases  
| in the division.

| (e) A discussion by the Principal Firearms Instructor  
| concerning the weapons used by the FBI and those weapons which support  
| staff may have occasion to see in the office or in Bureau vehicles.

| (f) A discussion of the roles of the Evidence Response  
| Team (ERT), Special Weapons and Tactics Team (SWAT), and Computer  
| Analysis and Response Team (CART) within the office and the support  
| positions available on them.

\*\*EffDte: 07/30/1999 MCRT#: 894 Div: D3D2 Cav: SecCls:

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\*\*EffDte: 07/24/1996 MCRT#: 572 Div: D3 Cav: SecCls:

## **2-4 INVESTIGATIVE EMPLOYEES**

See Part II, 8-1.1.2 of this manual.

\*\*EffDte: 06/28/1991 MCRT#: 0 Div: D3 Cav: SecCls:

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**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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## **2-5 OATH OF OFFICE**

When executing appointment affidavits incident to entry on duty of new employees, authority to administer the oath of office is limited to incumbents of the following positions: Assistant Director; Inspector-Deputy Assistant Director; Personnel Officer; SAC; ASAC; and | Administrative Officer or Support Services Supervisor. | This authority is automatically rescinded when the incumbent leaves the specified position. Only employees occupying a specified position may administer such oath unless otherwise authorized by FBIHQ.

\*\*EffDte: 04/02/1998 MCRT#: 766 Div: D3 Cav: SecCls:

## **| 2-6 FORMS EXECUTED BY NEW EMPLOYEES |(See 2-3.1.)|**

Submit the following executed forms to FBIHQ on same day new employee enters on duty via overnight express:

Allotment for Employee Benevolent Fund (FD-862)

Application for membership in SATI (executed within 31 days after entry-on-duty date)

Appointment Affidavits - SF-61

Beneficiary for Employee Benevolent Fund (FD-863)

Change in Marital Status - FD-292 (if applicable)

Change of Address - FD-310 (Do not forward to FBIHQ)  
(This form is printed through BPMS - Address/Locator)

Classified Information Nondisclosure Agreement - SF-312

Designation of Beneficiary (Life Insurance) - SF-2823 (if desired)

Designation of Beneficiary (Retirement) - SF-3102  
(Federal Employees Retirement System) (if applicable and if desired)

Designation of Beneficiary (Unpaid Compensation) - SF-1152  
(if desired)

Direct Deposit Sign-Up Form - SF-1199A (completed within 45 days after entry-on-duty-date)

Employee's Withholding Exemption Certificate - Form W-4

**SENSITIVE**



Employment Agreement - FD-291

Employment Eligibility Verification Form - Form I-9

FBI Skills Survey - X422 (Do not forward to FBIHQ)

Federal Savings Bond Payroll Allotment Authorization and  
Record - FD-308 (if desired)

Five-Year Reinvestigation Questionnaire - FD-814

Health Benefits Registration Form - SF-2809 (executed  
within 60 days after entry-on-duty date)

Information Concerning Last Federal Employment (Other Than  
Naval or Military) - FD-173

Information for Federal Civilian Employees and U.S. Postal  
Service Employees - SF-2809-A

Life Insurance Election - SF-2817

Notice of Change in Enrollment Status - SF-2810 (if  
required)

Personnel Record Card - FD-380

Race and National Origin Identification - FD-758

Request and Authorization for, or Cancellation of,  
Allotment of Compensation for City and State Income Tax  
Purposes - FD-361 (if applicable)

Request for Change in Your Social Security Records - Form  
OAAN-7003 (if applicable)

Selective Service - Reserve Status - FD-295 (if  
applicable)

Self-Identification of Reportable Handicap - SF-256

Statement of Federal Service - FD-195

| Statement of Military Reserve Obligations - FD-942 (if not  
| collected during applicant phase, or if information has  
| changed since last collected)|

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3FD Cav: SecCls:

## **2-7 INFORMATION PAMPHLETS FURNISHED TO NEW EMPLOYEES**

Beware| Be Safe (distributed by FBIHQ)

Brochure and application for membership in SATI (Special Agents' Trust for Insurance)

Enrollment Information Guide and Plan Comparison Chart (for Federal Employees' Health Benefits) - RI 70-1

FBI Career Opportunities

FEGLI (Federal Employees' Group Life Insurance) booklet - RI 76-21 (distributed by FBIHQ if applicable)

FERS (Federal Employees Retirement System) pamphlet - RI 90-1 (distributed by FBIHQ if available)

Form CA-13 (U.S. Department of Labor) Card

| FBI Employee Handbook|

Health and Immunization Record Form (no number)

Leave Record Chart and Calendar (distributed by FBIHQ)

SAMBA (Special Agents Mutual Benefit Association) Group Insurance Plan Brochure and Application for Membership in SAMBA

\*\*EffDte: 12/06/1999 MCRT#: 938 Div: D3 Cav: SecCls:

## **2-8 SPECIAL INDOCTRINATION SERVICES**

Some useful tools which provide additional indoctrination should include active streamlining committees, specialized tours, membership and participation in the FBI Recreation Association, divisional and field office dances, picnics, other outings, and field office tours for the staff's spouses.

\*\*EffDte: 08/25/1989 MCRT#: 0 Div: D3 Cav: SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

## SECTION 3. SPECIAL AGENT CAREER DEVELOPMENT MATTERS

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D3      Cav:      SecCls:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

### | 3-1 SPECIAL AGENT PROMOTIONS

(1) Special Agent (SA) promotions are based on merit. Certification that the individual is performing at the next higher grade level and has performed at least at a Meets Expectations level in each critical element on their most recent performance appraisal must accompany each recommendation for promotion. Consideration will be given to advancing an SA to the next higher grade level following two years as a GS-10, one year as a GS-11 and two years as a GS-12 (in investigative work). (One year means 52 weeks; two years means 104 weeks, etc.)

(a) An SA assigned to the San Juan Office will be considered for advancement from grades GS-12 to GS-13 after successful completion of one year at the lower grade (in investigative work).

(2) Acceleration will be considered for promotion to GS-11, GS-12, GS-13, and GS-14, when an SA is approved as a full field supervisor or Supervisory Senior Resident Agent in a resident agency of eight or more SAs, or is assigned to FBIHQ in accordance with the Executive Development and Selection Program (EDSP). Such accelerations are subject to time-in-grade restrictions which require the individual to serve one year in the lower grade with promotion effective the first pay period after the incumbent assumes the supervisory position.

(3) Waiting periods could lengthen by a corresponding amount of time if, during that period of time, the SA received an overall Does Not Meet Expectations Performance Appraisal Report (PAR) on his/her latest PAR.

(4) When Leave Without Pay (LWOP) is granted to an SA for more than ten days (80 hours) (nonwork-related reason) during any year of the waiting period for promotion to the next higher grade of progression, the eligibility date will be delayed by the amount of time that exceeds the ten days. For example, an SA becomes eligible for promotion to GS-11 at the completion of two years of Meets Expectations performance in GS-10. Should the SA use over ten days of LWOP in either year, the promotion eligibility date would be extended by the total LWOP in each year that exceeds ten days (80 hours) and the promotion to GS-11, if approved, would be effective the first pay period following this adjusted promotion eligibility date.

(5) Agents in full-time supervisory assignments in GS-12 may be considered for promotion to GS-13 upon approval effective the first pay period after assumption of the supervisory position. Any of

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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these grade promotions are subject to the time-in-grade restriction which requires the individual to serve one year in the lower grade before being eligible for promotion to the next higher grade. Agents in full-time supervisory assignments in GS-13 and Senior Resident Agents in GS-13 in resident agencies comprised of eight or more Agents, may be considered for GS-14 upon approval effective the first pay period after incumbent assumes the supervisory position and subject, of course, to the previously mentioned time-in-grade restriction. When an Agent is advanced to a supervisory position and has not satisfied the provisions of the EDSP, such as an assignment to fill a scientific need in the Laboratory Division and Investigative Technology Division, Agent will be promoted to the next higher grade upon becoming fully operational in the special assignment he or she fills.

(6) Any time an Agent is promoted or changes position, office of assignment, or work specialty/squad, that Agent is responsible to ensure his/her Skills information is updated in the Skills portion of the Bureau Personnel Management System (BEMS) by the appropriate designated individual. Special attention should be paid to Section C, Special Agent Assignment Area. Each office has at least one copy of the Skills Survey Instruction Booklet and Code Tables.

(7) At the discretion of management, a vacant position may be filled by the temporary or term promotion or the temporary assignment of a qualified and eligible Special Agent. In the case of a temporary assignment, the affected Agent must hold a permanent position at the same or higher grade level as that of the temporary position. Competitive selection is required when the Agent will be promoted and the assignment will extend for a period of 120 days or more. When a position is filled with a temporary or term promotion, unless otherwise specified in the announcement which advertised the vacant position, the Agent will be returned to his/her permanent grade at the conclusion of the term. When a vacant position is filled by the temporary assignment of a qualified Agent at the same or higher grade level, there will be no effect upon that Agent's permanent grade or pay status.

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### **3-1.1 Initiation of Consideration for Promotion of Special Agents**

(1) Promotion action with respect to nonsupervisory Special Agents or supervisory Special Agents who have met time-in-grade restrictions is generally initiated by the Personnel Division at FBIHQ requesting a recommendation submitted by electronic Standard Form 52-B from the appropriate SAC or division head. However, in any case in which the SAC or division head believes that an Agent is performing his/her duties in such a manner as to warrant advancement, a recommendation submitted by electronic Standard Form 52-B with appropriate justification may be submitted at any time by the SAC or division head and this recommendation will be afforded appropriate

**SENSITIVE**

consideration at FBIHQ.

(2) Deleted

(3) Rate of pay for supervisors returning to investigative assignments - Special Agent personnel in supervisory positions at FBIHQ, or in the field, who request to be returned to nonsupervisory investigative assignments, at the employee's request and not demoted for personal cause, will be eligible to receive their "highest previous rate." An FBIHQ Supervisory Special Agent in grade GS 15, who voluntarily requests reallocation to a grade GS 14 field supervisory position in order to qualify for further advancement as part of the career development program, will be granted the greater of indefinite pay retention or highest previous rate. (See MAOP, Part I, Section 8-9 for information concerning the highest previous rate.) For example:

(a) If upon a change to a lower grade, the SSA's GS 15 pay rate falls within the rate range for the GS 14 level (i.e., between Steps 1 and 10), the highest previous rate (HPR) rule applies and the salary will be set at the appropriate step within the GS 14 rate range; if the SSA's current salary falls between two steps of the GS 14 rate range, the salary will be set at the higher step.

(b) If upon a change to a lower grade the SSA's GS 15 pay rate exceeds GS 14, Step 10, pay retention applies. Under pay retention, the SSA will be entitled to one-half of any general increase in the General Schedule until the basic salary established for GS 14, Step 10, equals or exceeds the SSA's retained rate of pay, at which time pay retention terminates.

\*\*EffDte: 06/10/1994 MCRT#: 260 Div: D3 Cav: SecCls:

### **3-1.2 Guidelines in the Submission of Recommendations for the Promotions of Special Agents**

\*\*EffDte: 08/29/1990 MCRT#: 0 Div: D3 Cav: SecCls:

#### **3-1.2.1 Promotion to Grades GS-11, GS-12, and GS-13**

(1) Agents will be considered for promotion from grade GS-10 to grade GS-11, from grade GS-11 to GS-12, and from GS-12 to GS-13, contingent upon the work record of the individual.

(2) The most current performance appraisal on the Agent being considered for promotion must be at least at the Meets Expectations level in each critical element. (See MAOP, Part 1, 3-1.2.5.)

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) The Agent must be completely available for general or special assignment wherever his/her services may be required. (See MAOP, Part 1, 3-1.2.2(4).)

(4) Any probationary action taken against an Agent during the pertinent period will be taken into consideration. However, this action may be offset by otherwise exceptional or outstanding performance. (See MAOP, Part 1, 3-1.2.2(3).)

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

### **3-1.2.2 Promotions to Grade GS-13 (See MAOP, Part 1, 3-1.2.5.)**

(1) Agents will be considered for advancement from GS-12 to grade GS-13 contingent upon the work record of the individual. The Agent's most current performance appraisal must be at least at the |Meets Expectations| level in each critical element.

(2) An Agent being considered for grade GS-13 promotion on the basis of supervisory service (as distinguished from investigative service) must be interested in and ambitious to progress in the Bureau's service either in the field or at FBIHQ, must be potential material for advancement, and his/her services must have been entirely satisfactory in all aspects during his/her period of supervisory assignment.

(3) An Agent being considered for GS-13 promotion on the basis of investigative service (as distinguished from supervisory service) must meet the following qualifications:

His/Her services in all aspects must be entirely satisfactory. Any adverse administrative action against the individual during the pertinent period will be taken into consideration, but full consideration will also be given to favorable action recognizing above-average and meritorious performance or may be offset by otherwise exceptional or outstanding performance. (See Part 1, 13-13(8), of this manual, "Disciplinary Matters.") (See 3-1.2.1(4).)

(4) The Agent must be completely available for general or special assignment wherever his/her services may be required. (See Part 1, Section 13, (13-13(8)) of this manual, "Disciplinary Matters.") (See 3-1.2.1 (3).)

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### **| 3-1.2.3 |Deleted|**

\*\*EffDte: 06/14/1993 MCRT#: 35 Div: D3 Cav: SecCls:

**SENSITIVE**

#### **| 3-1.2.4 | Deleted |**

\*\*EffDte: 04/10/1996 MCRT#: 531 Div: D3 Cav: SecCls:

#### **3-1.2.5 Denial of Promotions of Special Agents to GS-11, GS-12, and GS-13 (See MAOP, Part 1, 3-1.2.1 & 3-1.2.2.)**

(1) No consideration will be given to the promotion of a Special Agent (SA) who has been rated below Meets Expectations in any critical element of the most recent PAR.

(2) The SAC may recommend an SA for promotion 90 days after the denial. An SA previously denied a promotion due to performance below the Meets Expectations level will not be considered for promotion unless a special PAR in which the SA is rated at the Meets Expectations level in each critical element is issued. A minimum of 90 days must elapse between the issuance of PARs.

(3) The SAC's personal recommendation to promote the SA must be set forth in a cover communication forwarding the PAR to the Personnel Officer (Attention: Performance, Recognition and Awards Unit (PRAU), Administrative Services Division). This recommendation must be based on the SA's performance since the denial, must specifically describe the achievements or accomplishments that warrant the SA's promotion, and must explain why the SA's performance has been determined to be commensurate with the next grade level.

(4) The Personnel Officer will make a decision regarding the SA's promotion based on an analysis of the information contained in the SAC's recommendation and the accompanying PAR. The office will be notified in writing of the Personnel Officer's decision regarding the SA's promotion and the reason(s) for this decision. The decision of the Personnel Officer, who has been delegated this authority by the Director, is final.

(5) In the event the Personnel Officer determines a promotion is warranted, the PRAU will coordinate all actions necessary to effect the promotion with the requesting office and the Staffing Unit.

(6) In the event that the Personnel Officer determines that a promotion is not warranted, the SAC may again recommend the SA for promotion once the SA is eligible to receive another PAR in compliance with the 90-day time requirement.

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#### **3-1.2.6 Term Promotions for Special Agents**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(1) A term promotion is a promotion of an employee to a higher grade level for a defined period of time to handle a specific assignment, project or duties and responsibilities which can be accomplished within that time frame. Term positions, once approved by the Resource Management and Allocation Board, should be posted Bureauwide by the EDSP. If equally or better qualified candidates apply from within the division, then those candidates will be given preference for the term position. If no such candidates exist, or if the division head/career board makes the judgment that a candidate from outside the division possesses qualifications that significantly exceed those of candidates from within, then selection of a candidate from outside the division, even if it requires a cost transfer, may be justified. Should the position be converted from a term to permanent position, the selectee could be converted to a permanent GS-14 or GS-15 since appropriate competitive posting procedures had been employed when the term position was originally filled.

(2) The experience obtained by employees who have been given a term promotion may be considered when selecting an employee for permanent promotions to that position. Management personnel have the discretion to end a term promotion at any time. When a determination is made by management to end the term, the employee must be returned to his/her permanent position or to a position at or above his/her permanent grade level for which he/she is qualified unless he/she successfully competes for another position. The candidate will receive supervisory credit for the amount of time spent in the term supervisory assignment.

(3) The duration of a term promotion may be set by a division/office head with the concurrence of the Personnel Officer for any period of time not less than 120 days or more than three years' duration. A term promotion may be extended by the Personnel Officer in one-year increments, for a maximum period, to include extension(s), not to exceed five years.

(4) At the conclusion of a term promotion, an employee will be placed in another position at his/her permanent grade and for which he/she is qualified. Consideration may be given to placement of that individual at the conclusion of a term promotion in a vacant position in the division/office in which he/she has been serving on a temporary basis. However, if a suitable position at the appropriate grade level is not vacant in that division/office/duty station, or if the needs of the Bureau dictate, the individual may be afforded a transfer to a different duty station for purposes of placement. The Personnel Officer may temporarily detail an employee at the conclusion of a term assignment to a position in the division in which he/she has been temporarily assigned, if there is a reasonable expectation of a staffing vacancy at the employee's permanent grade in the immediate future. Such detail assignment(s) should not exceed a period of six months and must be considered only an interim measure to permanent placement.

(5) When a GS-15 SSA position is staffed in a non-FBIHQ division/office as a term position, individuals who hold the

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| permanent grade of GS-15 may be considered and selected to staff that  
| vacancy. At the conclusion of the term assignment, action will be  
| necessary to place the GS-15 SSA in another GS-15 position for which  
| he/she is qualified. As the overwhelming majority of GS-15 SSA  
| positions are located at FBIHQ, it is likely that it will be  
| necessary to transfer the individual back to FBIHQ for placement.  
| Nothing would preclude assignment of the individual to a lower grade,  
| i.e., a GS-14 SSA position, or GS-13 SA position, for which he/she is  
| qualified and from which assignment he/she obtains no competitive  
| advantage within the EDSP, if the individual is willing to  
| voluntarily demote to the permanent grade. It will not be  
| permissible for an individual completing a GS-15 term assignment to  
| be placed in a vacant ASAC position inasmuch as ASAC selections are  
| made using the new Special Agent Mid-Level Management Selection  
| System (SAMSSS). Selection of ASACs under SAMSSS is made only from  
| the competitive list of eligible ASAC candidates. Therefore, an  
| individual completing a GS-15 term assignment may compete, if  
| eligible, for such a vacant ASAC position, but he/she will not be  
| placed into such a position without competition. |

\*\*EffDte: 09/22/1997 MCRT#: 708 Div: D3 Cav: SecCls:

### **3-1.2.7 Temporary Promotions for Special Agents**

(1) A temporary promotion is a nonpermanent promotion of a Special Agent on an immediate basis to a higher grade position for any specified period of time not more than one year in duration. |As with term positions, new temporary supervisory positions require Resource Management and Allocation Board approval. Candidates for temporary positions will be limited to qualified Special Agents assigned to the field offices or FBIHQ component in which the vacancy occurs. Such candidates will be identified through posting the position only in the office where the vacancy exists. | With the exception of the Bureauwide posting of the notification of vacancy, competitive selection procedures consistent with EDSP policy must be employed. When filling a temporary field Supervisory Special Agent position, the most qualified candidates will be those who are relief supervisors in the EDSP. However, if extenuating circumstances exist, the Special Agent Mid-Level Management Selection (SAMMS) Board may approve the consideration of a candidate who is not a relief supervisor.

(2) Upon identifying an SSA position which will be temporarily vacated, |a division/office head|has the discretion to temporarily fill the position or leave it vacant for the duration. If the division/office head intends to temporarily fill the position, he/she must advise the Administrator, EDSP, in writing, to request authority to post the temporary vacancy within the office, indicating the reason for the vacancy and the expected duration of the temporary assignment. It should be noted that the justification must show that the length of time of the temporary assignment will be at least 180 days, but not more than one year. | Upon securing approval, a

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| memorandum, patterned after the position postings in the EDSP, | a copy  
| of which must be provided to EDSP, | will be posted for a period of ten  
| calendar days. The vacancy announcement must include a statement that  
| a temporary promotion may be ended at any time. Interested Special  
| Agents should provide a memorandum of interest to the | division/office  
| head | before the deadline of the posting. Thereafter, a  
| division/office career board must review the candidate pool and make a  
| recommendation through the division/office head to the SAMMS Board.  
| The SAMMS Board will make the final decision regarding temporary  
| promotions unless the selected candidate is the subject of a pending  
| disciplinary action or has been disciplined within the past three  
| years. The SAMMS Board will forward to the Director the candidate's  
| name along with two other candidates from which the Director will make  
| the final decision. The selected individual will be advised, in  
| writing, that the promotion is temporary in nature. At the conclusion  
| of a temporary promotion, an employee must be returned to his/her  
| permanent grade level. | Individuals selected for temporary promotion  
| will not receive supervisory credit since there is no Bureauwide  
| posting. If a temporary assignment is converted to a permanent  
| position, the selectee must re compete for the position through a  
| Bureauwide posting. |

(3) Temporary promotions of Special Agent personnel may be made for any specified period of time not more than one year. (In most instances, a variety of constraints associated with review and approval of temporary promotions for SA personnel will preclude consideration of such action if the initial term does not equal or exceed 180 days.) The Personnel Officer may extend the period of a temporary promotion in 60-day increments. The maximum period of a temporary promotion, to include extension(s), will not exceed one year. At management discretion, a temporary promotion may be ended at any time prior to its anticipated conclusion.

\*\*EffDte: 09/22/1997 MCRT#: 708 Div: D3 Cav: SecCls:

### **| 3-1.2.8 Temporary Assignments**

| A temporary assignment is the filling of a vacant position  
| for a fixed period of time with a Special Agent whose grade is equal  
| to or greater than that associated with the position. The Agent  
| placed in a temporary assignment must be notified that he/she will not  
| remain in the position on a permanent basis and can expect  
| reassignment at the conclusion of a given period of time. Unless  
| otherwise specified by management at the outset of the assignment, at  
| the conclusion of the term the Special Agent will be returned to  
| his/her former position or will be reassigned to a position at his/her  
| permanent grade level for which he/she is qualified. Competitive  
| advantage, i.e., advancement or reassignment to a position offering  
| greater promotion potential, may not result from placement at the  
| conclusion of a temporary assignment. There is no limitation upon the  
| period for which a temporary assignment may be established. |

**SENSITIVE**

\*\*EffDte: 04/04/1996 MCRT#: 528 Div: D3 Cav: SecCls:

### **3-2 SPECIAL AGENT CAREER PATHS (See Legal Attache Manual, 4-1.)**

(1) Career development within the FBI targets both investigative and managerial components of the Special Agent career path. With regard to the investigative path, specialized training courses and on-the-job training assignments are utilized to develop skills and knowledge necessary for successful investigative performance. For those Special Agents who desire to pursue a horizontal path as a career investigator, the FBI provides training opportunities designed to update and enhance their professional investigative skills.

(2) This section on career development matters will deal exclusively with Special Agent promotional opportunities and administrative advancement procedures within the FBI. One of the most critical responsibilities of FBI managers, at all levels, is to provide for the continuation of sound management within the FBI. Each manager in the Bureau must be personally involved in identifying those Special Agents who have expressed an interest in administrative advancement and have demonstrated some level of potential. There will be occasions, however, when requirements of a particular expertise or the lack of fully qualified personnel necessitate exceptions to the regular management career path. The Special Agent Mid-Level Management Selection (SAMMS) Board will have primary responsibility for each exception. Such exceptions will be held to an absolute minimum and each exception will be fully justified and documented by the SAMMS Board.

\*\*EffDte: 04/23/2001 MCRT#: 1097 Div: D3 Cav: SecCls:

#### **3-2.1 Relief Supervisor (See MAOP, Part 1, 3-2.2; Part 2, 1-1.1(4).)**

(1) Management development and selection in the FBI begins with the appointment of relief supervisors. Special Agents who are interested in administrative advancement should be considered for the position of relief supervisor. Application for entrance into the EDSP as a relief supervisor should be by formal memorandum from the candidate to the SAC.

(2) SACs are responsible for the recruitment of talented Special Agent personnel as relief supervisors. If a suitable number of relief supervisors cannot be enlisted, the SAC is authorized to employ temporary relief supervisors. The use of the temporary relief supervisory status should not be used unless an SAC deems it absolutely necessary. Temporary relief supervisors are not part of the EDSP.

(3) Deleted

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(4) Each SAC is responsible for verification of the Agent's qualifications to assume relief supervisory status. If there is any question of an Agent's qualifications to become a relief supervisor, it should be resolved with FBIHQ prior to designating the Agent as a relief supervisor. The qualifications for recommending a Special Agent for relief supervisor status are:

(a) Candidates must have two years of investigative experience in the FBI and field career board approval.

(b) Candidates must not be on probation as the result of administrative action. If the candidate is currently on probation, he or she will not be eligible for consideration as a relief supervisor until such time as the probationary period has concluded.

(c) Candidate's most recent performance appraisal must be at the Meets Expectations level. (See MAOP, Part 1, 13-12.)

(5) Deleted

(6) Administrator, EDSP, need only be advised by electronic communication (EC) when the relief supervisor requests removal from relief supervisory status. This advisement must state the reasons for withdrawal from the EDSP and describe in detail any equal employment opportunity impact on the Agent's decision.

(7) The field office career board must select each relief supervisor in the division, with the exception of those relief supervisors transferred in from a different division. The SAC must make certain that every relief supervisory position is fully justified and that each relief supervisor is given sufficient administrative assignments to meet managerial development needs. Relief supervisors should be kept advised of current problems and pertinent matters on the supervisory desk.

(8) Newly appointed relief supervisors must receive ten days of initial training. This should include on-the-job training with the regularly appointed supervisor and a thorough indoctrination in the various aspects of the service and support functions of the field division. Facts concerning the training of relief supervisors shall be included in an EC prepared for the field office training file.

(9) It is the responsibility of the SAC to ensure that Agents approved for supervisory or relief supervisory assignments are fully aware of their responsibilities. It should be impressed upon them that when serving in such capacity they are acting for the SAC and the division. Any questions or doubts they may have regarding the proper course of action to take in connection with the performance of their duties should be resolved before action is taken.

(10) An Agent approved for the position of relief supervisor will maintain relief supervisory status when transferred from one office to another provided the Agent is still interested in

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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administrative advancement and continues to meet the criteria set forth above regarding the selection of supervisors. This is not true of a full-time supervisor transferred from one office to another. In these cases, specific SAMMS Board approval is necessary for the retention of the supervisory position.

(11) Before being considered for further advancement in the management career path, an Agent should generally serve as a relief supervisor for at least two years during which time the Agent should receive as much administrative experience as possible to assist in evaluation of potential candidates for administrative advancement.

(12) Relief supervisors serving on hardship transfer orders may participate in the EDSP to the extent that they can serve as relief supervisors and participate in the developmental aspects of the EDSP. However, the individuals will not be allowed to vie for openings in the EDSP until such time as their hardship transfers are rescinded and they are available for transfer. See 3-6.13 (4).

(13) Deleted

(14) Deleted

(15) Deleted

(16) Deleted

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### **| 3-2.2 Principal/Secondary Relief Supervisors (See MAOP, Part 1,|3-2.1.)**

(1) One principal relief supervisor and one secondary relief supervisor are to be designated for each supervisory desk by the field division career board. Criteria to be reviewed in selecting a principal and secondary relief supervisor include experience, length of time and performance as a relief supervisor as well as the knowledge, skills and abilities (KSAs) described in MAOP, Part 1, 3-2.10.2(1). A temporary relief supervisor is not eligible for selection as a principal or secondary relief supervisor. There is no limit to the number of relief supervisors that a field office or squad may have; however, only one principal and one secondary relief supervisor are designated per squad. While it is recognized that the optimum number of relief supervisors will vary among squads, this should not preclude qualified candidates from entering the EDSP.

(2) Principal and secondary relief positions will be rotated|every two years|among the qualified relief supervisors within the division and will not be restricted to relief supervisors assigned to the squad with the vacancy. It is emphasized that selection for a principal or secondary relief supervisor position will not constitute the basis for a cost or noncost transfer.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) Each principal and secondary relief supervisor vacancy must be advertised within the division by an all Agent memorandum from the SAC and posted for ten calendar days in an area accessible to all Agents. However, it is recognized that in large field divisions an advertisement delineated by branches, divisions, sections or other similar configuration may be appropriate. If such a process is utilized, documentation setting forth the basis for this methodology must be maintained by the field division and reported to FBIHQ. Agents who are interested in applying for the posted positions should submit a memorandum to the SAC setting forth their interest and background. Although candidates for these positions are encouraged to use their KSAs (described in MAOP, Part 1, 3-2.10.2(1)) to explain their investigative and management experience, local field office career boards may also consider overall FBI experience and performance as well as length of time and performance as a relief supervisor before reaching a final decision.

(4) The same individuals are not to serve consecutively in principal or secondary relief supervisor positions unless no other qualified Agents request to be considered for the position. The secondary relief supervisor may serve as principal relief supervisor |for|the following|two-year period|if that individual is the best qualified of all applicants. The principal relief supervisor may not |serve as secondary relief supervisor|for|the following|two-year |period|unless no other qualified Agents request to be considered for the position. In the event the former principal relief supervisor is the only candidate for the position, the local career board may recommend that SA's selection. The SAC may delay the rotation of the principal or secondary relief supervisor if warranted by operational or administrative necessity. In such a circumstance, to extend the time served, the SAC must submit written documentation to the EDSP. Time extensions will be approved by the Special Agent Mid-Level Management Selection (SAMMS) Board. It is the responsibility of the SAC to ensure that appropriate ticklers are in place so that the principal and secondary relief supervisors are rotated within their |divisions|every two years.|

(5) The secondary relief will perform the duties of the principal relief at the direction of the squad supervisor or in the absence of supervisor and/or principal relief supervisor.

(6) The principal/secondary relief supervisor rotation policy is not intended to require selection of relief supervisors who lack the investigative or program experience needed to function effectively on the new squad. Thus, if the only candidates for these positions are determined by the supervisor and field office career board to lack the necessary investigative or program experience, the board may recommend that the former principal relief supervisor be |permitted to remain in place for another|two-year period.|

(7) Principal relief supervisors may be granted cash awards (see MAOP, Part 1, 5-15.5). Secondary relief supervisors are not eligible for principal relief supervisor awards, but are eligible for other applicable performance recognition.

\*\*EffDte: 02/10/1999 MCRT#: 857 Div: D3 Cav: SecCls:

**SENSITIVE**



### 3-2.3 Supervisory Special Agent

The next step in progression under the management career path is an assignment to FBIHQ as a Supervisory Special Agent or directly to a field supervisory position.

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### | 3-2.4 FBIHQ Supervisory Special Agent (See Legal Attache Manual, Part 1,|4-1.4, 4-1.5.)

(1) As a Supervisory Special Agent at FBIHQ, the Agent will participate in the formulation of Bureau policy and programs thereby gaining insight into the impact of policy on field operations. This assignment would allow the Agent to acquire a conceptual viewpoint of FBI operations and provide opportunities for administrative development for those Agents in the management career path.

(a) Headquarters supervisors will be required to have (1) a minimum three years' FBI field investigative experience; (2) one year of relief supervisory experience; (3) a current Meets Expectations performance appraisal; and (4) must be a current EDSP participant. Relief supervisory experience is strongly preferred but not required for Agent supervisory vacancies in the Office of the General Counsel and Laboratory Division. (See also MAOP, Part 1, 3-12.)

(b) Agents are required to serve in the Supervisory Special Agent position at FBIHQ a minimum of two years before consideration for further progression on the management career path. An Agent assigned at FBIHQ must have at least 18 months' service at FBIHQ before he/she can apply for GS-14 field supervisory positions. In the event an Agent transfers from one division to another at FBIHQ, all service at FBIHQ will count toward the minimum 18 months. FBIHQ candidates who are selected for field supervisory positions will still be required to serve the full 24 months at FBIHQ prior to reporting to the field office assignment. FBIHQ SSAs must remain in assigned division a minimum of nine months before applying for other FBIHQ | vacancies, regardless of grade of the vacancy.| In the event Agents transfer from one FBIHQ division to another, the minimum length of service in the new assignment should be agreed upon between the Agent and the head of the division. In this case he/she should be advised as to their minimum commitment at the beginning of their new assignment so there is no misunderstanding when the Agent wishes to apply for a field supervisory assignment. (See MAOP, Part 1, 3-6.6.5.)

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(c) Deleted

(d) Agents promoted to supervisory positions will be credited with FBIHQ supervisory time beginning from the date that the Agent reports to the assignment, regardless of time-in-grade requirements for promotion. This does not apply to temporary supervisors who are not credited with supervisory time.

(2) There are currently two paths to becoming an FBIHQ Supervisor. One path entails becoming a field supervisor or SSRA and serving at least two years in a field division in this capacity. Agents with two years' field supervisory experience, and no previous FBIHQ supervisory experience, who are selected for a permanent FBIHQ supervisory position will be designated a term GS-15 for two years. Such individuals are required to compete and be selected for a permanent GS-15 Unit Chief position in order to maintain the GS-15 after the two-year term. Agents who do not successfully compete for a GS-15 Unit Chief position will become a permanent GS-14 at the end of the two-year term.

(3) The second path would be for a relief supervisor to become an FBIHQ Supervisor. Agents who do not have two years' field supervisory experience will be designated permanent GS-14 supervisor.

(4) Accelerated promotion within Bureau guidelines will be available to those Special Agents transferred to FBIHQ under the EDSP.

(5) SAMMS Board action is not required for supervisory reorganization within an office.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3

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SecCls:

### **3-2.5 Field Supervisor and Supervisory Senior Resident Agent (SSRA) (See also MAOP, Part 1, 3-12.)**

(1) Field supervisors will be required to have: (1) a minimum three years' FBI field investigative experience; (2) one year of relief supervisory experience; (3) a current Meets Expectations performance appraisal; and (4) must be a current EDSP participant. A relief supervisor may progress directly to the position of field supervisor or SSRA without having first served a minimum of two years in a supervisory position at FBIHQ. However, Agents who advanced directly from relief supervisor to field supervisor positions will be required to serve at FBIHQ as their next level of progression under the management career path.

(2) The SAMMS Board views the field supervisor/SSRA position as a critical first-line management position and, as such, the unique experience acquired in occupying this position will greatly enhance one's competitive qualifications for future executive-type, field management positions.

**SENSITIVE**

(3) SAMMS Board action is not required for supervisory reorganization within an office.

(4) Agents promoted to GS-14 supervisory positions will be credited with field supervisory time beginning from the date that the Agent reports to the assignment, regardless of time-in-grade requirements for promotion to GS-14. This does not apply to temporary supervisors who are not credited with supervisory time.

| (5) The Field Office Supervisory Term Limit Policy  
| (FOSTLP)

| Individuals selected for supervisory positions which award  
| field credit after June 3, 2004, receive five-year term assignments,  
| and these assignments will expire on the fifth year anniversary of  
| their promotion date. The following options are available to SSAs at  
| the end of the five-year term.

| (a) If an SSA requests to return to investigative  
| duties, EDSP will coordinate with the SSA's field office to  
| administratively process this request, which will be effective on the  
| term limit expiration date. At that time, the SSA will relinquish  
| his/her managerial position and return to investigative duties within  
| his/her current field division. The one-year penalty associated with  
| vacating an EDSP position will be waived, thereby allowing the  
| employee to remain in EDSP as a relief supervisor and retain  
| eligibility to apply for promotions in the future. This waiver is  
| being granted to encourage continued movement within the career  
| development program.

| (b) If an SSA accepts a voluntary lateral  
| (noncompetitive) transfer to FBIHQ, EDSP will coordinate with the  
| SSA's field office to process the request and ensure transfer orders  
| are issued on or about the term limit expiration date. Consideration  
| for personal preferences and prior work experience will be given when  
| designating assignments at FBIHQ, however final decisions will be  
| based primarily on needs of the Bureau. Final authority regarding  
| placement at FBIHQ will rest with EDSP. Transfers will occur  
| consistent with normal Transfer Program policies and procedures.

| (c) SSAs electing to accept a lateral  
| (noncompetitive) transfer to FBIHQ could be affected by the following  
| administrative matters, which may impact on eligibility to receive a  
| lateral transfer:

| 1. If an SSA has an administrative issue (i.e.,  
| OPR, EEO, Security, DOJ-OIG, or Inspection) which is pending or has  
| been adjudicated within the preceding three years, the Deputy  
| Director must approve the voluntary transfer taking into account the  
| administrative issue, prior to the employee receiving transfer orders  
| to FBIHQ. If the Deputy Director declines to approve the transfer,  
| the SSA will then be required to return to investigative duties  
| within his/her current field division.

| 2. If an SSA is performing under a Warning PAR,

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| the SSA must notify EDSP of this fact at the time the SSA provides  
| notice of career intent (50-60 days prior to term expiration). As  
| part of this notification, the SSA will identify his/her career  
| choice, subject to successful completion of his/her Performance  
| Improvement Plan (PIP). If the PIP extends beyond the term  
| expiration date, the SSA will remain in his/her current position  
| until the PIP period is completed and a final resolution concerning  
| performance has been rendered. Upon the successful resolution of the  
| Warning PAR, standard term limit options will immediately recommence.

| 3. SSAs will be required to take the Leadership  
| Skills Assessment (LSA) prior to receiving a lateral (noncompetitive)  
| position at FBIHQ, but will be allowed to accept the assignment  
| irrespective of test results. However, those SSAs accepting a  
| position at FBIHQ who have not passed the LSA will not receive  
| headquarters credit until a passing result on the LSA is obtained.  
| Upon receiving a passing score on the appropriate LSA exam,  
| headquarters credit will be applied retroactively to the SSA's FBIHQ  
| report date. In addition, although SSAs may accept a lateral  
| assignment to headquarters upon taking the LSA, SSAs must eventually  
| pass the LSA in order to subsequently pursue other supervisory  
| positions. SSAs voluntarily transferred (noncompetitively) to FBIHQ  
| under the term limit policy may not be transferred into lateral  
| positions outside the original FBIHQ section to which he/she was  
| assigned without the concurrence of EDSP.

| 4. SSAs who choose not to take the LSA by the  
| conclusion of their five-year supervisory term limit will not be  
| eligible for transfer to FBIHQ and must return to investigative  
| duties within their assigned field divisions. In addition, whereas  
| by policy stationary SSAs who successfully compete for a supervisory  
| position at FBIHQ are eligible to receive GS-15 pay, SSAs who do not  
| successfully compete for a supervisory position and instead elect to  
| accept a lateral (noncompetitive) transfer to FBIHQ will not be  
| eligible for GS-15 pay, since they were not selected for a career  
| enhancing position via the competitive process.

| (d) If an SSA competes for any non-ASAC EDSP position  
| in which the posting closed at least 90 days prior to his/her term  
| limit expiration date, the SSA will be allowed to remain in his/her  
| current position the posted position has been awarded, up to a  
| maximum time period of 90 days past original term limit date. SSAs  
| must previously designate in their response EC to EDSP (approximately  
| 50-60 days prior to term expiration) whether they are going to return  
| to investigative duties within their current field divisions or  
| accept a lateral (noncompetitive) transfer to FBIHQ, in the event  
| they are not selected for the position(s) for which they applied.

| (e) SSAs may continue to compete for positions posted  
| within 90 days of their term expiration, but subsequent to the term  
| expiration date will not be allowed to remain in his/her current  
| supervisory position awaiting a final decision on those selections.  
| At the time of term limit expiration, SSAs must return to  
| investigative duties within their current field divisions and await  
| a final determination concerning those positions being pursued.  
| SSAs who decline a lateral (noncompetitive) transfer to FBIHQ in

**SENSITIVE**

| favor of awaiting the outcome of a competitive selection and who  
| ultimately are not selected will be required to return to  
| investigative duties within their current field divisions, will  
| retain eligibility as EDSP participants, and may continue to compete  
| for positions at FBIHQ. However, they will be ineligible for a  
| lateral (noncompetitive) assignment at FBIHQ due to having previously  
| declined the opportunity.

| (f) SSAs competing for ASAC positions will be allowed  
| to remain in position through completion of the ASAC List quarter in  
| which his/her SSA term limit expires. If the SSA is ranked in one or  
| more ASAC packages during that final ASAC List quarter, the SSA will  
| be eligible to remain in position for a second ASAC List quarter.

| (g) Field offices will be limited to no more than 30  
| percent turnover (attributable to the FOSTLP and not including  
| unrelated retirements, resignations, etc.) during any one-year  
| period. In those situations where the impact of the FOSTLP would  
| result in a turnover of more than 30 percent of the division's SSA  
| staff, movement of the senior most SSA personnel will be deferred to  
| the subsequent calendar year. EDSP will contact affected divisions  
| and identify approximately one year in advance which SSAs will have  
| his/her term limit extended (done as part of the official notice  
| received by SSAs one year prior to term limit date). In these  
| instances, term limits will be extended only to January of the  
| calendar year following the term limit year, rather than to  
| individual EOD anniversary dates for affected SSAs. In limited  
| situations, EDSP may extend an SSA's term limits slightly beyond  
| January the following year, in order to ensure a reasonable extension  
| period. Those SSAs whose terms are extended to the following year  
| due to field office impact will not count in the division's impact  
| calculation for the new year.

| (h) Field offices that experience difficulty in  
| attracting a pool of qualified candidates for nonstationary SSA  
| positions may request a special designation for the position. In  
| these instances, field offices will be allowed to readvertise such  
| vacancies as "hard to fill" after EDSP review of the candidate pool  
| and concurrence to re-post. During this subsequent re-posting,  
| stationary and nonstationary SSAs from other field offices with at  
| least five years or more experience as a field SSA, will be allowed  
| to compete as Tier I candidates for the "hard to fill" position and  
| receive a second, five-year SSA term. SSAs assigned to the  
| advertising division will not be allowed to apply for "hard to fill"  
| vacancies within their own division. At the end of the second,  
| five-year supervisory term, the SSA must either move to a career  
| advancing position or return to investigative duties within his/her  
| current field division. In addition, former SSAs who elect to return  
| to investigative duties upon the expiration of his/her supervisory  
| term may also compete as a Tier I candidate for designated "hard to  
| fill" positions in other field offices, as the one-year penalty for  
| vacating a supervisory position and voluntarily returning to  
| investigative duties will be waived.

| (i) Employees are generally provided up to 90 days to  
| report to a new assignment in conjunction with a transfer, and a

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| minimum of 12 months of service is required subsequent to the  
| transfer to make the transfer cost effective for the Bureau. In that  
| regard, if an SSA's term limit expiration date is within 15 months of  
| his/her mandatory retirement date, the SSA will be allowed to remain  
| in his/her current SSA position until retirement. Employees within  
| 15 months of retirement eligibility will be subject to normal term  
| limit requirements.

| (j) SSAs facing term limit expiration who wish to  
| seek a hardship waiver to remain in position should submit their  
| waiver request to EDSP via EC no later than 120 days prior to their  
| term expiration. The hardship request will be decided by EDSP using  
| a standard similar to that utilized when determining hardship  
| transfer requests. IT SHOULD BE NOTED THE STANDARD UTILIZED FOR  
| REVIEWING FOSTLP WAIVER REQUESTS WILL BE EXTREMELY STRINGENT. In the  
| event a hardship waiver is granted, the SSA will be allowed to remain  
| in his/her current SSA position and the hardship/waiver request will  
| be reviewed on an annual basis. Should a determination be made that  
| the hardship ceases to exist, the SSA will immediately be subject to  
| all aspects of the FOSTLP.

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### **3-2.6 Assistant Inspectors**

| (1) GS-14 Assistant Inspectors|(FBIHQ SSAs)|

| (a) |SSAs assigned to FBIHQ, to include Legats, who  
| have a minimum tenure of 18 months' FBIHQ supervisory experience but  
| who have not completed one year of field supervisory experience, will  
| be eligible to be designated as Assistant Inspectors and may  
| participate in two inspections during their FBIHQ or Legat  
| assignment, at the discretion of the Inspection Division.

| (b) | Minimum requirements for GS-14 Assistant  
| Inspectors are: (1) current FBIHQ supervisory experience, (2) current  
| Meets Expectations performance appraisal; (3) |section chief|  
| recommendation; and (4) must be a current EDSP participant. With the  
| exception of SSAs assigned to the Inspection Management Unit (IMU)  
| and Organizational Program Evaluation and Analysis Unit (OPEAU),  
| Inspection Division, a minimum tenure of 18 months' FBIHQ supervisory  
| experience is also necessary. Upon the assignment of an SSA to the  
| IMU or OPEAU, such SSA will be eligible for designation as an  
| Assistant Inspector provided the SSA possesses a current Meets  
| Expectations performance appraisal and receives the recommendation of  
| the Assistant Director, Inspection Division.

| (c) |Upon assignment to a field supervisory position,  
| the SSA will be obligated to meet the requirements for designation  
| as an Assistant Inspector-in-Place in order to continue participation  
| in the inspection process and complete requirements for inspection  
| certification.

**SENSITIVE**

| (d) |Deleted|

| (2) |Term GS-14 Assistant Inspectors|

| (a) |Candidates who apply for the term GS-14 TDY Assistant Inspector position must be current FBIHQ SSAs with a minimum tenure of 18 months' FBIHQ supervisory experience. An individual may serve in the term GS-14 Assistant Inspector position for 12 months with the continued concurrence of the Assistant Director, Inspection Division. An individual serving as a term GS-14 Assistant Inspector in the Office of Inspections will have the opportunity to become inspection certified.|

| (b) |Minimum requirements for term GS-14 TDY Assistant Inspectors are: (1) current FBIHQ supervisory experience; (2) current Meets Expectations performance appraisal; (3) division head recommendation; (4) a current EDSP participant; and (5) a minimum tenure of 18 months' FBIHQ supervisory experience.|

| (c) |Term GS-14 Assistant Inspectors may apply for other EDSP positions after six months, provided all other criteria have been met. If a candidate successfully competes for a position outside the Inspection Division, he/she will be required to serve the full 12 months in the Inspection Division prior to reporting to his/her new position. If after 12 months the individual has not yet been selected for another EDSP position, he/she will return to the FBIHQ division of his/her prior assignment. Assistant Inspectors may serve beyond the initial 12-month assignment with the concurrence of INSD and the division head of their assigned division.|

| (d) |Due to the TDY nature of the assignment and its inherent career progression enhancement, newly selected Assistant Inspectors will be evaluated critically after completion of three inspections. Those individuals who would benefit from service as a field SSA prior to conducting further inspections will return to their division of assignment.|

| (3) | Term GS-15 Assistant|Inspectors/Team Leaders|

| (a) Deleted

| (b) The SAMMS Board views the assignment as an Assistant Inspector as a valuable step within the EDSP. Assignment as a term GS-15 Assistant Inspector is based on the needs of the Inspection Division as well as the demonstrated ability of the Agent Supervisor. Candidates who may apply for the term GS-15 Assistant Inspector position must be SSAs with a minimum of 21 months' field supervisory experience who have been designated an Assistant Inspector-in-Place or FBIHQ supervisors who have been designated and served as term GS-14 Assistant Inspectors for a minimum of six months. All candidates for the term GS-15 Assistant Inspector position must be recommended by their division head and have concurrence of the Office of Inspections.

| (c) The Assistant Inspector Team Leader position will



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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be advertised and staffed as a term GS-15 assignment generally not to exceed one year. Those candidates who are selected on a term basis are not eligible for permanent transfer to the Inspection Division; however, they may apply for other FBIHQ positions after successful performance for six months, and leave the Inspection Division after 12 months. As a term assignment, the candidate may return to the field office in which he/she was previously assigned after completing a maximum one-year assignment without effecting a permanent household transfer. If the candidate was assigned to FBIHQ, he/she will return to the FBIHQ division in which he/she was previously assigned if/when a vacancy exists. The time assigned as an Assistant Inspector will be credited toward FBIHQ time from a career development standpoint and may be used as part of the two years required to satisfy FBIHQ supervisory requirement for the ASAC position. The GS-15 salary, including locality pay from their office of permanent assignment, is used in computation of the "high three" for retirement purposes. The SAC of the office from which the Assistant Inspector is selected will be authorized by the EDSP to post a temporary GS-14 supervisory position within the affected division to backfill the vacancy. The FBIHQ division from which the Assistant Inspector is selected will be authorized to post for a permanent vacancy to replace the candidate, with the understanding that the candidate may return to the FBIHQ division at the end of one year, providing a vacancy exists. Term GS-15 Assistant Inspectors will be authorized travel to and from their home of record when it is cost effective, such as travel home prior to or after an inspection.

(d) FBIHQ and field supervisors selected for the term GS-15 Assistant Inspector position may begin to apply for other EDSP positions, including ASAC, after six months, provided all other criteria have been met. If the candidate successfully competes for a position outside the Inspection Division, he/she will be required to serve the full 12 months in the Inspection Division prior to reporting to his/her new position.

| (4) | Audit Teams/Human Intelligence Coordinators (HC) |

| (a) | Inspection audit teams are required to complete specific program audits which are typically in advance of the inspection staff's arrival. Whether or not the audit team deploys in advance of the main inspection team will be at the discretion of the Inspector-in-Charge (IIC) of the office being inspected. The field office HC or the Human Intelligence Management Unit (HIMU)/ Human Intelligence Policy and Planning Unit (HIPPU) SSA, as a member of the audit team, and under the direction of an Office of Inspection (OI) Team Leader, will conduct complete audits of the Criminal Informant Program (CIP) and Asset Program (AP), draft the appropriate inspection-related documentation, and assist the Team Leader as required. Upon completion of the CIP/AP audits and inspection documentation, the field office HC will be released by the IIC to return to his/her division. Each HC will participate in an on-site inspection approximately every two years. When contacted by the INSD for an on-site inspection audit assignment, the HC will be required to perform the duty unless compelling circumstances are articulated in writing by an ASAC or above, and approved by the INSD. Field office HCs, when applying for promotions or lateral positions, may utilize

**SENSITIVE**

their inspection experience to enhance their FD-954's.

| (b) | Inspection credit will only be afforded to  
| field office|HCs who: (1) are SSAs and have previously been  
| designated Assistant Inspectors-in-Place and (2) those SSAs assigned  
| to either the HIMU or the HIPPU. | These SSAs will be required to  
| remain at the inspection site for the duration of the inspection and  
| assist as directed once the|CIP/AP audits are|complete. |HIMU/HIPPU  
| SSAs|will be credited with one of the two inspection credits which  
| headquarters SSAs may earn after completing 18 months at FBIHQ.

| (c) | HC|inspection staffing will be coordinated  
| by the INSD and will be conducted on a quarterly basis. The  
| |HIMU/HIPPU|will maintain a current list of field office|HCs|and  
| |HIMU/HIPPU|SSAs which will be used for scheduling purposes by the  
| INSD.

\*\*EffDte: 03/22/2006 MCRT#: 1413 Div: D3D0 Cav: SecCls:

### **3-2.7 Assistant Inspectors-in-Place**

| (1) |GS-14 Assistant Inspectors-in-Place|

| (a) | Participation in the Assistant Inspector-in-Place  
| (AIIP) Program is no longer mandatory for all Supervisory Special  
| Agents|(SSAs); however,|participation is still encouraged.  
| Participation as an AIIP is predicated upon the recommendation of the  
| SAC, a current Meets Expectations performance appraisal report,|one  
| year of field supervisory experience,|and approval by the Special  
| Agent Mid-level Management Selection (SAMMS) Board. Supervisors  
| determined to|have management deficiencies|will not be considered by  
| the SAMMS Board for designation as AIIPs for one year from the last  
| day of the inspection in which they were found|to have those  
| deficiencies. | This will allow the supervisor sufficient time to  
| adequately resolve the identified deficiencies. The division head  
| must submit documentation showing the supervisor has overcome the  
| identified deficiencies prior to the individual being considered for  
| AIIP designation. Furthermore, AIIPs identified|to have management  
| deficiencies|by inspection will not be allowed to participate, for  
| credit, in on-site inspections, shooting incident investigations, or  
| Office of Professional Responsibility (OPR) inquiries for one year  
| from the date of the last day of the inspection in which|the  
| deficiencies were identified. | In order to become eligible  
| following the one-year period, the division head must provide  
| documentation to INSD showing the AIIP has overcome the identified  
| deficiencies.

| (b) | SSAs assigned to FBIHQ who have|one year of|field  
| supervisory experience|and have met the other minimum requirements|  
| will also be eligible to participate in the AIIP program upon arrival  
| at FBIHQ. GS-14 and GS-15 SSAs assigned to FBIHQ or a Legat who have

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| |a minimum tenure of 18 months' FBIHQ supervisory experience, but have  
| not completed one year of field supervisory experience, |will be  
| eligible to participate in two inspections during their FBIHQ or  
| Legat assignment. SSAs will be given |a|credit for each inspection  
| successfully completed. Such SSAs will not be designated as AIIPs.  
| Participation will be incumbent upon the recommendation of the Section  
| Chief, a current Meets Expectations performance appraisal, and the  
| needs of the Inspection Division. Upon assignment to a field  
| supervisory position, the SSA will be obligated to meet the  
| requirements for designation as |an|AIIP in order to continue  
| participation in the inspection process and complete requirements for  
| inspection certification.

| (2) |Inspection Certification|

AIIPs must successfully complete six inspections, with  
not less than three being field office inspections, to be certified by  
the Assistant Director, Inspection Division.

\*\*EffDte: 03/22/2006 MCRT#: 1413 Div: D3DO Cav: SecCls:

### **3-2.8 FBIHQ Special Agent Unit Chief (See MAOP, Part 1, 3-12 (4).)**

(1) Minimum requirements for permanent Special Agent GS-15  
FBIHQ vacancies include: (a) three years' FBI investigative  
experience; (b) one year of relief supervisory experience; (c) a  
current Meets Expectations performance appraisal; (d) two years'  
experience as a field supervisor or one year as an FBIHQ supervisor;  
and (e) must be a current EDSP participant. An individual promoted to  
a Unit Chief position (from a field office position) will be required  
| to serve at least nine months prior to |applying for an ASAC vacancy,  
| provided all other qualifications for the ASAC position are met. |

(2) When a GS-15 Unit Chief is assigned to a tour on the  
Inspection Staff and plans to return to his/her position at the end of  
that tour, the Assistant Director may replace him/her with another  
employee in an "acting" capacity by posting the position within  
his/her division as a temporary promotional opportunity. The  
temporary promotion is allowed when the individual serves in an  
"acting" capacity for more than 180 days or at the outset if it is  
known that the term of service will exceed 180 days.

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**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**| 3-2.10 Assistant Special Agent in Charge (See also MAOP, Part 1,|3-12.)|**

(1) The Special Agent Mid-Level Management Selection System (SMMSS) is being utilized for filling ASAC vacancies. SMMSS is a job-related, validated selection system which allows candidates an opportunity to provide detailed examples of core Knowledge, Skills and Abilities (KSAs).

(2) The minimum requirements for ASAC eligibility are: two (2) years' FBIHQ supervisory experience, two (2) years' field supervisory experience, Inspection Certification, a current Meets Expectations rating on the most recent Performance Appraisal Report (PAR), and must be a current EDSP participant. In order to compete for an ASAC vacancy, candidates must have a completed Career Development Evaluation (CDE), completed attendance at Executive Development Institute I, and have a current Meets Expectations PAR. With the exception of Phase II participants, ASAC candidates must be in supervisory positions in order to be eligible to compete for ASAC vacancies.

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**3-2.10.1 Initial Application**

(1) Candidates may begin the SMMSS process when they are within 180 days of meeting the minimum requirements for ASAC eligibility (FBIHQ or field supervisory time), or have half the number of inspections required for certification. Eligible candidates will be queried at that time by the Administrator, EDSP, through a "Letter of Intent" (LOI). The LOI will query the candidate regarding his/her desire to obtain a Career Development Evaluation (CDE). The LOI will be provided to a candidate only once in a candidate's career. If the candidate declines an evaluation at that time, future consideration must be initiated by the candidate.

(2) Upon receipt of an affirmative response to an LOI, the EDSP will furnish to the candidate, among other items, an evaluation package called an Achievement Inventory (AI), as well as detailed instructions for its completion. The submission of this AI by the candidate will begin the SMMSS process. It is the responsibility of the candidate to comply with all of the SMMSS deadlines and instructions provided in the AI. As a result of the amount of time necessary to administer a candidate's package through the evaluation process, failure to comply with these deadlines and instructions could result in a minimum four-month delay of ASAC eligibility. Actual activation will not take effect until candidates complete all requirements for the ASAC position and their CDE is factored into an official candidate pool, which is prepared in February, May, August, and November.

**SENSITIVE**

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SecCls:

### **3-2.10.2 Achievement Inventory**

(1) Significant accomplishments are documented in the Achievement Inventory (AI) which is prepared by the candidate. The candidate is required to describe specific and verifiable accomplishments which demonstrate possession of core Knowledge, Skills and Abilities (KSA) which have been identified as important for success as an ASAC. The KSAs and their definitions are as follows:  
| |(See MAOP, Part I, 3-2.2(1) & (3).)|

(a) Leadership: The ability to motivate and inspire others; to develop and mentor others; to gain the respect, confidence and loyalty of others; to articulate a vision; to give guidance and to direct others in accomplishing goals.

(b) Interpersonal Ability: The skill required to deal effectively with others; to establish and maintain rapport with management, colleagues, and subordinates; to treat others with respect and courtesy; and to recognize and show sensitivity to differences in the needs and concerns of others.

(c) Liaison: The ability to establish contacts and to interact effectively with federal, state, and local investigative agencies; government officials; the media; the community (business, academic, local); internal Bureau contacts; and other organizations and agencies.

(d) Organizing and Planning: The skill to establish priorities, timetables, and goals/objectives; to structure a plan of action for self and/or others; and to develop both strategic and tactical plans.

(e) Problem Solving/Judgment: The ability to critically evaluate conditions, events, and alternatives; to identify problems, causes, and relationships; to base decisions or recommendations on data or sound reasoning; and to formulate objective opinions. Included is the ability to make effective decisions without undue hesitancy, to defend decisions when challenged, and to accept responsibility for decisions made.

(f) Flexibility/Adaptability: The ability to respond positively to and to successfully manage change at work; to willingly accept new priorities, procedures, or goals; to adapt to unanticipated problems or conflicts; to respond positively and productively to work challenges.

(g) Initiative: The ability and willingness to begin projects/work or to address issues/problems; to persist and follow through to complete all aspects of work; to respond proactively/creatively to problems/issues/tasks.

(h) Communication: The skill to express thoughts and ideas clearly, concisely, persuasively, and effectively orally and in writing; to interpret and understand verbal or written communications; and to tailor the communication to the experience, exposure, or expertise of the recipient.

For each of these KSAs, (with the exception of "communication" which will be addressed separately) the candidate will describe two examples of achievements that, in their opinion, best demonstrate the possession of the KSA. The examples may result from the individual's activities in any kind of setting, current or previous job assignments, within or outside the FBI, volunteer work, educational endeavor, hobby, etc. The examples should provide good evidence regarding the individual's capabilities. At least one of the examples for each KSA MUST, however, be related to work performed at the FBI.

(2) For each Achievement Inventory example, the candidate must identify a supervisor who can verify the achievement described by the candidate. The candidate must provide the name, current address, and telephone number of their immediate supervisor at the time of the achievement. If the immediate supervisor has separated from the Bureau, that individual should still be used as the verifier unless no current address can be identified. An alternate verifier should be provided only if the immediate supervisor is deceased or the example is an achievement performed outside the FBI.

(3) Each example must be limited to one page in length and contain:

- (a) The job or position held at the time of achievement;
- (b) What the problem or objective was;
- (c) What was actually done and when (approximate date);
- (d) What the outcome or result was; and
- (e) Any formal recognition received for the achievement (awards, citations, etc.).

(4) Once an Achievement Inventory is completed by the candidate and submitted to the EDSP for verification, the candidate cannot submit modifications to examples/achievements.

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### **| 3-2.10.3 Verification of Achievements**

| The EDSP Staff will forward to the verifier identified by

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| the candidate a copy of the applicable accomplishment and an  
| Achievement Inventory Verification Form. The verifier is to carefully  
| review the accomplishment and indicate on the verification form  
| whether the accomplishment described by the candidate is accurate and  
| if the accomplishment is representative of the quality of performance  
| that can be expected from this candidate on a day-to-day basis.  
| Comments are encouraged and space is provided.

\*\*EffDte: 07/07/1995 MCRT#: 400 Div: D3 Cav: SecCls:

### **3-2.10.4 Competency Profile**

(1) The Competency Profile (CP) is completed by the candidate's current rating official. The CP has been designed to focus on the candidate's managerial potential, not current job performance. The rating official considers behaviors associated with each of the eight core knowledge, skills, and abilities (KSAs) and evaluates the extent to which the candidate has demonstrated and/or developed these KSAs. For each KSA, the rating official documents the relationship between the candidate's performance and the core managerial KSAs with SPECIFIC OBSERVATIONS of the candidate's behavior. The rating official is to consider any and all relevant candidate behaviors. If the rating official has supervised the candidate for several years, the official should consider the quality and consistency of performance throughout the years. However, if the rating official has supervised the candidate for less than three months, he/she should NOT complete the evaluation. In this instance, the CP will be completed by the candidate's previous rating official. If the rating official has supervised the candidate for more than three months but less than one year, the PREVIOUS rating official | |MUST|be contacted by the current rating official to obtain additional input. Thereafter, the CP is reviewed by the candidate's reviewing official and forwarded to the EDSP.

(2) Once the candidate's AI has been completed and all of the subsequent KSA verifications and the CP have been received by the EDSP staff, the candidate's package will be ready for evaluation.

(3) It is noted that, in rare circumstances, candidates who are one inspection away from certification when they began completing their AI, might still not be certified when their AI packages have been completed. When so identified by the Inspection Division, the candidates WILL NOT BE EVALUATED until they are certified. Their AI packages will be stored at FBIHQ until they have met ASAC qualification.

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### **3-2.10.5 Career Counsel Boards**

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(1) Candidates will be evaluated with respect to their core KSAs by a panel called the Career Counsel Board (CCB). The evaluation performed by the CCB is referred to as the Career Development Evaluation (CDE) and is based on input received from the candidate in the Achievement Inventory and verifications, the results of the Competency Profile and an interview conducted with each candidate.

(2) The CCBs are centralized boards composed and managed by the EDSP Administrator. The members are either executive-level managers (Senior Executive Service) with prior ASAC experience, or incumbent ASACs with at least one year of experience at the ASAC level. Final selection of CCB members will be determined by the Assistant Director, Administrative Services Division. Each CCB will consist of three members at least one grade level above the candidate being evaluated. Incumbent ASACs will only participate in evaluations of GS-14 candidates. All CCB members receive formal training in the evaluation process prior to participating on a CCB.

(3) All CCB evaluators will be given the opportunity to review a list of prospective candidates for evaluation. They are instructed that they can opt themselves out of evaluating any specific candidate(s) if they believe that they would be unable to fairly evaluate, or that there might be the PERCEPTION of an unfair evaluation. Matching the CCB evaluators to candidates is the responsibility of the EDSP Administrator.

| (4) CCBs will be called for evaluations|FOUR|TIMES A YEAR,  
| during January,|April, July, and October.|

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### **| 3-2.10.6 Evaluating the Candidates**

| (1) Before a CCB meets as a group, each member will  
| independently review the candidate's achievements and the results of  
| the verifications of those achievements. Each member will then  
| independently rate each achievement using the rating guidelines  
| provided for this evaluation which are contained in their  
| Implementation Guide. The RATING GUIDELINES for each KSA include: a  
| definition of the KSA; behaviors representative of the KSA; and a  
| 7-point rating scale ranging from 1 - 7.

| (2) The following is the scale used in the evaluation of  
| candidates:

| 1 = Inexperienced/Ineffective - A lack of skill/ability; "green";  
| needs extensive training/development to achieve competence.  
| 2 = Marginal  
| 3 = Minimally Acceptable - Demonstrates some skill/ability; needs  
| to fine tune, hone or expand skill/ability to achieve competence.  
| 4 = Competent/Acceptable

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| 5 = Skilled/Effective - Demonstrates considerable skill; is  
| adept; exceeds an acceptable level of competence.  
| 6 = Highly Skilled/Highly Effective  
| 7 = Exemplary - Demonstrates exceptional skill/ability -- so  
| exceptional as to warrant special merit/recognition; a  
| role model.

| (3) Preliminary ratings are assigned by each CCB member  
| for each behavioral element. Pluses and minuses may be used with the  
| numerical rating to accurately describe the level of performance.  
| (Note, however, that there is no "1-" or "7+").

| (4) Thereafter, the CCB will convene and determine what  
| questions need to be asked during the candidate's interview.  
| Interviews are for the purpose of clarifying the AI and are not scored  
| separately. All CCB interviews will be conducted telephonically  
| regardless of the proximity of the CCBs to their candidates.

| (5) Following the completion of the candidate's  
| interview, each CCB member will have an opportunity to modify their  
| individual rating for each of the candidate's achievements using the  
| same rating guidelines and 7-point scale described previously.  
| Following the interview, each CCB member will assign a final rating  
| for EACH KSA. The rating takes into account all information obtained  
| about both examples cited for EACH KSA as well as information obtained  
| during the interview and represents the rater's best assessment of the  
| level at which the candidate is functioning on the 7-point scale.  
| Each KSA rating must fall within the range of ratings assigned for the  
| two examples cited. For example, if the lower rating assigned for one  
| example of the KSA was a 3+ and the higher was a 5-, the final rating  
| must be within the range of a 3+ and 5- (a 3+, 4-, 4, 4+ or 5-). The  
| KSA score is not necessarily an arithmetic average of the two  
| achievement examples. After discussion and deliberation, the CCB  
| members come to a final consensus rating for each KSA.

| (6) A final step for the CCB is to integrate the  
| Achievement Inventory/interview information with the Competency  
| Profile (CP) scores provided by the rating official to arrive at the  
| Board's final overall rating of the candidate for each KSA. The Board  
| members compare their ratings and rationale with those contained in  
| the CP. A final rating is agreed upon by the CCB and  
| recorded. If a consensus cannot be achieved, the final rating  
| assigned to a KSA is that of a majority.

| (7) It is noted at this point that the final KSA rating  
| for Communication is based primarily upon the input of the rating  
| official through the CP. The system recognizes that the CCB does not  
| have as great an exposure to the candidate's oral/written abilities as  
| his/her immediate supervisor. It is feasible that the CCB might be  
| favorably or unfavorably influenced by the candidate's interview and  
| disagree with the CP score. In that event, the CCB may make an  
| adjustment to the candidate's CP communication score by only +/- . As  
| an example, if the candidate's CP score is 5+, the CCB may only make  
| an adjustment to 5 or 6-.

| (8) The CCB will also prepare a Career Development

**SENSITIVE**

| Evaluation (CDE) narrative which is a summary of the consensus  
| evaluation of the candidate by KSA, citing examples of the behaviors  
| and accomplishments on which the rating was based. The CDE narrative  
| will be provided to the candidate and utilized by the EDSP for  
| feedback purposes. It also becomes a part of the overall candidate  
| profile package reviewed by the SAC and SAMMS Board for selection  
| decisions.

\*\*EffDte: 07/07/1995 MCRT#: 400 Div: D3 Cav: SecCls:

### **3-2.10.7 CDE Scores**

(1) Upon completion of each evaluation by the CCBs, the candidate's final score for each of the eight KSAs will then be processed by the EDSP staff to obtain a candidate's overall CDE score. In order to accomplish this, each of the KSA scores is "weighted." The weights are used to contrast the importance of each KSA. It is referred to as the "Importance Scale" and is a 4-point system. The scale is defined as: 1 = No Importance, 2 = Moderately Important, 3 = Very Important, and 4 = Critical. The following is the Importance Scale for the ASAC position by KSA.

Leadership.....	3.68
Interpersonal.....	3.82
Liaison.....	3.04
Organizing and Planning.....	3.39
Problem Solving & Judgment....	3.66
Flexibility & Adaptability....	3.36
Initiative.....	3.43
Communication.....	3.51

(2) Each KSA will be multiplied by the weighted factors. If a score contains a +/-, it is converted to a numerical value. As an example: if a score is 6+, it is converted to 6.3; if a score is 6-, it is converted to a 5.7. Ultimately, each candidate will receive a final CDE score which will be carried out to two decimal places. Every three months each candidate will receive documented feedback to include: ranking within the ASAC candidate pool, CDE score by KSA, overall CDE score and CDE narrative.

(3) The candidate's ASAC CDE score will be subject to the Privacy Act and, as such, under normal circumstances will be provided ONLY to the candidate. A candidate's decision to advise his/her supervisor, or others, of the results of the evaluation is a personal decision. However, candidates must NOT discuss their CDE score with an SAC during the course of an interview for an ASAC vacancy. (See | 3-2.10.15.)|

(4) A candidate's ASAC CDE score CANNOT be used in any way with respect to a candidate's annual performance appraisal.

(5) The ASAC CDE score ONLY pertains to the ASAC

selection process. ASAC CDE scores MAY NOT be utilized in ANY Career Board deliberation, to include ASAC selections (see MAOP, Part 1, | 3-2.10.14).|

- (6) The CDE score will remain valid until:
- (a) The candidate is promoted to ASAC,
  - (b) The candidate requests to be reevaluated, or
  - (c) The candidate requests removal from further consideration.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.10.8 Feedback**

| All candidates can request additional oral feedback from  
| the EDSF staff. Additionally, if so desired, the candidate can  
| contact a member of their Career Counsel Board to obtain additional  
| oral feedback.

\*\*EffDte: 07/07/1995 MCRT#: 400 Div: D3 Cav: SecCls:

### **3-2.10.9 CDE Reevaluation**

| A candidate|desiring|a CDE reevaluation|may submit a new  
| Achievement Inventory 12|months after receiving a CDE score. The  
candidate will be required to submit an entirely new Achievement  
Inventory for the reevaluation. A candidate must select  
investigations/efforts to highlight which were not previously  
submitted. The examples set forth in the new package could also  
address the same investigations previously utilized, but could not use  
the same KSA. For example, a candidate who previously presented a KSA  
on Leadership regarding his/her efforts during the Pan Am 103  
investigation could again use the Pan Am 103 investigation, but would  
have to use it for a different KSA, such as Organizing and Planning.  
In the event that a candidate requests reevaluation, the last score  
received will be the score of record, regardless of the previous CDE  
score.

\*\*EffDte: 02/11/1999 MCRT#: 858 Div: D3 Cav: SecCls:

### **3-2.10.10 Voluntary Removal from ASAC Candidate Pool**

A candidate may withdraw from future consideration for ASAC, either temporarily or permanently, by notifying the EDSP Administrator, in writing, of his/her request. In that event, the candidate's name will be withdrawn from consideration for a period of not less than six months from the date of his/her submission. ASAC candidates who are already included in pending ASAC vacancies as either volunteers or draftees and have been interviewed by the SAC may not withdraw from consideration until those vacancies have been resolved. If a candidate requests withdrawal from the ASAC candidate pool, his/her request will be held in abeyance until all pending ASAC vacancies for which he/she is a candidate are resolved. If he/she is not selected for one of the pending ASAC vacancies, he/she will then be withdrawn from the ASAC candidate pool. If the candidate is selected to fill one of the pending vacancies, the withdrawal request will not affect his/her selection. Once a candidate is withdrawn from the ASAC list at his/her request, he/she may request reactivation, following the minimum six-month period, by requesting same in writing. However, actual reactivation will not take effect until the candidate's name and CDE score are again factored into an official candidate pool, which is prepared every three months. Inactive candidates may request CDE reevaluation in accordance with policy. Upon reactivation, the candidate's CDE score will be his/her most recent score. (See MAOP, Part 1, |3-2.10.13.) |

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3                      Cav:                      SecCls:

### **| 3-2.10.11 |Withdrawal from ASAC Vacancies**

|                      An ASAC candidate may request withdrawal from an ASAC  
| vacancy at any time prior to his/her interview. Once the candidate  
| has been interviewed by the SAC, the candidate may not withdraw from  
| the vacancy. |

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3                      Cav:                      SecCls:

### **| |3-2.10.12| Establishing the Competitive Pool |(Formerly 3-2.10.11)|**

(1) Deleted

(2) Deleted

(3) Candidates should be aware that the competitive pool will change with each quarterly evaluation. At that time candidates who have been selected will be removed, new candidates and re-evaluation scores will be added, and those who request removal will be removed.

(4) Only those candidates who have a current Meets

Expectations performance appraisal will be allowed to compete for an ASAC vacancy. Should an ASAC candidate's performance appraisal report fall to a Does Not Meet Expectations level, he/she will remain off the ASAC ranking list until such time as the candidate notifies the EDSP that his/her performance has returned to the Meets Expectations level. When confirmed, EDSP will return the individual to the ASAC ranking list.

(5) Each ASAC candidate who is listed on any and each quarterly potential ASAC ranking list for the full period of time that list is utilized as a part of the ASAC application process must apply and compete during the utilization period for each list for at least one ASAC vacancy. Absent exigent circumstances occurring after the posting has closed, volunteer candidates are expected to be willing to serve if selected. If a volunteer candidate withdraws from consideration or otherwise indicates an unwillingness to serve in the position, the candidate will not be given credit for volunteering. Failure to apply and compete for at least one ASAC vacancy will preclude the individual from being a candidate on the next two successive quarterly potential ASAC ranking lists. A candidate who is removed from the list due to nonparticipation is required to submit a written request to EDSP in order to be reinstated on the ASAC list after a two-cycle absence. Upon receipt of such a request, the individual will be included in the next ASAC list cycle.

(a) FBIHQ SSAs at the GS-15 level who are on the ASAC-eligible list are encouraged to serve two years at FBIHQ and, therefore, are not subject to draft or otherwise penalized by not competing for ASAC positions during that two-year period. This policy insulates the Unit Chief who is ASAC eligible from being drafted, but it does not preclude the individual from applying for ASAC positions during that two-year period. At the end of two years' service in the GS-15 position, the candidate is obligated to apply for one ASAC position each quarter and will be subject to the ASAC draft provisions.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3

Cav:

SecCls:

### **| [3-2.10.13] ASAC Application Process (See MAOP, Part 1, 3-6.4.2.) |(Formerly 3-2.10.12)|**

#### **(1) ASAC VACANCY POSTINGS**

All ASAC vacancies will continue to be posted on-line through the Job Posting Application.

#### **(2) ASAC APPLICATION PROCESS**

(a) Candidates for specific ASAC vacancies are to complete and submit only Page 1 of the FD-638 directly to the SAMMSS Board Chairman, EDSP, Room 4981, FBIHQ. Division head recommendations are no longer required and should not be solicited. All applications

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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must be received no later than the close of business on the last day of the posting deadline. FD-638s received after the deadline will not be accepted.

(b) The EDSP staff will compile all qualified applicants for each ASAC vacancy and arrange their candidacy by their respective CDE score. A total of ten candidates for each vacancy will be presented to the SAC for consideration. If there are ten or more voluntary candidates for a position, the top ten candidates, based upon their individual CDE score, will constitute the entire pool of candidates for the vacancy.

(3) DRAFTING

(a) On those occasions where an ASAC vacancy posting does NOT attract at least ten volunteers, the EDSP Administrator will DRAFT into consideration an appropriate number of candidates (from the highest scoring candidate downward) from the ASAC candidate pool, resulting in a candidate pool totaling ten candidates. Nonvolunteers will be identified to the advertising SAC as draftees. It will be the prerogative of the advertising SAC to determine if any of the draftees are considered to be the best qualified for the advertised position.

(b) Candidates who are notified that they are being drafted into consideration for an ASAC vacancy may exercise their option to withdraw from the ASAC candidate pool, as detailed in MAOP, Part 1, 3-2.10.10. Candidates should immediately notify EDSP of their decision and confirm it in writing. This option is forfeited once a candidate has been interviewed by the advertising SAC.

(c) All ASAC candidates who are drafted into a candidate pool for an advertised vacancy will be notified of that fact by the EDSP staff when the ASAC package is sent to the advertising SAC.

(4) ASACs COMPETING FOR OTHER ASAC VACANCIES

(a) EDSP discourages sitting ASACs from applying for ASAC vacancies. Service in hard-to-fill ASAC positions could be considered justification to allow an ASAC with two years in San Juan, or another hard-to-fill office, to apply for other ASAC positions. This flexibility may prove to be a recruiting opportunity and will be reviewed on a case-by-case basis.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3

Cav:

SecCls:

### **| 3-2.10.14| Banding |(Formerly 3-2.10.13)|**

(1) "Banding" is a common and professionally accepted practice for identifying ranges of scores (or "bands") as equivalent for decision making purposes. It is a statistical measurement of the

**SENSITIVE**

final CDE scores in each quarterly evaluation list which will result in a "standard error of measurement" (SEM). The EDSP staff will utilize this SEM to indicate to the advertising SACs whether the scores for their top ten candidates are "substantially different." Banding the candidates provides an indication of potential statistically significant differences which might be evident between some of the ten candidates, as measured by the SEM.

(a) As an example, assume that the SEM for CDE scores computes to 8.0, for the quarterly list. For each pool of candidates (volunteer and, if necessary, draftees included), the top ten candidates will be identified. If the CDE scores for all of the top ten candidates range within 8 points of the top candidate, then all ten are simply referred to the selecting SAC, alphabetically. The selecting SAC is free to select any of the ten. Their qualifications, as measured by the SEM, are considered to be "equivalent."

(b) However, if the top ten candidates do not fall within the SEM (in this example, 8 points) of the highest scoring candidate, then "bands" will be identified. That is, all candidates within 8 points (for this example) of the highest scoring candidate will be assigned to Band 1. Band 2 will include the next group, all of whom are within 8 points of the highest scoring applicant in Band 2. If necessary, bands can continue to be identified until ten candidates are included.

(c) Of the ten names furnished to the SAC, only the volunteer candidates will be banded. If any draft candidates are included in the list of ten names, they will not be banded.

(2) Neither ASAC CDE scores nor rankings will be identified to the advertising SAC. Applicants in each band will be arranged in alphabetical order. (See MAOP, Part 1, 3-2.10.7.)

(3) The EDSP staff will advise the top ten candidates for each vacancy (including any draftees) that they are in the package going to the advertising SAC and, if applicable, what Band they are within for that vacancy.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.10.15| Responsibilities of the Advertising SAC |(Formerly 3-2.10.14)|**

(1) The EDSP will provide the advertising SAC with the names of the ten applicants/draftees, arranged alphabetically within bands. Additionally, for each applicant, the SAC will receive a Single Page Agent Profile, the candidate's Achievement Inventory and the CDE Narrative.

(2) The advertising SAC must confine his/her selection to this group of ten candidates. The SAC is required to start the

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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interviews for the vacancy within 21 days of the receipt of the ASAC package from EDSP. The SAC must contact the Administrator of the EDSP prior to the start of the interviews to determine if any of the ten candidates had been selected for another vacancy, thus allowing an opportunity for the EDSP to replace those candidates before the required interviews commence.

(3) The SAC's evaluation process will include a mandatory interview of each candidate. The candidates are cautioned that they must NOT discuss their individual ASAC CDE score with the advertising SAC during the course of their interview. At the conclusion of the SAC's review of available material and interviews, the SAC must articulate and justify his/her selection/ranking. Inasmuch as other ASAC vacancies may run concurrently with identical applicants, the SACs should recommend at least three candidates in rank order. (See 3-2.10.7.)

(4) Should an SAC select a candidate outside of Band 1, the SAC must provide additional justification for his/her selection. Although all ten applicants are considered the most competitive, the SEM recognizes the substantial statistical differences which can occur from one band to another.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.10.16| SAMMS Board |(Formerly 3-2.10.15)|**

The SAMMS Board will review the SAC's selection for adherence to policy and procedure. In those instances where identical applicants exist in multiple vacancies, the SAMMS Board may make its own recommendation to the Director in addition to the SAC's recommendation. The SAMMS Board must also confine its deliberations to the original ten candidates for each vacancy.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.10.17| Final ASAC Selection |(Formerly 3-2.10.16)|**

The SAMMS Board will furnish to the Director its observations/recommendations along with the SAC's recommendations, and all documentation relative to each of the ten candidates. The Director will interview the first-ranked ASAC candidate. If the Director does not agree with the recommendations made by the SAC/SAMMS Board, he would then interview all the candidates considered by the SAC/SAMMS Board to be the best qualified for the vacancy. The Director has the final selection authority. The Director may select any of the original ten candidates. If an individual below Band 1 is selected, the Director will set forth justification for that selection.

**SENSITIVE**



\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.10.18| Refusal of ASAC Selection |(Formerly 3-2.10.17)|**

It is important to note that any volunteer or draftee who is selected for an ASAC position may choose to turn down the position. In such cases, the draftee candidate will not be required to step out of the EDSP, but he/she will be immediately removed from the ASAC candidate pool for two (2) years. In contrast, the ASAC volunteer candidate who chooses to turn down the ASAC selection would be required to step out of the EDSP and return to investigative duties consistent with the needs of the Bureau. Situations involving compelling personal circumstances are addressed in MAOP, Part 1, 3-6.1 (6)(a).

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.10.19| Grievances and Appeals (Formerly|3-2.10.18)|**

See MAOP, Part 1, 3-9 and 3-10, wherein detailed guidance is provided relative to the Career Development Grievance Process and SAMMS Board Selection Appeals.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.11 |Moved to 3-11.4|**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

### **| 3-2.12 |Moved to 3-11.5|**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

### **| 3-2.13 |Moved to 3-11.6|**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

**| 3-2.14 | Moved to 3-11.7|**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

**| 3-2.15 | Moved to 3-11.8| (Formerly 3-2.14)**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

**| 3-2.16 | Moved to 3-11.9| (Formerly 3-2.15)**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

**3-2.17 Separate Career Paths for Operational and Service Divisions (Formerly 3-2.16)**

(1) The Laboratory Division will identify minimum time limits for service required of Supervisory Special Agents (SSAs) in order to meet divisional needs for special skills.

(a) SSAs within the Laboratory Division, excluding | SSAs assigned as Polygraph|Examiners, |will be eligible for consideration of reassignment to Assistant Inspector or SSA positions outside the Laboratory Division upon the completion of an assignment of four years' service within the Laboratory Division. The SSAs excluded above bring the requisite skills with them and do not require the 1- to 1 1/2-year training period required of other Agent examiners; therefore, they will be eligible after the two years required of all FBI supervisors.

(b) Laboratory Division SSAs will be eligible for consideration of promotion and reassignment to positions at the GS-15 or higher level upon the completion of two years of service within the Laboratory Division.

(2) Minimum requirements for Office of the General Counsel supervisory vacancies are the same as for other supervisory FBIHQ vacancies. However, requirements of a particular expertise, such as a law degree and admission to a state bar, or lack of fully qualified personnel may necessitate exceptions to the regular management career path.

(3) For additional information on separate career paths for operational and service divisions, see MAOP, Part 1, Section 3-6.2(2).

\*\*EffDte: 03/15/2001 MCRT#: 1083 Div: D3                      Cav:                      SecCls:

### **3-2.18 Critical Incident Response Group (Formerly 3-2.17)**

The Critical Incident Response Group (CIRG) is a separate entity from FBIHQ and the field and concerns the support of special investigations and crisis management situations.

(1) Supervisors assigned to the Hostage Rescue Team (HRT) are given field supervisory credit in the Executive Development and Selection Program (EDSP). (See also MIOG, Part 1, 244-6.)

(2) All other Supervisors assigned to CIRG are given credit for FBIHQ time in the EDSP.

| (3) |Deleted|

\*\*EffDte: 03/15/2001 MCRT#: 1083 Div: D3                      Cav:                      SecCls:

### **3-2.19 San Juan Division (See MAOP, Part 1, 11-3.8.)**

The following incentives apply only to supervisory positions in San Juan and on the Island of Puerto Rico. They do not apply to the SSRA position in St. Thomas:

(1) Special Agent supervisors from other field divisions are encouraged to apply for field supervisory vacancies in the San Juan Division. These candidates will be eligible to compete on an equal basis with FBIHQ candidates for nonstationary San Juan field supervisory vacancies.

(2) FBIHQ supervisors may apply for San Juan supervisory vacancies after completing nine months at FBIHQ. Any individual selected for one of these supervisory positions will be required to complete a minimum of 12 months at FBIHQ prior to assuming the San Juan supervisory position. Such individuals will be determined to have fulfilled their FBIHQ supervisory time for future promotional opportunities.

(3) FBIHQ and field supervisors who successfully compete for San Juan GS-14 supervisory positions and have three years of successful performance as a San Juan field supervisor and a|current Meets Expectations|performance appraisal report will be allowed to compete for all nonstationary field supervisory positions Bureauwide on an equal basis with FBIHQ candidates.

(4) FBIHQ and field supervisors who successfully compete for any supervisory positions in San Juan Division will be offered an

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

opportunity to transfer out of the San Juan Division AFTER THREE YEARS. IF, AFTER THE THREE-YEAR PERIOD, the SSA has not successfully competed and been selected for another supervisory position, he/she may opt to be transferred to an FBIHQ position based on the needs of the Bureau as determined by the SAMMS Board.

(5) Local career boards and the SAMMS Board will give appropriate consideration to all highly qualified San Juan candidates when they apply for other supervisory positions consistent with aforementioned incentives.

(6) Deleted

\*\*EffDte: 04/04/2001 MCRT#: 1088 Div: D3

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SecCls:

### **| 3-2.20| Detail/Term Assignments Within the Executive Development and Selection Program |(Formerly 3-2.18)|**

As noted in MAOP, Part I, Section 3-6.1 (3), all vacancies for GS-14 and GS-15 mid-level management positions will be advertised Bureauwide through the Job Posting Application System. This will include all detail assignments at these grade levels, regardless of the length of the assignment. This policy does not preclude division heads from laterally assigning a manager of equal grade from an FBIHQ position to a detail assignment within his/her own division.

(1) Special Agents serving in detail assignments at the GS-14 and GS-15 level will receive credit for management service at FBIHQ, unless stated otherwise in the job posting. This policy is NOT retroactive to individuals who have served in management detail assignments and were not competitively selected for those assignments.

(2) Upon completion of the detail assignment, Special Agents will be returned to the FBIHQ division responsible for the detail assignment, unless the candidate has successfully competed for a management position at another level or in another field or FBIHQ division, or unless specified to the contrary in the job posting. (Also see MAOP, Part I, 3-6.1 (11).)

(3) Division heads are responsible for the performance appraisals of Special Agents on detail assignment, and for ensuring that the candidates are included, where appropriate, in recommendations of candidates for career development activities, i.e., Inspection Staff, Executive Development Institute.

(4) Candidates selected by the Special Agent Mid-Level Management Selection Board for management detail assignments will be evaluated as they would be for any management position at the GS-14 or GS-15 level.

(5) Special Agents serving on detail assignments on a

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

reimbursable basis may be promoted to a higher grade by the agency to which they are detailed provided they have competed for that position. However, this promotion will only be for the duration of the assignment, and upon return to a nondetail assignment, the Agent will revert to his/her previous grade level unless otherwise successful in competing for a higher-level position.

(6) Special Agents who are currently serving in term GS-14 or GS-15 positions and are in assignments which receive credit as Headquarters supervisors (such as the International Criminal Investigative Training Assistance Program) may compete for supervisory vacancies provided that he/she is otherwise qualified. Agents who do not successfully compete for promotions under this policy will revert to their permanent grade level at the end of their term and will be placed in an appropriate position.

\*\*EffDte: 05/19/1997 MCRT#: 674 Div: D3 Cav: SecCls:

### **3-2.21 Chief Division Counsel (CDC) and Associate Division Counsel (ADC) (See MAOP, Part 2, 4-7.) (Formerly 3-2.19)**

The Office of the General Counsel (OGC) career board will review the candidates who apply for GS-14 CDC and ADC positions, as well as GS-15 CDC positions. OGC will solicit and then consider the SAC's recommendation and evaluate the candidates against the criteria set forth in the job posting. The General Counsel will review the OGC career board recommendations and support or object by electronic communication. Final selection will be made by the SAMMS Board.

(1) GS-14 CDC and ADC

(a) Minimum qualifications for GS-14 CDC and ADC positions are: three (3) years' FBI investigative experience, current Meets Expectations performance appraisal, law degree and membership in a state bar.

(b) GS-14 CDC and ADC positions are not considered a part of the Executive Development and Selection Program (EDSP). However, they are subject to competitive selection and will be posted on-line in the Job Posting Application.

(c) A GS-14 CDC in one field office can apply for the same position in another field office; however, these transfers ordinarily will be approved only in circumstances where a GS-14 CDC in a smaller field office is applying for the GS-14 CDC position in a substantially larger field office. GS-14 ADCs will be permitted to compete for GS-14 CDC positions in any field office, but will be permitted to transfer laterally to a GS-14 ADC position in another field office only when a fully-qualified candidate is not identified in the advertising field office.

(2) GS-15 CDC

**SENSITIVE**

(a) Minimum qualifications for GS-15 CDC positions are: three (3) years' FBI investigative experience, relief supervisory experience, current Meets Expectations performance appraisal, law degree and membership in a state bar.

(b) GS-15 CDC positions are considered part of the EDSP; therefore, candidates for GS-15 CDC positions must be EDSP participants and incumbents will receive field supervisory credit.

(c) GS-15 CDC positions will count against the division's supervisory TSL; however, they will not be counted against the 50 percent stationary/nonstationary ratio.

| (d) If a current CDC or ADC held a supervisory position prior to his/her promotion to CDC/ADC, or was a relief supervisor for one year prior to his/her promotion to CDC/ADC, he/she is eligible to compete for other supervisory positions in the field or at FBIHQ.|

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-2.22 Term GS-14 EEO Investigators (See MAOP, Part I, 4-5.2.)**

| Term EEO Investigators will be located in regional field offices for a two-year term, with optional one-year extensions. Candidates may only apply for the position in the region where they are currently assigned. The candidate selected will remain in his/her field office and handle any complaints within that region, except for their own field office. In those instances, an investigator from another region will handle the investigation to avoid any perceived conflict of interest. The Term GS-14 EEO Investigator vacancies will be advertised by the EDSP and selected by the SAMMS Board; however, they are not considered part of the EDSP and individuals in these positions will not receive field or Headquarters supervisory credit. At the conclusion of the term, the selectee will revert back to investigative duties within his/her own field office.|

\*\*EffDte: 08/03/1998 MCRT#: 813 Div: D3 Cav: SecCls:

### **| 3-2.23 Term GS-14 Regional Program Managers**

| Term Regional Program Managers (RPM) will be located in regional field offices. Although these individuals will be assigned to field offices, they will assume management oversight responsibilities for the FBI's Employee Assistance Program (EAP) in field office territories within their respective region, which will require significant travel throughout the region. The EAP RPM

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| positions will be term GS-14 management positions and will be  
| responsible for implementing EAP policy, training and management in  
| the field offices within the region of assignment. They will report  
| directly to and be under the direct supervision of the Employee  
| Assistance Administrator/Unit Chief of the Employee Assistance Unit,  
| Administrative Services Division. Term GS-14 Regional Program  
| Manager vacancies will be advertised by the EDSF and selected by the  
| SAMMS Board; however, these positions are not considered part of the  
| EDSF and individuals in these positions will not receive field or  
| Headquarters supervisory credit.|

\*\*EffDte: 08/03/1998 MCRT#: 813 Div: D3 Cav: SecCls:

### **3-3 SPECIAL AGENT CAREER BOARDS (See 3-6.4.2(2).)**

| Field|office/division|Special Agent career boards are  
utilized in each field office having two or more field supervisory  
positions and may be ad hoc or permanent. For those field offices  
having less than two supervisory positions, the career board should  
include the ASAC and field supervisor.

\*\*EffDte: 09/16/1998 MCRT#: 822 Div: D3 Cav: SecCls:

#### **3-3.1 Field Office/Division Career Boards (See MAOP, Part 1, 11-3.9.)**

(1) The purpose of the field office/division career board is to recommend to the SAMMS Board candidates for promotions to the Supervisory Senior Resident Agent and field supervisory positions. In addition, the field office career board selects Special Agents to become relief supervisors, secondary relief supervisors, principal relief supervisors, and Senior Resident Agents (SRAS). For those relief supervisor (including secondary and principal) and SRA selections, the SAC may provide his/her views to the field office career board regarding the candidates' qualifications, but may not override selections made by the board unless the SAC determines that the selected candidate has a pending or recently adjudicated (within three years) disciplinary issue. Local career boards are not permitted to consider disciplinary issues, either in recommending candidates for promotion to the SAMMS Board or in making final selections at the field office level. Consequently, for selections made by the local career board, it is the SAC's responsibility to determine whether there are any disciplinary issues with respect to the candidate selected that justifies overriding his/her career board selection. In contrast, SACs are not permitted to consider disciplinary issues in recommending candidates for promotion to the SAMMS Board. For information regarding field office career boards as they relate to EEO Counselors, see MAOP, Part 1, Section 4-5.1.1 (2). The local career board also recommends Special Agents to the SAC for attendance at relief supervisory training at Quantico. If feasible

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

and efficient for field office operations, the SAC may utilize the field office career board to assist him/her in other personnel matters such as: intraoffice transfers, quality increases, new Agent training matters, and selection of Agents to attend specialized in-services. The Special Agent career board should not be utilized to handle support personnel matters.

(2) Field office career boards will be chaired by an Assistant Special Agent in Charge (ASAC). Acting ASACs may chair a field office career board only in one-ASAC offices when the ASAC position is vacant. If there is a permanent ASAC assigned to the field office, an acting ASAC may not chair the career board. Field offices having an Assistant Director in Charge may opt to have the field career board chaired by either an SAC or ASAC. Field offices having Associate SACs may opt to have the career board chaired by either an Associate SAC or ASAC. FBIHQ division career boards will be chaired by either a Deputy Assistant Director or Section Chief if the vacancy being considered is a GS-15. If the vacancy being considered is a GS-14, the FBIHQ division career board may be chaired by a Deputy Assistant Director, Section Chief, or Unit Chief. In order to maintain separation between the local career board deliberations and the division head recommendations, the Deputy Assistant Director may only execute the division head review if that same individual did not chair the local career board. The Board will consist of a minimum of three members, at least one of whom will be of minority (race or sex) status. All members of the board should be of a rank equal to or greater than the position(s) being considered. If no minority member of appropriate rank is available, a minority member of a lower rank should be included in the career board process as an observer rather than as a voting member. |Career board members are reminded to review | MAOP, Part 1, 1-15.4, as it relates to nepotism, favoritism, and the | appearance of impropriety.|

(3) Complete documentation of all field office/division career board deliberations must be maintained, to include audio or stenographic recording of deliberations. Interviews of candidates conducted by the career board must be recorded. Appropriate security and classification is to be afforded the maintenance of the recording. Deliberations should be neutral with regard to the protected characteristics of age, color, religion, disability, national origin, race, sex, sexual orientation, marital status or political affiliation. Any discussion of these factors must be documented in the communication described below. In addition, no undocumented informal recommendations to members of the SAMMS Board are permitted. Documentation regarding the deliberative process must include the following information: (1) Names of all candidates applying for the position; (2) Names of all career board committee members and identification of minority member; (3) Date of deliberation, affirmation regarding the recording of deliberations; (4) Description of selection procedure including criteria utilized to make the selection and the basis for the rank order of candidates. This document must reflect the basis for the selection of the top candidates and the nonselection of others, to include evaluations of all those individuals who applied or were considered. A general grouping of candidates can be provided if they possess common deficiencies such as insufficient experience. All references to an

**SENSITIVE**



individual that cannot be verified by a review of the FD-638 must be fully documented; (5) Identification of candidates recommended, including a summary of candidates' careers. Career boards should recommend at least three candidates, if possible, in rank order; (6) This communication must state the SAC/division head recommendation and, if different from that of the career board, provide explanation; (7) Names of all candidates appearing before field/division career boards must be indexed in order that retrieval can be made at a later date; and (8) A matrix containing relevant data on each candidate must be included with documentation. (See 3-6.4.2 (2).)

(4) All Special Agent career boards, including the SAMMS Board, the Senior Executive Service and all field office and Headquarters division career boards' documentation and recording of career board deliberations should be retained for a period of ten years following a final determination by the Board. Any documentation and recording of career board action which is the subject of litigation will be retained for the purposes of litigation, regardless of the passage of time.

\*\*EffDte: 09/06/2001 MCRT#: 1142 Div: D3 Cav: SecCls:

### **| |3-3.1.1 Career Board Selections for In-Service Training**

| (1) All field offices that have 13 or more supervisors  
| assigned to the field office will use a field office career board to  
| make all selections for in-service training when both of the following  
| conditions are met:

| (a) The field office has received enough advance  
| notice of the in-service training opportunity so that the training  
| vacancy can be posted, and each Agent has the opportunity to apply and  
| be considered for the training vacancy at the next regularly scheduled  
| field office career board meeting; and

| (b) More than one Agent who meets the minimum  
| qualifications for the training vacancy has applied for the training  
| vacancy.

| (2) Field office career boards are not required for  
| conferences, meetings or non-FBI sponsored training courses.

| (3) It is not necessary to convene a field office career  
| board when there is only one candidate who meets the minimum  
| qualifications for a particular training vacancy.

| (4) When a field office has not received enough advance  
| notice to comply with the above requirements for using the field  
| office career board to make the training vacancy selection, or where a  
| substitution is necessary due to the unavailability of the initial  
| selectee, the field office should utilize an alternative career board  
| as described for smaller field offices. In such situations, the field

| office should document the reasons for the use of the alternative  
| career board.

|           (5) All other field offices that do not meet the  
| requirements of (1) above should consider using some form of a career  
| board to oversee the selection of attendees at in-service training.  
| This alternative career board can consist of as few as two supervisors  
| or an ASAC and one supervisor, if necessary. The use of field office  
| career boards or an alternative form in the smaller offices will help  
| ensure that all in-service training selections are based on objective  
| criteria that are documented and reviewed before being sent to the SAC  
| for final approval.|

\*\*EffDte: 05/22/1996 MCRT#: 547 Div: D2D3 Cav: SecCls:

### **| 3-3.2 |Deleted|**

\*\*EffDte: 07/07/1995 MCRT#: 400 Div: D3 Cav: SecCls:

### **| 3-3.2.1 |Moved to 3-3.3|**

\*\*EffDte: 07/07/1995 MCRT#: 400 Div: D3 Cav: SecCls:

### **| 3-3.2.2 |Moved to 3-3.4|**

\*\*EffDte: 07/07/1995 MCRT#: 400 Div: D3 Cav: SecCls:

### **| 3-3.3 |Moved to 3-11.3| (Formerly 3-3.2.1.)**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

### **3-3.4 SAMMS Board (Formerly 3-3.2.2.)**

|           (1) The SAMMS Board is comprised of: Assistant Director,  
| Office of Congressional Affairs; Deputy Assistant Directors, Criminal  
| Investigative, Counterintelligence, Counterterrorism, Cyber, and  
| Inspection Divisions|as well as a Deputy Assistant Director from the  
| Directorate of Intelligence.| Three SACs|(including SACs from the  
| Office of International Operations and Critical Incident Response  
| Group),|with three alternates, will also serve as voting members of  
| the SAMMS Board, rotating throughout the field every six months on a

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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staggered schedule to ensure the continuity of field representation. The permanent Chairperson, who will vote only in the event of a tie, is the Assistant Director, Administrative Services Division. One Deputy Assistant Director from one of the following divisions will serve as a voting member of the SAMMS Board on a six-month rotating basis to ensure representation of nonoperational divisions: Criminal Justice Information Services Division, Security Division, Records Management Division, Laboratory Division, Operational Technology Division, Administrative Services Division, Training and Development Division, Finance Division, Deputy General Counsel of the Office of the General Counsel, as well as the Assistant Director of the Office of Public Affairs and Assistant Director of the Office of the Chief Information Officer. While the remaining FBIHQ divisions will not have a voting member of the SAMMS Board, they will be permitted to send one nonvoting representative to each meeting. Nonvoting members will also include a minority representative (when there is no minority representative among the voting membership) and an observer. The FBIHQ EDSP Staff is responsible for coordinating SAMMS Board activities and attending meetings. The Director personally approves each member of the career board.

(2) The permanent Chairperson of the SAMMS Board is the Assistant Director, Administrative Services Division. The Chairperson will cast a tie-breaking vote only.

(3) The Alternate Chairperson will be selected from either an operational or service division and from among those Assistant Directors who have served as SAC. The Alternate Chairperson will attend meetings in lieu of the Chairperson. The Alternate Chairperson, when serving as Chairperson, will cast a tie-breaking vote only.

(4) A nonvoting EDSP Manager will be an ex officio member of the board. Responsibilities of this position will focus on the compilation of background material, manpower forecasting, and policy formulation relative to career development. This position will also serve as point of contact with respect to questions and concerns regarding career movement within the FBI.

(5) By personal delegation from the Director, the SAMMS Board is authorized to make the final decision on all GS-14 supervisory positions and GS-15 Unit Chief positions. ASACs, GS-15 Legats and GS-14 Assistant Legats, Inspectors-in-Place, Ombudsman, and the GS-14 Supervisor of the Director's and Attorney General's Special Detail Group are selected by the Director based on recommendation of the SAMMS Board. The Director will interview each first-ranked ASAC, Legat and ALAT candidate recommended by the SAMMS Board to fill an advertised vacancy. In the event the Director does not agree with the recommendation made by the SAMMS Board, he would then interview all of the candidates considered by the Board to be the best qualified for the vacancy. (See 3-6.4.2(2).)

(6) Upon notification of the identities of the candidates for SAMMS Board job advertisements, and prior to any deliberation or discussion, a SAMMS Board member must recuse himself or herself from the deliberation/decision process if he or she has knowledge that one

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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or both of the following conditions apply: (1) the SAMMS Board member was or is currently a subject of an OPR investigation in which a job candidate, or his or her spouse, was or is the complainant, investigator and/or adjudicator; or (2) the SAMMS Board member was or is currently the Responding Management Official (RMO) in an EEO complaint in which a job candidate was the investigator, the complainant, or the spouse of the complainant.

(7) Only after the SAMMS Board selects/ranks a candidate will the SAMMS Board be informed of any relevant disciplinary or EEO matter concerning the candidate in the past three years. The SAMMS Board will then be provided with an overview of the relevant disciplinary matter.

If the selected/ranked candidate is the subject of a pending disciplinary action or EEO matter or has been disciplined within the past three years, the SAMMS Board will forward to the Director, his/her name, a summary of the OPR, security, inspection or EEO allegations and/or disciplinary action and their recommendation as to whether the particular pending matter or discipline will impact on the candidate's ability to perform the duties of the position. Additionally, the SAMMS Board will forward to the Director the names of two additional candidates, also accompanied by any information concerning the relevant disciplinary or EEO matters concerning those candidates. The Director will make the final decision. Additionally, if the selected candidate has been named a Responding Management Official in an EEO-related allegation of discrimination that has yet to be adjudicated or if there has been a determination that the candidate was culpable for an act of discrimination within the past three years, the SAMMS Board will forward his/her name with two additional candidates from which the Director will make the final decision. A summary of the allegations against the candidate, including the facts known at the time of selection and any information regarding the terms of any settlement agreement and/or reasons for settlement, will also be provided to the Director.

(8) Once a candidate is selected for a position, he/she will automatically be removed from consideration for other vacancies for which he/she has applied, with the exception of those vacancies for which he/she is already an applicant and selection would result in a grade increase.

\*\*EffDte: 07/12/2005 MCRT#: 1395 Div: D3

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### **3-4 TRAINING SCHOOLS**

Various supervisory/management training courses are available to those Special Agents in the Executive Development and Selection Program. Courses include the Relief Supervisory Seminar, FBI Supervisors Management Seminar, and Executive Development Institute (EDI). A description and career development prerequisite(s) of each training course is set forth below:

**SENSITIVE**

\*\*EffDte: 02/24/1995 MCRT#: 372 Div: D3 Cav: SecCls:

### **| 3-4.1 |Relief Supervisors Training Program**

| The Relief Supervisors Training Program is a three-day  
| program designed to provide management training on EEO issues,  
| cultural diversity, team building, leadership and improving  
| interpersonal skills. Relief supervisors who attend this program  
| should be interested in becoming a part of the FBI's EDSP. The relief  
| supervisor attending this school will be selected by the local career  
| board based on overall assessment of individual's commitment to, and  
| the potential for, management training. This course can be conducted  
| regionally or at Quantico.|

\*\*EffDte: 06/14/1993 MCRT#: 35 Div: D3 Cav: SecCls:

### **3-4.2 Relief Supervisor Computer-Based Training Program**

The computer-based training program was developed for  
relief supervisors to improve their management skills. After a short  
introduction to various management principles, the computer places the  
participant in the position of a field supervisor with approximately  
one hour to complete an "in-basket" of various types of FBI  
| communications|(electronic communication,|etc.). The program then  
assists the participant in reviewing decisions reached by displaying  
the positives and negatives of each course of action. The relief  
supervisor will learn the importance of the management principles  
applied to the FBI such as control, delegation, leadership, and  
decisiveness and time management techniques.

| |Computer-based training exercises on mail handling, the in-basket and  
| problem analysis are obtained through the Computer-Based Training Unit  
| at the FBI Academy.|

\*\*EffDte: 05/31/1996 MCRT#: 553 Div: D3 Cav: SecCls:

### **| 3-4.3 |Deleted|**

\*\*EffDte: 02/24/1995 MCRT#: 372 Div: D3 Cav: SecCls:

### **| 3-4.4 |Deleted|**

\*\*EffDte: 02/24/1995 MCRT#: 372 Div: D3 Cav: SecCls:

**| 3-4.5 | Deleted|**

\*\*EffDte: 02/24/1995 MCRT#: 372 Div: D3 Cav: SecCls:

**| 3-4.6 | Deleted|**

\*\*EffDte: 02/24/1995 MCRT#: 372 Div: D3 Cav: SecCls:

**| 3-4.7 | Deleted|**

\*\*EffDte: 02/24/1995 MCRT#: 372 Div: D3 Cav: SecCls:

**| 3-4.8 | Deleted|**

\*\*EffDte: 10/12/1994 MCRT#: 318 Div: D3 Cav: SecCls:

**| 3-4.9 | Deleted|**

\*\*EffDte: 10/12/1994 MCRT#: 318 Div: D3 Cav: SecCls:

**| 3-4.10 | Deleted|**

\*\*EffDte: 10/12/1994 MCRT#: 318 Div: D3 Cav: SecCls:

**| 3-4.11 | Deleted**

\*\*EffDte: 06/14/1993 MCRT#: 35 Div: D3 Cav: SecCls:

**3-4.12 FBI Supervisors Management Seminars**

A one-week, intensive program at the FBI Academy has been crafted for FBI field supervisors. With the use of active learning techniques, participants, nominated for attendance by their SAC, concentrate on the practical managerial skills needed to plan, direct,

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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and control the work of FBI employees. The topical areas covered include field office inspection preparation, advanced leadership, employee assistance matters, EEO matters, performance appraisal matters, and Automated Case Support (ACS) matters. Opportunities are presented at each seminar to meet and confer with senior Bureau executives. This seminar is to be afforded all field supervisors, upon appointment, to introduce them to fundamental managerial skills.

\*\*EffDte: 05/31/1996 MCRT#: 553 Div: D3 Cav: SecCls:

### **3-4.13 Executive Development Institute (EDI)**

EDI I is a two-week course to develop managerial skills for experienced GS-14 and GS-15 FBIHQ and field Supervisory Special Agents, GS-13, GS-14 and GS-15 FBIHQ and field support supervisors and field Supervisory Administrative Specialists. EDI II is for ASAC candidates and newly assigned ASACs. The course focuses on personal and operational development and organizational issues specific to the ASAC positions.

(1) EDI I (Individual Development) - SSAs and support supervisors, who supervise an FBI workforce for a minimum of 18 months, will be eligible to attend EDI. Selection for attendance is made by the SAMMS Board. Attendance at EDI I is required for all ASAC candidates. Candidates should be recommended and ranked (if there is more than one candidate from the division) by their division head, and slots will be filled as they become available. The number of Agent/support supervisors selected by the SAMMS Board will be based on the ratio of Agent/support candidates. Prioritization for selection is as follows:

(a) Agent attendees: (1) GS-14 and GS-15 SSAs with a minimum of 18 months as a supervisor who are assigned either to the field or FBIHQ and have completed their inspections; (2) GS-14 and GS-15 SSAs with a minimum of 18 months as a supervisor who have the most number of completed inspections.

(b) Support attendees: GS-13, GS-14 and GS-15 (or equivalent) supervisors and Supervisory Administrative Specialists with 18 months of FBI supervisory experience. Preference will be given to those supervisors who have completed the Support Supervisors Management Seminar and either the Support Supervisors Advanced Management Seminar or the identified Ninth House Network E-Learning courses. This does not preclude new hires at the GS-13, GS-14 and GS-15 (or equivalent) levels or those entering into the Supervisory Administrative Specialist position with significant leadership and managerial skills from attendance at EDI I. In extraordinary and compelling circumstances where there is evidence that a candidate has qualified for attendance at EDI, but lacks the prerequisite 18 months supervising FBI personnel, the SAMMS Board has the discretion to review these circumstances and grant attendance, if warranted.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(2) EDI II (Operational Development) - Candidates are selected by the SAMMS Board from a pool of candidates who have recently been assigned as ASAC or who are otherwise ASAC candidates. Candidates who are not yet assigned as ASAC are prioritized in the following order:

(a) experienced as GS-14 and GS-15 SSAs who have been assigned to the field and FBIHQ and are Inspection certified and

(b) experienced field or FBIHQ GS-14 and GS-15 SSAs who have the most number of completed inspections.

\*\*EffDte: 09/10/2003 MCRT#: 1298 Div: D3 Cav: SecCls:

### **| 3-5 |MOVED TO 3-4.12|**

\*\*EffDte: 06/14/1993 MCRT#: 35 Div: D3 Cav: SecCls:

### **| 3-6 GENERAL POLICY STATEMENTS PERTAINING TO THE OPERATION OF|EDSP|**

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: D3 Cav: SecCls:

#### **3-6.1 General Principles (See MAOP, Part 1, 11-7.)**

(1) Entry into the EDSP is voluntary and withdrawal from the EDSP is also voluntary, except for supervisors who are demoted and removed from supervisory duties as a result of administrative action. (See 3-7.1 (8).)

(2) An Agent may remove himself/herself at any stage of career development. Agents who voluntarily remove themselves from the EDSP are permitted to request reentry into the program, if they desire to do so, after a period of one year. The divisional career board must then evaluate the candidate and make a recommendation to the division head or SAC regarding reinstatement as a relief supervisor. Reentry into the EDSP as a relief supervisor is based on the selection/recommendation of the field office career board. Agents who have removed themselves from the EDSP must reenter the program before they are eligible to compete for EDSP vacancies. (See 3-7.1.)

(3) All vacancies for GS-14 and GS-15 Special Agent mid-level management positions will be advertised Bureauwide through the Job Posting Application System. (See 3-2.20.)

(4) The EDSP definition of "current performance appraisal

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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report" as it relates to qualifications for job vacancies is: the most recent performance appraisal entered into BPMS by the closing date of the advertisement of a given vacancy. If the candidate has recently been given a performance appraisal, it is the candidate's responsibility to follow up with his/her division/office to ensure the appraisal has been entered and approved in the BPMS before the job posting deadline date.

(5) The SAMMS Board reviews the qualifications of volunteers as well as other qualified candidates and makes its selection based on the needs of the Bureau in conjunction with the qualifications of the candidates. The candidate selected may be required to transfer. Except as indicated in the following paragraphs, Agents not accepting the selection and/or transfer within ten days of issuance of orders will be required to withdraw from the EDSP. (See 3-7.1.)

(6) Declining a Selection

(a) Should a volunteer ASAC candidate decline an ASAC selection/transfer due to compelling personal circumstances arising subsequent to that selection, he/she may request to remain in the EDSP by fully documenting the circumstances in an electronic communication (EC) and sending it without delay to the Administrator, EDSP. The employee's division head should submit an EC with a recommendation as to whether the selectee should be permitted to remain in the EDSP. Should a drafted ASAC candidate decline an ASAC selection/transfer, he/she should document any compelling personal circumstances which form the basis for his/her decision to decline the selection/transfer. These circumstances may arise before, during, or after the selection. The employee's division head should submit an EC with a recommendation as to whether the selectee should be permitted to remain in the ASAC candidate pool. Each refusal to accept a selection/transfer will be addressed on a case-by-case basis by the SAMMS Board. The SAMMS Board will determine, based upon the record before it, whether such refusal is based upon compelling personal reasons, and it is, therefore, in the interest of the Bureau to permit the employee to remain in the ASAC candidate pool and/or in the EDSP. (See MAOP, Part 1, | 3-2.10.18.) |

(b) Should a mid-level candidate for any vacancy other than an ASAC vacancy volunteer for selection but then decline the selection and/or transfer due to personal reasons arising subsequent to that selection, he/she may request to remain in the EDSP by fully documenting the circumstances in an EC and sending it without delay to the Administrator, EDSP. The same procedure is to be followed by a candidate for mid-level vacancies other than ASAC who did not volunteer but was selected by the SAMMS Board, but the personal reasons forming the basis for his/her decision to decline the selection and/or transfer can arise before, during, or after the selection. The employee's division head should submit an EC with a recommendation as to whether the selectee should be permitted to remain in the EDSP. Each refusal to accept a selection/transfer will be addressed on a case-by-case basis by the SAMMS Board. The SAMMS Board will determine, based upon the record before it, whether such refusal is based upon compelling personal reasons, and whether it is,

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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therefore, in the interest of the Bureau to permit the employee to remain in the EDSP.

(7) A decision by the SAMMS Board to allow an employee to remain in the EDSP due to compelling personal reasons as discussed in the previous paragraphs should not be construed as protecting the employee from being considered as a candidate for future selections by the SAMMS Board.

(8) A preference-eligible employee who will experience a reduction in grade as a result of his/her involuntary removal from the EDSP may be entitled to certain rights such as advanced written notice and an opportunity to respond. These are the same rights as are provided to preference-eligible employees who face certain proposed disciplinary-based adverse actions. See MAOP, Part 1, 13-10.

(9) Personnel Resource List promotions are permissible for EDSP participants if organizational needs are served.

(10) Agents in the EDSP should not have direct supervisory or rating responsibility for their spouse. For senior executives with husbands or wives in the EDSP, some form of recusal may be appropriate.

(11) Individuals who are participating in assignments outside of normal FBIHQ divisions, i.e., the War College, State Department School, Assistant Inspector, Legal Attache, are encouraged to apply for positions for which they are qualified and in which they have an interest prior to completion of their detail assignment. If the individual is unable to secure a position of interest, they will be returned to the division from which they came, either as an overage or to fill a vacant position. (See MAOP, Part 1, 3-2.20 (2).)

(12) Agents are required to serve a one-year probationary period for initial assignment to the following positions: (a) GS-14 field supervisors, including GS-15 Legal Attaches; (b) non-ASAC GS-15s, unless the selectee has previously completed a probationary period as a GS-14 field supervisor, and (c) first-time ASACs. FBIHQ GS-14 supervisors, including Assistant Legal Attaches, are not subject to a probationary period.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3

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### **3-6.2 Voluntary Policy**

(1) Current EDSP policy requires that all entry-level FBIHQ supervisory positions be advertised Bureauwide. This procedure will ensure a Special Agent lawyer, firearms instructor, or any other Agent possessing a needed specialty and not seeking advancement through the structured EDSP, may advance within a specialized field. Persons selected for FBIHQ assignment will receive accelerated | promotions, | if applicable.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(2) When a person promoted to FBIHQ is not in the structured career path leading to future field management assignment and has not yet served as a relief supervisor or has had limited (usually less than five years) field experience, the SAMMS Board at the time of selection reserves the right to have a caveat placed on the Agent's transfer orders. This caveat places the Agent on notice as to what status the Agent is eligible to return to field operations in the future. (See 3-2.17 (3).)

(3) Regardless of prior field experience, all persons appointed to FBIHQ positions will have the opportunity to rise to higher levels of responsibility within the division or area of expertise according to their capabilities, work performance and division recommendations. However, in the event an FBIHQ supervisor, not having field supervisory experience, is promoted to Unit Chief, Section Chief, or above, and then seeks to return to the structured field management career path, the SAMMS Board, on a case-by-case basis, reserves the right to require the Agent return to field operations as a field supervisor or other appropriate level.

(4) While the advertising policy allows interested candidates to volunteer for a particular position, all qualified candidates are considered with final selections being made on the basis of the best person for the position. The individual selected will be required to transfer or remove himself/herself from the EDSP. (See 3-7.1.)

(5) The EDSP policy must call for a balanced interchange of personnel between field office assignments and FBIHQ assignments and more specifically to a balanced exchange of field office supervisors to FBIHQ supervisory assignments. In the event SAMMS Board notices an imbalance occurring where very few field supervisors are volunteering for posted FBIHQ positions, the following measure would be enacted:

(6) The SAMMS Board reserves the right to include the name(s) of supervisors who have served a minimum of two years in the nonstationary field supervisory position or a minimum of five years in the stationary field supervisory position, along with the name(s) of individual(s) who apply for advertised FBIHQ vacancies to make an appropriate selection.

\*\*EffDte: 08/04/1999 MCRT#: 924 Div: D3 Cav: SecCls:

### **3-6.3 Supervisory Advertising Policy**

(1) It is the responsibility of the division in which a Special Agent mid-level supervisory vacancy (GS-14/GS-15) occurs to advertise the position through the FBI computer network, "Job Posting Application (JPA)" process. (This policy does not preclude division heads/SACs from reassigning managers in their respective divisions to

**SENSITIVE**

other management positions at the same grade level.)

(2) The job posting announcement will be entered into the JPA and electronically transmitted to the Administrator, EDSF, where it will be reviewed, approved and transmitted Bureauwide. The deadline for applications for the position will be close of business two weeks from the date of approval and will be noted in the job posting announcement. No FD-638s will be accepted after the deadline.

(3) The job posting announcement is limited to the space available in the JPA system and will include the following information:

(a) Field supervisory positions will be designated as stationary or nonstationary

(b) Description of the duties of the position and work-related conditions

(c) The nature of the work and the number of persons supervised

(d) Qualifications for the position in order of priority

(e) Location of the position

(f) Name and phone number of points of contact

(g) Instructions for submitting FD-638s

(4) It is the responsibility of the divisions to ensure that all Special Agents who are interested in management assignments become familiar with the JPA system. Copies of each job posting are to be posted in a prominent location specifically dedicated to this purpose. However, it is ultimately the responsibility of the Agent to be aware of postings in the JPA.

\*\*EffDte: 10/12/1994 MCRT#: 318 Div: D3 Cav: SecCls:

### **3-6.4 Reporting Procedures for Advertised Vacancies**

(1) A standard, mandatory Form FD-638 has been developed for candidates to announce their interest in a particular supervisory vacancy either at FBIHQ or in a field office. Only Form FD-638 is to be utilized by an Agent requesting consideration for a supervisory vacancy.

(2) It is imperative that the FD-638 be utilized in every instance when requesting consideration for a supervisory vacancy. FD-638 includes self-explanatory instructions of how form is to be completed. Instructions should be strictly followed to ensure proper

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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filing at FBIHQ and information set forth should not exceed the allotted space.

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

### **3-6.4.1 Legat Use of FD-638**

Agent personnel assigned to Legal Attaches who respond to an advertised vacancy should submit background data by facsimile or teletype. Information set forth on teletype should follow format of FD-638. Legat should ensure his/her recommendation is included in any teletype and facsimile being forwarded for consideration.

\*\*EffDte: 06/14/1993 MCRT#: 35      Div: D3      Cav:      SecCls:

### **3-6.4.2 Application and Selection Process**

#### **(1) Application Process**

(a) Special Agents interested in applying for specific positions advertised in the JPA will prepare two Supervisory Vacancy Request Forms (FD-638), complete with the exception of Item 11 - Division Head Comments. Effective March 31, 2001, the narrative portion of the FD-638 must be no smaller than font size 10. No classified information should be included in any FD-638. One copy is to be forwarded directly to the Administrator, EDSP, FBIHQ, Room 10143. The other copy is to be provided to the candidate's SAC or division head so that the appropriate recommendation may be added. Effective March 31, 2001, the SAC/division head is to either "not recommend," "recommend," or "highly recommend" the candidate and comment on the candidate's mandatory and preferred qualifications for the job advertised, as well as leadership ability, interpersonal skills and potential for advancement. The SAC/division head will then forward the FD-638 to the Administrator, EDSP, FBIHQ, Room 10143. In order not to influence the field office career board, the SAC will not comment on the FD-638s for vacancies WITHIN HIS/HER DIVISION. FBIHQ division heads will review statements made by the candidate on the FD-638 and comment on the candidate's qualifications as listed in the posting, but will NOT include a recommendation, i.e., "recommended," "not recommended," or "highly recommended." Once the field office/division career board has met and submitted a recommendation for selection, the SAC/division head will, at that time, make his/her recommendations regarding selection for the vacancy and forward both the field office/division career board and SAC/division head recommendations to the Administrator, EDSP for presentation to the SAMMS Board. The SAC/division head will continue to comment on FD-638s on candidates for vacancies that are NOT within his/her division. If it is known that the candidate is the subject of an administrative inquiry, the division head should notify the SAMMS

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

Board of this by attaching a routing slip to the FD-638. Special Agents are to be advised of the substance of the recommendation by their SAC/division head so as to provide realistic expectations and developmental activities where necessary.

(b) Deleted

(c) A candidate who applies for a job vacancy may withdraw his/her name from consideration up to two weeks prior to deliberation by the SAMMS Board. All withdrawals must be submitted to the EDSP in writing. If a candidate wishes to withdraw from a position within two weeks of the scheduled SAMMS Board, the candidate must submit his/her request in writing with his/her division head's acknowledgment and comments. If the candidate withdraws prior to the closing date of a job posting, he/she may request that his/her FD-638 be reinstated. Once a job posting has closed, candidates who have withdrawn will not be permitted to reinstate.

(2) Selection Process (See 3-3.)

(a) Once the application deadline is reached, the Administrator, EDSP, will identify all qualified candidates, ensure that SAC/division head recommendations are included for each candidate, and provide this information to the advertising entity. This package will be sent to the chairperson of the career board of the advertising entity within 10 calendar days of the job posting deadline as listed in the JPA. It is essential that FD-638s be submitted on a timely basis, and where necessary, facsimile transmissions will be accepted. Except in exigent circumstances, applications received by the Administrator, EDSP, after 5:30 p.m. Eastern time on the posted deadline will NOT be considered. SACs and division heads should not request FD-638s from any source other than the Administrator, EDSP.

(b) Once the local career board chairperson receives the FD-638s from the Administrator, EDSP, a local career board meeting should be scheduled and conducted as soon as possible. Effective March 31, 2001, if the local career board is unable to evaluate the candidates within 60 days after the job posting announcement deadline, the advertising entity will be directed to re-post the advertisement and obtain a new list of candidates. Upon completion of its evaluation, the local career board will document its review and recommendations as described in Section 3-3.1 and forward pertinent material to the Administrator, EDSP.

(c) Interviews of candidates may be conducted at the discretion of the advertising entity. However, should the division choose to conduct interviews, then all candidates who apply must be interviewed, either in person or by telephone. The interviews may be conducted by the chairperson, his/her designee, or by the entire career board. Interviews must be recorded if conducted by the entire career board. In any case, the same individual(s) should conduct all interviews. Only in unusual circumstances and with the concurrence of the Administrator, EDSP, will Agents be allowed to travel for interviews. Interviews should be structured so as to elicit information not available on the FD-638, i.e., the candidate's oral

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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communication skills, decision-making abilities, and leadership potential. It is recognized that this is a partially subjective process and the career board chairperson may confer with the Leadership and Management Science Unit, Quantico, or the Administrator, EDSP, for assistance in structuring interviews.

1. For Legat and Assistant Legat (ALAT) vacancies only, interviews, if conducted, are not required for all candidates. Once a Legat Screening Panel (LSP) has completed its candidate review and deliberations for a Legat/ALAT position and has identified a best-qualified group of candidates, the LSP has the option of conducting interviews of those candidates in the best-qualified group. If interviews are conducted, all candidates in the best-qualified group, including at least the top three candidates, must be interviewed. The interviews must be conducted by the LSP as a group and must be recorded. The candidates will be asked identical questions, and a list of the questions will be set forth in the EC prepared by the LSP regarding the vacancy. The LSP is not required to interview candidates they determine to be obviously not highly qualified.

(d) THE CAREER BOARD'S SELECTION PROCEDURE IS DETERMINED BY THE ADVERTISING ENTITY; HOWEVER, ONCE ESTABLISHED, IT MUST BE APPLIED CONSISTENTLY TO EACH APPLICANT FOR THE ADVERTISED

POSITION. Career boards may obtain information from interviews of the candidates, the candidate's FD-638s, division head comments, and current rating officials (in cases where the current rating official has been so for less than one year, the former rating official may be interviewed). Career boards may also elect to verify achievements contained on FD-638s, i.e., may contact candidate(s) to obtain the name(s) of current and/or prior rating official(s) for the purpose of seeking verification of information contained on the FD-638(s). If the career board elects to verify achievements contained on FD-638(s), it is not required to verify all the achievements of a particular candidate, nor is it required to verify achievements of all the candidates. Contact with the candidate(s) must be limited to obtaining names of verifiers unless the local career board is interviewing all candidates who have applied for the position. Contacts with verifiers should be limited in scope to the verification of the achievement(s). Contact with a candidate's current rating official must also be limited to the verification of the achievement(s) unless the local career board is interviewing the rating officials of all the candidates. If any comments of rating officials other than FD-638 verifications are obtained and considered by the local career board, then similar comments from the rating officials of all candidates must be sought. If comments of the candidate's rating official are in conflict with the documented comments of the division head, the candidate's division must reconcile these differences in a communication to the local advertising entity and the EDSP in the form of an addendum to the division head comments. Career boards will not consider such information received that is in conflict with the division head comments until it is reconciled in this communication. Administrative inquiry/action must NOT be part of the deliberative process in the divisional career boards. These matters will be addressed at the SAMMS Board level.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(e) Local career boards are required to maintain all documents prepared as a result of their board meetings. In instances where it is determined to be necessary and appropriate to set aside and disregard a particular career board and reconvene another career board, all written documents and audio recordings of the initial career board that were set aside should be retained. Records for any subsequently held career board should reflect the following: that there was a previously held career board; the reason/basis for disregarding the previous career board; and that the original career board records have been sealed and placed in a secure location. There should be no mention made or documented concerning information discussed during or recommendations made by the previous career board.

(f) Field and Headquarters division career board recommendations are presented to the SAMMS Board during regularly scheduled SAMMS Board meetings. The SAMMS Board makes selections for most GS-14 and GS-15 positions and makes recommendations to the Director for ASAC, Legat, Assistant Legat, Inspector-in-Place, Ombudsman and the GS-14 Supervisor of the Director's and Attorney General's Special Detail Group positions. Once final selections are made, this information is transmitted by electronic communication to all FBI divisions, and is entered in JPA where it is maintained for 30 days. (See 3-3.4.)

(g) See MAOP, Part 1, 3-2.10.13, for the selection process for the ASAC position.

(3) Feedback

(a) Special Agent candidates may contact the EDSP staff for feedback and counseling with respect to particular positions or their overall competitiveness for management assignments. No information will be provided which may infringe on the privacy rights of any of the other candidates.

(b) Career counseling also occurs at the local level, by the advertising entity SAC, division head or career board, should an inquiry be made. The Agent candidate should be advised as to his/her rating by the local career board and the reasons for the rating. Any deficiencies detected or discussed by the local career board should be raised with the candidate as part of the developmental process. If the candidate is already assigned to the division having the vacancy, he/she should be given appropriate developmental opportunities where necessary.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3

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SecCls:

### **3-6.5 Stationary/Nonstationary Supervisors - General Policy**

This program was implemented to provide supervisory continuity within a field office.

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(1) Each SAC has the option of designating up to 50 percent (rounded down) of the supervisory personnel in his/her division as stationary supervisors. "Supervisory personnel" in this context means those holding GS-14 squad and resident agency positions, but not the ASAC or SAC positions. The SAC may also designate any fraction of his/her stationary supervisors, or may choose not to exercise the option at all. The SAC should secure the consent of an individual before recommending him/her as a stationary supervisor and is encouraged to consult with the field office career board. The SAC may request approval of the SAMMS Board to designate an additional field supervisory vacancy as stationary if that position would raise the stationary percentage to greater than 50 percent. This request must include sufficient justification that it is in the best interest of the field office to designate the position as stationary. If approval is granted, the increased stationary ratio will be temporary and will revert to no more than 50 percent through attrition.

(2) Once a person is so designated, the stationary status attaches to the INDIVIDUAL for a five-year period, not to the position he/she occupied when designated. Persons designated will remain in place for five years unless, in what is anticipated will be a rare exception, a change is necessary for the best interests of the Bureau or required by the supervisor's inadequate performance. The stationary period begins upon designation and must include time already spent as a field supervisor. Thus, if a supervisor had served on one or more desks for 18 months before appointment as a stationary supervisor, his/her term could be expected to run for an additional 42 months. At the conclusion of the term, the former "stationary supervisor" again becomes available for transfer, but HIS/HER TRANSFER IS NOT AUTOMATIC.

(3) At the end of the five-year stationary period, FBIHQ will request the SAC to determine if the stationary supervisor desires at this time to resume investigative duties or is interested in continuing in the EDSP, thus making himself/herself available for transfer. AGAIN, THE TRANSFER IS NOT AUTOMATIC.

(4) It is important to note, however, that any stationary supervisor having fulfilled the five-year commitment will continue to be charged against the office as a stationary supervisor until such time as he/she is transferred or is removed from supervisory duties. This is done to ensure no field office accrues more than its authorized stationary supervisory quota.

(5) The SAMMS Board reserves the right to transfer stationary supervisors who have not served at FBIHQ, and who have served for five years in a supervisory position in a field office to a management position at FBIHQ. If the supervisor declines to accept a transfer, he/she will be removed from the EDSP and returned to investigative responsibilities. If the field office has a full share of stationary supervisors, and the remainder of nonstationary supervisors have in excess of three to five years in place, the SAMMS Board could deny the SAC authority to replace or remove a stationary supervisor with another stationary supervisor. The SAC could be

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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instructed to advertise the vacancy as a nonstationary position to afford qualified, eligible candidates from FBIHQ the opportunity to apply. This would provide the necessary flexibility for healthy interchange of supervisory personnel and is consistent with the original policy established for the stationary supervisor program.

(6) Under unusually exceptional circumstances a stationary supervisor, with the concurrence of the SAC, may remove himself/herself from that status anytime within the five-year "protection" period. Inasmuch as the objective of the stationary supervisory program is to provide for continuity, stability and accountability at the critical field supervision level, such request will be carefully reviewed on a case-by-case basis by the SAMMS Board which has final authority.

(7) During stationary supervisor status, the supervisor is not considered for promotion. A stationary supervisor can apply for position at FBIHQ after he/she has served two years in this capacity and with SAC concurrence.

| (8) |Nonstationary field supervisors are required to  
| serve a minimum of 18 months before being eligible to apply for a  
| position at FBIHQ, and they are required to serve a full two years as  
| a field supervisor before reporting to FBIHQ.|

\*\*EffDte: 05/01/2001 MCRT#: 1095 Div: D3 Cav: SecCls:

### **| 3-6.6 |SAMMS Board Selections - Field Supervisors|**

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\*\*EffDte: 05/19/1997 MCRT#: 674 Div: D3 Cav: SecCls:

#### **3-6.6.1 Stationary/Nonstationary Field Supervisor – Selections (See also MAOP, Part 1, 3-2.19.)**

(1) Selections made by the SAMMS Board for stationary supervisory positions will be from the pool of qualified candidates currently assigned to the field office where the vacancy exists. If no candidates in that pool are deemed qualified, the SAMMS Board will make a selection from among the qualified FBIHQ candidates.

(2) Selections made by the SAMMS Board for nonstationary supervisory positions will be from the pool of qualified FBIHQ candidates. If no FBIHQ candidates in that pool are deemed qualified, the SAMMS Board will make a selection from among the qualified candidates currently assigned to the field office where the vacancy exists.

**SENSITIVE**

(3) The SAMMS Board will consider candidates for field supervisory positions who are currently field supervisors or relief supervisors in other field divisions only in instances where there are no qualified candidates from FBIHQ or the division in which the vacancy exists.

(4) To permit the SAMMS Board to satisfy specific and often-changing managerial needs, on rare occasions the SAMMS Board may make a selection from the existing pool of candidates, regardless of the candidates' current assignment.

\*\*EffDte: 04/19/2000 MCRT#: 968 Div: D3 Cav: SecCls:

### **| 3-6.6.2 Promotions of Relief Supervisors to Field Supervisor**

Relief supervisors in one field division can apply for field supervisory positions in other field divisions; however, these promotions will be extremely rare and approved only in the most unique situations.

\*\*EffDte: 05/19/1997 MCRT#: 674 Div: D3 Cav: SecCls:

### **| 3-6.6.3 Lateral Transfer of Permanent Supervisors to Term Supervisory Positions**

Assistant Directors and SACs may laterally transfer permanent GS-14 field or permanent GS-14/GS-15 FBIHQ SSAs into term SSA positions. If the term SSA position is filled by the lateral transfer of a permanent field SSA from within the field office, then the subsequent vacancy will be posted as a temporary vacancy. However, the SAC must submit a written request for approval by the Administrator of the EDSP prior to the transfer. The EDSP, in coordination with Resource Management and Allocation Board, will provide written instructions concerning each approval granted, prior to the lateral transfer becoming effective.

\*\*EffDte: 09/06/2001 MCRT#: 1142 Div: D3 Cav: SecCls:

### **| 3-6.6.4 Lateral Transfer of Field Supervisors to other Field Divisions (Formerly 3-6.9 and 3-6.6.3)**

FBIHQ SSAs selected after August 4, 1999, for nonstationary field supervisory positions in the New York or Newark

Offices and who have completed three years' satisfactory service in the position, will be considered FBIHQ candidates when competing for lateral field supervisory positions. Otherwise, field supervisors in one field division can apply for lateral field supervisory positions in another field division; however, these transfers will be extremely rare and approved only in the most unique situations.

\*\*EffDte: 09/06/2001 MCRT#: 1142 Div: D3 Cav: SecCls:

### **| 3-6.6.5| Return of Former Field Supervisor to Field Supervisory Assignments (Formerly 3-6.7|and 3-6.6.4)|**

Former field supervisors who are serving at FBIHQ will be allowed to apply for field supervisory positions after they have completed a minimum of 18 months at FBIHQ. (See MAOP, Part 1, 3-2.4 (1)(b).)

\*\*EffDte: 09/06/2001 MCRT#: 1142 Div: D3 Cav: SecCls:

### **| 3-6.6.6| Return of Former FBIHQ Supervisors to FBIHQ Supervisory Assignments (Formerly 3-6.8|and 3-6.6.5)|**

Field supervisors with prior FBIHQ experience may apply for lateral transfer back to FBIHQ after serving two years as a field supervisor. This transfer will be in response to FBIHQ needs for talented, experienced supervision and will require concurrence of the respective SACs.

\*\*EffDte: 09/06/2001 MCRT#: 1142 Div: D3 Cav: SecCls:

### **| 3-6.7 |Moved to 3-6.6.4|**

\*\*EffDte: 05/19/1997 MCRT#: 674 Div: D3 Cav: SecCls:

### **| 3-6.8 |Moved to 3-6.6.5|**

\*\*EffDte: 05/19/1997 MCRT#: 674 Div: D3 Cav: SecCls:

### **| 3-6.9 |Moved to 3-6.6.3|**

\*\*EffDte: 05/19/1997 MCRT#: 674 Div: D3 Cav: SecCls:

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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### **3-6.10 Return of FBIHQ Supervisors Having Less Than Three Years' Investigative Experience to Field Office Investigative Duties**

A procedure has been established whereby Agents having less than three years' (investigative) experience can submit a request to be reassigned from FBIHQ to the field as an investigator and a relief supervisor. This allows the Agent to become sufficiently experienced in an investigative capacity to become more competitive for promotion to a field supervisory position. The request should be submitted to the Personnel Division, Attention: Transfer Unit, with a copy to the Administrator EDSP. The Agent must agree, in writing, to a voluntary reduction to a grade GS-13 if necessary. Such requests would have to receive the necessary approval from the Assistant Director to be released for an assignment in the field prior to the request coming to the Administrator, EDSP, and the Personnel Division. The requests should include the individual's listing of three major field offices and/or preferred geographical area should the needs of the FBI require them to be transferred.

\*\*EffDte: 02/10/1998 MCRT#: 756 Div: D3 Cav: SecCls:

### **| 3-6.11 ASAC and SAC Rotation|(See also MAOP, Part 1, 3-11.10.)|**

In order to prepare for potential turnover in the executive ranks and to address stagnation at these levels, ASACs and SACs due for rotation are reviewed on an annual basis. The Annual Succession Planning Conference first identifies these individuals and recommends their rotation for either lateral assignments to other field divisions, lateral assignments to FBIHQ, or promotional assignments to FBIHQ or other field divisions. These recommendations which are nonspecific as to exact location, are then reviewed by a joint board consisting of the membership of the SAMMS and SES Boards. The recommendations of this board are then submitted to the Director for his information and approval. Thereafter, the names are submitted to the SAMMS and SES Boards for their consideration as openings occur.

#### **(1) ASAC Rotation**

ASACs who have served in the same position for five years or more are reviewed for possible rotation by the Succession Planning Conference on an annual basis. ASACs identified for rotation will be contacted by the Deputy Director or his/her designee regarding the basis for reassignment. The affected ASAC will have 14 days to respond in writing to the Deputy Director setting out any facts and circumstances supportive of reconsideration by the Deputy Director. If the decision to reassign the ASAC stands, the ASAC will be advised by the Deputy Director or his/her designee of that decision and that

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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ASAC should exercise due diligence in reviewing the Job Posting Application (JPA) and apply for vacancies for which the ASAC believes he/she is competitive. If after 90 days the affected ASAC does not successfully compete for another assignment, the Deputy Director, with the assistance of the Executive Development and Selection Program, will identify an appropriate assignment for direct placement. Nothing in this policy would preclude the affected ASAC from requesting other appropriate reassignment which is in the best interest of the candidate, the Bureau, and is not in violation of law and/or policy prior to direct placement.

(2) SAC Rotation

SACs will generally be kept in their offices of assignment for a minimum of three years and an average of five years before being considered for rotation into other assignments. Thereafter, on a case-by-case basis, an SAC could remain in place for five to seven years. At seven years, barring any strong reasons to the contrary, the SAC should expect to be rotated out of the division. This policy does not condone poor or marginal performance. Therefore, any time the Board identifies an SAC whose performance has fallen to a level which it considers detrimental to the continued success of the office and the FBI, the Board will recommend to the Director that swift action be taken to remove that manager to a position of lesser responsibility, regardless of his/her tenure in that office.

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

**| 3-6.12 | Deleted |**

\*\*EffDte: 02/24/1995 MCRT#: 372 Div: D3 Cav: SecCls:

**3-6.13 Hardship Transfer Policy for Special Agents in the EDSP**

(1) The SAMMS Board, with the approval of the Director, has established a hardship transfer policy for supervisory personnel. Henceforth, hardship requests will be sent by the SAMMS Board to Personnel Division for review by the same system that presently reviews hardship transfer requests before the grade 14 level. The Personnel Division, after determining if the individual is eligible for hardship consideration, based on standards applied to all other such requests, will furnish this information back to the SAMMS Board.

(2) If the Personnel Division advises that the situation qualifies for a hardship transfer, and an appropriate opening within the EDSP exists, it will then be necessary for that position to be advertised just as any such opening is required to be advertised. Thereafter, the SAMMS Board will review the candidate with the hardship along with the other candidates and make the final determination.

**SENSITIVE**

(3) It is possible to envision a situation where the Personnel Division decides a hardship exists but the SAMMS Board cannot identify a transfer to alleviate it. It will then be necessary for the EDSP participant to decide if he/she wants to remove himself/herself from the EDSP in order to accomplish the transfer to the desired location.

| (4) See Section 3-2.1|(12)|for policy with respect to relief supervisors under hardship transfer.

\*\*EffDte: 10/18/1995 MCRT#: 463 Div: D3 Cav: SecCls:

### **| 3-7 REMOVAL FROM|EDSP|**

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: D3 Cav: SecCls:

#### **3-7.1 General (See MAOP, Part 1, 3-6.1, 3-6.2 and 11-7.)**

(1) All Supervisory Special Agents (SSAs) who request removal in writing from the EDSP will be afforded a PRL transfer only if that Agent is eligible for a PRL transfer, is number one on the PRL for the desired office, has not received a cost transfer within the past year, and a staffing need exists.

(2) An SSA assigned to FBIHQ who requests removal in writing from the EDSP and does not qualify for a PRL transfer as set forth in (1) above, will be reverted to a GS-13 and transferred, at no cost to the government, to Washington Field Office or Baltimore (unless staffing needs dictate otherwise) and, thereafter, be afforded the same PRL considerations as any other Agent.

(3) An SSA assigned to a field division who requests removal in writing from the EDSP and does not qualify for a PRL transfer as set forth in (1) above, will remain assigned, in an investigative capacity, in that same division with the same PRL eligibility as any other Agent and revert to a GS-13.

(4) Under exceptional circumstances and where critical operational/administrative needs dictate, an SSA assigned to FBIHQ who requests removal in writing from the EDSP but does not stand number one on the PRL for the desired office, or that office does not have a current staffing need, may request removal from the EDSP and remain in his/her current assignment until attaining number one standing on the PRL and a staffing need exists in the respective office; otherwise, he/she will be transferred in accordance with (2) above. This is contingent upon the approval of the division head and concurrence of the Special Agent Mid-Level Management Selection Board. The Agent will not be considered for further administrative advancement and will not be allowed to apply for positions in the EDSP while awaiting

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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movement into the desired office.

(5) Requests by SSAs for removal from the EDSP should be forwarded through the employee's SAC or division head to the Administrator, EDSP, with a copy to the Transfer Unit. The request must contain the statement that the SSA is willing to accept a reduction in grade in connection with the request, if appropriate. An SSA requesting removal from the EDSP resulting from the directed transfer of his/her Bureau-employed spouse must also be willing to accept a reduction in grade, however, may remain in the EDSP as a relief supervisor.

(6) An Agent may remove himself/herself from the EDSP at any stage of career development. Removal from the EDSP makes an individual ineligible to apply for any vacancy until he/she reenters the Program. Agents who voluntarily remove themselves from the EDSP are permitted to request reentry into the program, if they desire to do so, after a period of one year. Reentry into the EDSP as a relief supervisor is based on the selection/recommendation of the field office career board.

(7) When an Agent is transferred by the SAMMS Board and that Agent's SSA spouse must "step down" from the current grade in order to maintain a common household, the spouse may retain relief supervisory status and will not be required to remove himself/herself from the EDSP. If the SSA is a GS-13, he/she need not "step down" in grade, he/she will simply lose the SSA title.

(8) Supervisors who are demoted and removed from supervisory duties as a result of administrative action will be removed from the EDSP and must remain out of the EDSP for one year

before requesting to be reinstated into the program as a relief supervisor. (See 3-6.1 (1).)

\*\*EffDte: 09/06/2001 MCRT#: 1142 Div: D3

Cav:

SecCls:

### **| 3-8 HOUSE APPROPRIATIONS COMMITTEE - SURVEYS AND INVESTIGATIONS STAFF (See MAOP, Part I, 11-18.4.4.)|**

(1) Many of the programs handled by the House Appropriations Committee - Surveys and Investigations Staff (hereinafter referred to as Staff) have national or worldwide significance and can include such studies as national energy problems, military readiness and deployment and worldwide intelligence activities. The responsibilities inherent in this highly visible, complex and important assignment require individuals who have strong potential to develop executive ability in order to accomplish the desired ends of the committee. Individuals considered for selection must exhibit personal responsibility; have initiative, resourcefulness and versatility; and possess outstanding qualities of logic, perception and organizational and literary ability. Special Agents

**SENSITIVE**



assigned to the Staff will be dealing with persons representing the highest level of Government and, therefore, it is imperative that they be capable of representing the FBI in an outstanding manner.

(2) The Surveys and Investigations Staff is directed by an Executive Staff composed of a permanent Chief, a Director and two Assistant Directors. The Director and two Assistant Directors are selected from the ranks of the FBI and GAO.

| (3) As stated in MAOP, Part I, Section|11-18.4.3,|Special Agents serving on the House Appropriations Committee, Surveys and Investigations Staff, may be promoted to the temporary position of Team Leader, GS-14. Upon returning to the rolls of the FBI, they will revert to their previous grade level unless they have successfully competed for another FBI management position.

(4) Special Agents assigned to the Staff will not be allowed to compete for FBI management assignments unless they have previously served as relief supervisors.

| (5) See MAOP, Part I, Section|11-18.4.2|for House Appropriations Committee staff personnel selection process.

(FOR FURTHER DETAILS CONCERNING SELECTION, ASSIGNMENT, AND PROMOTION WITHIN THE RANKS OF THE HOUSE APPROPRIATIONS COMMITTEE, SEE  
| PART I, |11-18.4, |OF THIS MANUAL.)

\*\*EffDte: 06/21/1994 MCRT#: 267 Div: D3 Cav: SecCls:

### **3-8.1 Deleted**

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: D3 Cav: SecCls:

### **3-8.2 Deleted**

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: D3 Cav: SecCls:

### **3-8.3 Deleted**

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### **3-8.4 Deleted**

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**| 3-9 CAREER DEVELOPMENT GRIEVANCE PROCESS (See MAOP, Part 1, |3-2.10.19.)|**

(1) Grievances regarding the selection process utilized by the SAMMS Board should first be discussed with the Administrator of the EDSP. Agents in the EDSP may have access to the documentation regarding career board deliberations which affect them through the Freedom of Information and Privacy Acts.

(2) Individuals who believe that they have not been selected for specific promotions based on discrimination relative to race, color, sex, sexual orientation, national origin, religion, age, disability, or reprisal, should contact their Equal Employment Opportunity Counselor within 45 days of the selection.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3                      Cav:                      SecCls:

**| 3-10 SAMMS BOARD SELECTION APPEALS COMMITTEE (See MAOP, Part 1,|3-2.10.19.)|**

The Appeals Committee provides a formal process for Special Agents to appeal decisions of the FBI SAMMS Board and the Career Counsel Board (CCB) under the Special Agent Mid-Level Management Selection System (SAMMSS) based on misapplication or perceived misapplication of the published SAMMS Board policies and procedures. The Appeals Committee, when deemed necessary, will provide advice to SAMMS Board as to the effectiveness of established procedures and may recommend policy changes as a result of its review of appeals.

(1) The Appeals Committee is an independent body, under the general supervision of the Executive Assistant Director for Administration, consisting of five voting members: an Assistant Director (AD) who chairs the committee and four Special Agents in Charge (SACs) and/or Deputy Assistant Directors (DADs) and/or Section Chiefs (SCs); and one representative each from the Executive Development and Selection Program (EDSP), the Office of the General Counsel (OGC), and the Administrative Services Division (ASD). The representatives from the EDSP, the OGC, and the ASD are nonvoting members. The EDSP representative provides an authoritative interpretation of current SAMMS Board and SAMMSS policies; the OGC representative provides legal advice; and the ASD representative provides advice and authoritative interpretation of personnel management rules, as well as staff support, to the Committee members. The term of all voting members is one year, which may be extended at the discretion of the Director.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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A meeting of the Committee can be held if a quorum, defined as a minimum of three voting members, is present. The Committee may only convene in the absence of a Chairperson when the current Chairperson appoints an Acting Chairperson in advance of the meeting. The Acting Chairperson must be a current voting member of the Committee.

(2) Inasmuch as promotion is not an employee entitlement, it is the policy of the federal government that agency appeal procedures should not include grievances for nonselection for promotion from a group of properly ranked and qualified candidates. Accordingly, FBI employees may not appeal actions solely based on nonselection; such appeal must be based on a claim of misinterpretation or misapplication of SAMMS Board or SAMMSS policies and/or procedures.

(3) Career development participants having questions/concerns regarding the application of governing SAMMS Board or SAMMSS should contact the EDSP Administrator. While such a contact is not required before formally appealing a selection decision, the Administrator may resolve a particular inquiry or concern. Although informal, this is highly recommended as the first step in the appeals process.

(4) Aggrieved career development participants have the right to file a formal appeal with the Appeals Committee. Such an appeal must be submitted in writing, within 30 calendar days of the posting of the SAMMS Board decision in the On-line Job Posting Application or official notification of the CDE score. All formal appeals and/or correspondence should be directed to the SAMMS Board Appeals Committee Chairperson. Unusual circumstances adversely affecting an Agent's ability to file his/her grievance in a timely manner may be cause for the Appeals Committee to extend the submission period. It is the Agent's responsibility to bring such circumstances to the attention of the Committee as soon as possible.

(5) Agents may be afforded administrative leave up to a maximum of four hours to prepare the written communication, which must include: (1) the title of the position for which application was made; (2) the participant's personal qualifications for the vacancy; (3) the reason for the appeal/the impropriety suspected in the application of the selection procedures; and (4) the requested corrective action or remedy. Any information/document(s) believed pertinent by the Agent should be included with the written communication.

(6) The Appeals Committee will review the specific appeal and the action taken by the SAMMS Board or CCB to determine its compliance with governing procedures. A written communication advising of the Committee's decision on the matter and of any corrective action(s) will be provided to the Agent and the SAMMS Board. Should the employee file any other complaint, including an OPR or EEO complaint or a civil action, based on substantially the same set of operative facts, the Committee will hold the appeal in abeyance pending the resolution of that complaint or civil action, and will advise the employee that no action will be taken by the Appeals Committee until the complaint or civil action is resolved. All

**SENSITIVE**

Appeals Committee correspondence related to an appeal will remain under the strict control of the Appeals Committee and will be purged ten years from the date of the response letter. Appeals Committee written decisions will not be made a part of any Agent's official personnel file.

\*\*EffDte: 01/28/2003 MCRT#: 1263 Div: D3 Cav: SecCls:

### **| 3-11 | SENIOR EXECUTIVE SERVICE (SES)|**

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

#### **| 3-11.1 | Advertising Policy**

| ALL FBI SES vacancies will be advertised Bureauwide for 14  
| calendar days. |

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

#### **| 3-11.2 | Application Process**

| (1) Agents

| (a) Interested SES entry-level candidates (for Section  
| Chief, Legal Attache, Special Assistant, Detail Assignment and Term  
| SES positions) and first-time Special Agent in Charge (SAC) candidates  
| will be required to submit a resume applying their accomplishments to  
| the following SES competencies: Management, Leadership, Liaison,  
| Problem Solving and Interpersonal Relations.

| (b) Candidates are to telephonically express their  
| interest to the Administrator, EDSP and fax or mail resume and cover  
| sheet to EDSP. The resume will be two pages long in which the spacing  
| is equally divided between the five SES competencies and is to be  
| prepared using Courier 10 font. The cover sheets are to contain the  
| candidates' signature and date, but not the division heads' signature.

| (c) Recommendation by the candidate's rating official  
| of all internal candidates will be required to demonstrate that the  
| candidate has the skills described in the resume and that the  
| candidate is recommended as an individual who possesses the ability to  
| successfully perform as a leader.

| (d) The candidates will be reviewed and ranked by the  
| advertising entity with recommendations forwarded to the SES Board.

**SENSITIVE**

**Man1-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (e) Candidates currently in the SES ranks must  
| telephonically contact the Administrator, EDSP in order to be  
| considered for vacant SES positions. No resume must be submitted.

| (2) Support

| (a) The Director maintains the authority and  
| flexibility to appoint support senior executives under the competitive  
| procedures described below or under noncompetitive procedures.

| (b) Once a determination has been made to use the  
| competitive process, a support SES position description is placed on  
| record. The Staffing Unit (STAFU) will coordinate with management the  
| opening and closing dates and area of consideration of the  
| announcement. The area of consideration should be sufficient to yield  
| a pool of well-qualified candidates.

| (c) The STAFU will advertise SES vacancies for a  
| minimum of 14 calendar days.

| (d) Applicants will be directed to submit an  
| application package addressing the Executive Core Qualifications  
| (ECQs) and/or Mandatory Technical Qualifications (MTQs), if  
| applicable. The ECQs are: Leading Change, Leading People, Results  
| Driven, Business Acumen and Building Coalitions/Communication. The  
| application package must include a detailed account of work history  
| and/or other experience qualifying for the position (i.e., resume).  
| There is no established limit on the number of pages a resume may  
| contain as there is for Agent positions.

| (e) Applicants will also be directed to submit a copy  
| of their most recent performance appraisal which will suffice as the  
| supervisory recommendation.

| (f) The STAFU will review all applications to  
| determine which candidates are minimally qualified for the position.  
| This review will consist of a threshold evaluation of all applications  
| against the ECQs and MTQs, if applicable.

| (g) The STAFU will work with management to identify a  
| panel of senior executives (Qualifications Review Board (QRB)) to  
| review minimally qualified candidates against the technical  
| qualifications required by the position.

| (h) The STAFU will facilitate the QRB, ensuring proper  
| documentation of ratings.

| (i) The applicants deemed "best qualified" will be  
| referred to the appropriate Executive Assistant Director (EAD). The  
| EAD may choose to interview none, some, or all of the best qualified  
| candidates. It is left to his or her discretion.

| (j) The top candidates, as determined by the EAD, will  
| then be forwarded to the EDSP for further review by the SES Board.

**SENSITIVE**

| (k) The SES Board will forward recommendations of up  
| to three candidates to the Director in accordance with MAOP, Part 1,  
| 3-11.3. |

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

### **| 3-11.3 SES Board (Formerly 3-3.3)**

| (1) The SES Board will consist of the following members:  
| Chairperson - Executive Assistant Director (EAD) for Administration;  
| Voting Members - EAD for Criminal Investigations, EAD for Law  
| Enforcement Services, EAD for Counterterrorism and  
| Counterintelligence, Assistant Director of Inspection Division, a non-  
| Agent Assistant Director (AD) to be rotated annually, an ADIC/SAC  
| representative to be rotated semiannually, and nonvoting member Equal  
| Employment Opportunity (EEO) Manager.

| (2) Executives will make presentations to the SES Board as  
| follows: EAD for Criminal Investigations will present SAC and ADIC  
| positions; EADs will present ADs and office head positions within  
| their branch; and ADs will present SES positions within their  
| division.

| (3) The SES Board will review and discuss the presentations  
| and the pool of candidates for each position and provide  
| recommendations to the Director on the top-ranked (limited to three)  
| candidates. (See MAOP, Part 1, 3-11.2.) Recommendations will include  
| the candidates' backgrounds, assignments and abilities, as well as the  
| rationale for the ranking. Prior to forwarding recommendations to the  
| Director, administrative reviews will be conducted regarding the  
| ranked candidates. For entry-level SES positions and Deputy Assistant  
| Director (DAD) positions, FBI record checks for the past three years  
| will be conducted by the FBI Office of Professional Responsibility  
| (OPR), FBI Office of EEO Affairs and the FBI Personnel Security Unit.  
| For the positions of SAC, AD, ADIC, EAD, and Deputy Director, record  
| checks consisting of the entire length of the candidate's FBI career  
| will be conducted by the above FBI entities as well as record checks  
| completed by Department of Justice (DOJ) OPR, DOJ EEO and the DOJ  
| Office of Inspector General.

| (4) The Director may choose to conduct interviews prior to  
| the selection of a candidate.

| (5) The Director has final selection authority over all SES  
| positions except for "key executives" including: Deputy Director,  
| EADs, ADs, ADICs, General Counsel and SES executives who report  
| directly to the Director. For these positions, the Director will  
| recommend selectees, but final approval by either the Attorney General  
| (AG) or the Deputy AG is required. SACs are selected by the Director;  
| however, a 24-hour notification to the AG is required before the  
| selection is finalized. |

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3

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### **3-11.4 Inspectors-in-Place (Formerly 3-2.11)**

| (1) Recommendations for this position are made by the SAMMS Board and provided to the Director for approval. The candidates are selected from ASAC, Deputy Assistant Director, Section Chief, and Unit Chief positions based on recommendations made by the Agent's respective division head. ASACs must have successfully completed one year in the ASAC assignment before being considered for Inspector-in-Place position. ASACs who receive lateral transfers either to another ASAC position or to FBIHQ are required to successfully complete one year in that new assignment before being considered for Inspector-in-Place. If an ASAC has been identified for a lateral transfer, he/she cannot be considered for Inspector-in-Place until that transfer has occurred and the one year's successful service has been completed. After completion of this one-year period in either situation, the ASAC/Section Chief/Unit Chief may be recommended by his/her SAC or Assistant Director for Inspector-in-Place. A current Meets Expectations performance appraisal is required. Under normal circumstances, an Inspector-in-Place will not be called upon more than once each quarter.

| (2) An ASAC determined to be less than Effective and Efficient (E&E) will not be considered by the SAMMS Board for designation as an Inspector-in-Place for one year from the last day of the inspection in which ASAC was found less than E&E. This will allow the ASAC sufficient time to resolve the identified deficiencies adequately. The division head must submit documentation showing the ASAC has overcome the identified deficiencies prior to the individual being considered for Inspector-in-Place designation. Furthermore, Inspectors-in-Place identified as less than E&E by inspection will not be allowed to participate, for credit, in on-site inspections, shooting incident investigations, or Office of Professional Responsibility (OPR) inquiries for one year from the date of the last day of the inspection in which they were found less than E&E. In order to become eligible following the one-year period, the division head must provide documentation to INSD showing the ASAC has overcome the identified deficiencies.

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### **| 3-11.5| Inspector |(Formerly 3-2.12)|**

(1) Recommendations to fill Inspector vacancies on the Inspection Staff will be made by the Senior Executive Service Career Board to the Director for approval. Candidates for this position will come from the following levels:

- (a) ASACs
- (b) Section Chiefs

(2) Those candidates selected to serve as Inspectors have the option of transferring to FBIHQ or being placed in a temporary duty status for duration of assignment. The length of assignment as a full Inspector is contingent upon the needs of the Bureau but will usually not exceed 24 months.

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

### **| [3-11.6] Section Chief |(Formerly 3-2.13)|**

The Senior Executive Service (SES) Board will recommend to the Director for approval qualified candidates from the structured career management path from either Inspectors on the Inspection Staff or qualified ASACs for vacancies as Section Chief at FBIHQ. Any exceptions must be documented by the SES Board and based on the need for a specific skill or experience.

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

### **| [3-11.7] Associate Special Agent in Charge |(Formerly 3-2.14)|**

The Senior Executive Service (SES) Board will recommend to the Director for approval qualified candidates from the structured career management path from either qualified ASACs, Inspectors on the Inspection Staff, Section Chiefs who have served as ASAC or ASACs who are Inspectors-in-Place for vacancies as Associate Special Agents in Charge. Any exceptions must be documented by the SES Board and based on the need for a specific skill or experience.

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:

### **| [3-11.8] Special Agent in Charge (SAC) (Formerly 3-2.14|and 3-2.15)|**

Full Inspectors serving on the Inspection Staff, Associate SACs, or Section Chiefs who have served as ASAC or ASACs who are Inspectors-in-Place will be the primary candidates for SAC vacancies.

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3 Cav: SecCls:



**| [3-11.9] Exceptions to Method of Progression (Formerly 3-2.15 and 3-2.16) |**

Any exceptions to the method of progression to the positions of Inspector, Section Chief, or SAC must be fully justified and documented in the FBIHQ Senior Executive Service Career Board recommendations to the Director.

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3                      Cav:                      SecCls:

**| [3-11.10 SAC Rotation (See also MAOP, Part 1, 3-6.11.) |**

|                      (1) In order to prepare for potential turnover in the  
| executive ranks and to address stagnation at these levels, SACS due  
| for rotation are reviewed on an annual basis in order to make  
| recommendations to the Director concerning their rotation. The Annual  
| Succession Planning Conference first identifies these individuals and  
| recommends their rotation for either lateral assignments to other  
| field divisions, lateral assignments to FBIHQ, or promotional  
| assignments to FBIHQ or other field divisions. These recommendations  
| which are nonspecific as to exact location, are then reviewed by a  
| joint board consisting of the membership of the SAMMS and SES Boards.  
| The recommendations of this board are then submitted to the Director  
| for his information and approval. Thereafter, the names are submitted  
| to the SES for their consideration as openings occur.

|                      (2) SACs will generally be kept in their offices of  
| assignment for a minimum of three years and an average of five years  
| before being considered for rotation into other assignments.  
| Thereafter, on a case-by-case basis, an SAC could remain in place for  
| five to seven years. At seven years, barring any strong reasons to  
| the contrary, the SAC should expect to be rotated out of the Division.  
| This policy does not condone poor or marginal performance. Therefore,  
| any time the Board identifies an SAC whose performance has fallen to a  
| level which it considers detrimental to the continued success of the  
| office and the FBI, the Board will recommend to the Director that  
| swift action be taken to remove that manager to a position of lesser  
| responsibility, regardless of his/her tenure in that office.

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3                      Cav:                      SecCls:

**| [3-12] REQUIREMENTS FOR CAREER PATH POSITIONS |(Formerly 3-11)|**

(1) Relief Supervisor (See MAOP, Part 1, 3-2.1(4).)

(a) Two years' investigative experience

(b) Field office career board approval

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- (c) Current Meets Expectations performance appraisal
- (d) Deleted
- (2) Field Supervisor (See also MAOP, Part 1, 3-2.5.)
  - (a) Three years' investigative experience
  - (b) One year relief supervisor experience
  - (c) Selection by SAMMS Board
  - (d) Current Meets Expectations performance appraisal
  - (e) Must be current EDSP participant
- (3) HQ Supervisor (See also MAOP, Part 1, 3-2.4.)
  - (a) Three years' field investigative experience
  - (b) One year relief supervisor experience
  - (c) Selection by SAMMS Board
  - (d) Current Meets Expectations performance appraisal
  - (e) For Laboratory Division, relief supervisory experience is strongly preferred but not required
  - (f) Must be current EDSP participant
- (4) GS-15 HQ Positions (See MAOP, Part 1, 3-2.8.)
  - (a) Two years' experience as a field supervisor or one year as an FBIHQ supervisor
  - (b) Current Meets Expectations performance appraisal
  - (c) Must be current EDSP participant
- (5) ASAC (See also MAOP, Part 1, 3-2.10.)
  - (a) Two years' field supervisor experience
  - (b) Two years' FBIHQ supervisor experience
  - (c) Certification by Inspection Division
  - (d) Must be current EDSP participant
  - (e) Current Meets Expectations performance appraisal
  - (f) Attendance at EDI I
  - (g) Completed career development evaluation

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(6) SAC, DAD, ASSOCIATE SAC, SECTION CHIEF

(a) Proven performance at mid-level management

(b) Selection by Senior Executive Service Board

\*\*EffDte: 06/11/2002 MCRT#: 1202 Div: D3

Cav:

SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

**SENSITIVE**

## **SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY/UPWARD MOBILITY**

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: EE      Cav:      SecCls:

### **4-1 U.S. DEPARTMENT OF JUSTICE POLICY (See MAOP, Part 1, 1-1.)**

|           (1) |It is the policy of the Department of Justice (DOJ) and  
| the Federal Bureau of Investigation (FBI) to: (a) prohibit  
| discrimination in employment on the bases of the following twelve  
| factors: race, color, religion, sex, pregnancy, sexual orientation,  
| national origin, marital status, political affiliation, age, or  
| physical or mental disability, or reprisal for previous involvement  
| in an EEO-protected activity; and (b) to provide equal employment  
| opportunity in each organizational element of the Department.|

|           (2) |Management at all levels will take positive action to  
| eliminate any internal policy, practice or procedure which denies  
  
| equality of opportunity to any group or individual on the basis of  
| the above twelve factors and will assure that questions and complaints  
| of discrimination are promptly and thoroughly investigated, and  
| resolved without reprisal or threat of reprisal to the employee or  
| applicant.

|           (3) The Pregnancy Discrimination Act of 1978, Public Law  
| No. 95-955, is an amendment to Title VII, 29 C.F.R. 1604.10(a): "A  
| written or unwritten employment policy or practice which excludes from  
| employment applicants or employees because of pregnancy, child-birth  
| or related medical conditions is prima facie violation of sex  
| discrimination under Title VII."

|           (4) FBI policy was revised on November 11, 1996, to add  
| sexual orientation. The FBI's authority to investigate allegations of  
| discrimination in matters pertaining to sexual orientation is derived  
| from DOJ policy, Title 28, C.F.R., Part 42, and not from EEOC  
| regulations. Therefore, upon completion of an OEEOA internal  
| investigation of discrimination based upon sexual orientation, the DOJ  
| Complaint Adjudication Office will review and issue a final decision.  
| The rights traditionally provided to EEO complainants are not accorded  
| to persons who bring complaints based on sexual orientation. These  
| rights generally permit a complainant to seek remedies from the EEOC  
| in the U.S. District Court. By Executive Order 13087, issued by  
| President Clinton, on May 28, 1998, sexual orientation is defined as  
| homosexuality, bisexuality, or heterosexuality.

|           (5) Discrimination based on marital status and/or

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| political affiliation is prohibited only by DOJ policy. Marital  
| status and political affiliation are not protected classes under  
| federal equal employment statutes and will not be addressed as EEO  
| violations. |

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

## **4-2 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**

The EEOC has Presidential authority to supervise and provide leadership and guidance in the conduct of Equal Employment Opportunity (EEO) programs for the civilian employees of, and applicants for, employment within the executive departments and agencies, and to review agency EEO program accomplishments periodically. The Commission has broad authority to inspect agency programs and application thereof.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

## **4-3 REGULATIONS**

| An EEO poster entitled, "EEO Bulletin" must be displayed and  
| maintained permanently on appropriate bulletin board(s) to ensure  
| employees and applicants observe and review EEO literature which  
| states the subject matter, and citations of the current EEO FBI  
| policies, and relevant department orders. The EEO Bulletin indicates  
| where the policies, reports, and the EEO information are located and  
| accessible to all interested employees. In addition to the EEO  
| Bulletin, the following posters must also be displayed: (a) the  
| poster captioned "The FBI's Policy is Equal Opportunity" and EEO  
| Counselors must be identified, and (b) "Discrimination on the Basis of  
| Disability in the Federally Conducted Programs and Activities of the  
| Federal Bureau of Investigation is Prohibited." The OEEOA may make  
| available other materials on special emphasis programs or issues  
| suitable for display on the office EEO bulletin board or in other  
| prominent places in the office. The OEEOA will supply each office  
| with copies of the current "EEO Bulletin" and will reissue a new  
| edition to all offices any time the policies, regulations or orders  
| change. |

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

**SENSITIVE**

#### **| 4-3.1      Race and National Origin Identification - FD-758 |(See MAOP, Part 1, 2-6.)|**

(1) The FBI is required to collect race and national origin data in accordance with federal regulations and directives. Form FD-758, Race and National Origin Identification, supersedes Office of Personnel Management Standard Form 181. Regulations, Privacy Act Statement, instructions and five racial/ethnic/national origin categories are defined on the FD-758. The form must be completed by each employee at the time of entry on duty or as necessary to clarify records. It is utilized to enter information into Headquarters' automated Bureau Personnel Management System (BPMS) for reporting statistical data and is subsequently destroyed. The | FD-758|and other data entered into the system are afforded proper control to preclude unauthorized access.

(2) Management is to supervise the collection of data to ensure compliance with federal requirements. Guidelines provide that agencies must accept the race and national origin data which is | voluntarily submitted. In unusual cases, if it is|evident|the employee furnished inaccurate information, the employee should be counseled as to purpose, confidentiality afforded the information, and need for accuracy. If, after counseling, the employee still declines to change the categorization originally selected, the agency must accept the designation provided by the employee, except in certain instances. If an employee refuses to identify himself/herself, the agency is authorized and required to identify the employee's race or national origin as that which is visually perceived to be the correct classification for the employee.

\*\*EffDte: 11/18/1999 MCRT#: 935    Div: EE                      Cav:                      SecCls:

#### **4-3.2      Self-Identification of Handicap - Standard Form 256**

Standard Form 256, Self-Identification of Handicap, must be completed by each employee at the time of entry on duty, whenever a change occurs in an employee's disability status and/or to clarify records. All employees, including Special Agent personnel, are to execute the form even to indicate no disabling condition, which is denoted by Code 05. The information obtained through this form is entered into FBIHQ's BPMS for compiling statistical data. Collection of the requested information is authorized by the Rehabilitation Act of 1973 (Public Law 93-112). Data is used for the purpose of producing statistical reports to show progress in hiring, placement | and advancement of persons with disabilities. The|forms are| subsequently destroyed and data entered into the BPMS is afforded proper control to preclude unauthorized access.

\*\*EffDte: 11/18/1999 MCRT#: 935    Div: EE                      Cav:                      SecCls:

### **| 4-3.3 Applicant Background Survey - FD-804 |(See MIOG, Part 1, 67-4.3.)|**

(1) The Applicant Background Survey Form (FD-804) captures gender, race/ethnicity, sex, and a disability code for Agents and Support applicants. The purpose of the form is to track and study the efforts made in the FBI's recruitment/hiring programs. The FD-804 contains regulations, a Privacy Act statement, instructions, gender, defines five (5) racial/ethnic/national origin categories, and eleven (11) disability codes. The FD-804 will be presented to ALL APPLICANTS. The FD-804 should be completed, returned, along with an application for employment from each prospective Bureau applicant to initiate the applicant process. The information obtained through this form is entered into the FBI's Bureau Personnel Management System (BPMS) that compiles statistical data. Following the entry of this information into the BPMS, the form is subsequently destroyed. Such data entered into the BPMS will be afforded proper control to preclude unauthorized access.

(2) Guidelines provide that agencies must accept gender, race, national origin, sex, and a disability code which is voluntarily submitted by the applicant. Should the applicant desire not to return the FD-804, the entry into the FBI's BPMS should be N for the respective codes.

(3) The applicant background survey form will not REPLACE Forms FD-758 and SF-256 which MUST be executed by all employees upon entering on duty.

\*\*EffDte: 09/16/1999 MCRT#: 919 Div: EE Cav: SecCls:

### **| 4-4 EEO COMPLAINTS (See MAOP, Part 1, 1-2.1.)**

An employee or applicant for employment in the FBI who feels discriminated against because of race, color, religion, sex, including sexual harassment, sexual orientation, national origin, age, physical or mental disability, or reprisal for previous involvement in an EEO-protected activity must bring the matter to the attention of an EEO Counselor for the office or division in which the incident arose prior to filing a discrimination complaint. EEOC mandates that most incidents or grievances will be such that they can be resolved informally without the employee or applicant resorting to a formal complaint. The EEO Counselor must be contacted within 45 calendar days after the action or incident in question has taken place. Failure to contact an EEO Counselor within 45 calendar days of an alleged discriminatory action will likely result in forfeiture of a

complainant's right to pursue a claim of discrimination.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-4.1 EEO Complaints on the Basis of Disability in FBI Federally Conducted Programs and Activities**

(1) Complaints of discrimination can be filed on the basis of disability against any of the federally conducted programs or activities of the FBI (i.e., FBI training programs, as well as FBI office space, tour facilities and the Training Academy facilities) which are available to individuals receiving such services. These complaints of discrimination will be processed in accordance with the procedures set forth in Title 28, Code of Federal Regulations, Part 39.170. Part 39.170 establishes a detailed complaint processing and review procedure for resolving allegations of discrimination in violation of Section 504 in the Department of Justice's programs and activities. As indicated in this regulation, there are major distinctions in processing these complaints as compared with employment complaints filed by employees or applicants with disabilities. The Office of EEO Affairs at FBIHQ, [REDACTED] should be contacted promptly if such a complaint is received.

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(2) [Deleted]

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-5 EEO OFFICIALS AND SPECIAL EMPHASIS PROGRAM MANAGERS**

The Chief of the FBI's Office of Equal Employment Opportunity Affairs (OEEOA) is assisted by two Assistant EEO Officers, one in charge of the Complaints Processing Unit and the other in charge of the Special Programs Unit. Identities of these individuals as well as identities of program managers within these entities are listed on the poster entitled, "The FBI's Policy is Equal Opportunity." The OEEOA is under the direction of the FBI's Deputy Director. Implementation of a positive equal employment opportunity program and application of the regulations are the responsibility of division heads, ADICs, SACs, and their managerial staffs.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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#### **4-5.1 EEO Counselors (See MAOP, Part 1, 3-3.1(1).)**

(1) It is the responsibility of each ADIC/SAC and each Assistant Director to ensure that an adequate number of EEO Counselors are available to provide timely counseling and ready access to procedural information which may be needed by employees and/or applicants for employment. A minimum of two employees who are not members of the supervisory staff in the field or in a division at FBIHQ are to be selected in accordance with instructions set forth in 4-5.1(4). In some situations supervisory personnel may serve as EEO Counselors; however, ensure persons other than supervisory staff are available as Counselors. To provide diversity in Counselors, promote the opportunity for peer counseling and maximize opportunities for informal resolutions, both Special Agent and support personnel should be selected. Special Agents serving as Chief Division Counsels (CDCs) and Assistant CDCs (ACDCs) should not be designated to serve as EEO Counselors as the EEO Counselor role might conflict with the legal advisory role.

(2) Employees assigned to the Legat Offices and the El Paso Intelligence Center (EPIC) who may need EEO information and/or a Counselor should contact the OEEOA at FBI Headquarters. If an EEO Counselor is not available within an employee's work entity, referral to a Counselor will be made by the OEEOA.

(3) Names of EEO Counselors for each division and each field office, along with their telephone extensions and names of FBIHQ EEO Officials and Special Emphasis Program Managers, must be publicized on the office EEO Bulletin Board(s). The information should be prominently displayed at all times on key bulletin boards in clear view of all employees and all applicants.

(4) The selection of Agent and Support personnel to perform as EEO Counselors is to be a participatory process. Notice of the division's need for EEO Counselors should be made known to all employees and should indicate the skills and abilities desired for the position. A person wishing to become an EEO Counselor should submit an application reflecting their interest, skills and abilities. The division may utilize its regular career board system, or may establish a committee of employees representative of both Agent and Support staff to consider the applicants and make selection recommendations to the division head. Guidance on the composition of Special Agent career boards is set forth in MAOP, Part 1, 3-3.1 and for Support personnel career boards in MAOP, Part 1, 7-6.4.2. The views of ADICs/SACs/Assistant Directors and the OEEOA on the candidate(s) may be considered by the selecting career board. The OEEOA should be promptly advised of the EEO Counselor(s) name(s). The OEEOA has the authority to remove an ineffective EEO Counselor for cause. (See 4-5.1(1).)

(5) Employees serving as EEO Counselors will receive a

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Basic EEO Counselor course as soon as possible following their  
| selection. Counselors may request supplemental training provided by  
| the Graduate School, USDA, or other GETA training providers by  
| contacting the Equal Employment Specialist, OEEOA, at the FBI  
| Academy.

(6) EEO Counselors receive guidance from the FBI EEO  
Officer. They are responsible for this collateral duty under the  
direction of the EEO Officer. Special Agents, and, where applicable,  
those Support employees who record their time using the TURK system,  
| acting in the capacity of EEO Counselors, should attribute the time  
| spent as Counselors by indicating the 280B classification on their  
| TURK Form (FD-420a).

(7) Each ADIC, SAC and Assistant Director should likewise  
remain vigilant in those circumstances involving the replacement of an  
EEO Counselor to ensure that the outgoing Counselor's notes are  
appropriately packaged and forwarded to the OEEOA, FBIHQ (see MAOP,  
Part 1, 4-5.1.5).

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-5.1.1 Role of EEO Counselor**

(1) The Counselor's role is to convincingly establish an  
open and direct channel through which employees may raise questions,  
| discuss grievances, get answers, and on an informal basis, effectively  
| resolve the problems connected with equal employment opportunity.  
| The Counselor is responsible for trying to resolve problems which are  
| raised by employees. The Counselor works toward reconciliation by  
| discussing the employee's problems with the employee and with the  
| employee's supervisors or associates, if necessary; PROVIDED THE  
| EMPLOYEE GIVES PERMISSION TO DO SO. If the employee or applicant does  
| not give permission to use his/her name, anonymity must be safeguarded  
| and his/her identity may not be divulged to anyone by the Counselor.  
| Where anonymity is requested, the Counselor needs to point out to the  
| individual that it may be difficult to fully develop facts, although  
| as much information as possible should be ascertained by the Counselor  
| while safeguarding the anonymity of the complainant. A written  
| Release from Anonymity form should be executed in every instance where  
| anonymity has not been requested. The EEO Counselor must exercise  
| good judgment, be objective and fair, be able to secure the confidence  
| of both the employees who are to be counseled and the responding  
| management officials, and be able to work and communicate effectively.  
| EEO Counselors must perform their role as outlined in the Department's  
| regulations.

(2) It is preferred that EEO Counselors not be used  
| on career boards or selection panels. Service on these panels places  
| an EEO Counselor in the position of potentially being involved in a  
| grievance or complaint regarding a selection issue. This then results

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| in a conflict and ultimately their|recusal from counseling  
| on the specific selection,|thereby reducing the number of|available  
| counselors.| Counselors may be members of selection panels  
| if they are serving based on their subject-matter expertise pertaining  
| to the position being filled,|e.g.,|Accounting Technician, Training  
| Technician, Computer Specialist, rather than|in|their role as EEO  
| Counselors.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-5.1.2 Files and Records Available to EEO Counselors (See MIOG, Part 1, 280-2.2.)**

(1) EEO Counselors are authorized to review all RELEVANT files in order to effectively attempt an informal resolution. This includes relevant personnel files in the field offices, FBIHQ Divisions, as well as the Official Personnel File (OPF) at FBIHQ. Relevant OPFs include only the files of those persons logically connected to, or having some bearing on the allegations of discrimination. In addition, the Counselor is authorized to review pertinent administrative records in field offices and FBIHQ which have a bearing on the matter under counseling. Such records include, but are not limited to, control files, medical records, administrative/criminal inquiry files of the Office of Professional Responsibility (OPR) and the Adjudication Unit, as well as written documentation and/or taped recordings of Career Board deliberations, to the extent such records have a bearing on the allegations being raised by the aggrieved|person.|

(2) With regard to field office and FBIHQ Career Board records, and/or field office or FBIHQ OPR records, EEO Counselors must contact the OEEOA for guidance and approval PRIOR TO requesting access to these records. Access to OPR documents is currently limited to the predication only for pending matters, or the investigative file on closed matters. Access to any of these records through the informal EEO precomplaint counseling process is limited to those situations where an aggrieved|person|has clearly articulated a specific basis which falls within EEO jurisdiction. This is necessary in order to provide an aggrieved|person|with a viable opportunity to informally resolve the matter, and yet protect the integrity of the Career Board and OPR processes. EEO Counselors must|indicate in their notes|the name of the OEEOA employee they spoke with and the date of the OEEOA authorization, and in any subsequent Report of Counseling should the matter proceed to the formal stage. OEEOA approval to review taped recordings of Career Board deliberations will be closely coordinated with the affected field office, FBIHQ division, and/or the Special Agent Mid-Level Management Selection (SAMMS) Board|and Executive Development and Selection Program (EDSP)|pursuant to specific instructions/limitations.

(3) It should be noted, however, that a Counselor seeking

**SENSITIVE**

access to relevant Employee Assistance Program files must obtain the prior written authorization, or a statement evidencing such a waiver of confidentiality, from the subject of such files.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-5.1.3 Counselor Matters Data Base**

(1) The Equal Employment Opportunity Commission mandates each agency to report EEO counseling contacts at the end of each fiscal year. To properly capture this information, as well as manage the Counselor Program, a Counselor Matters Data Base has been developed and can be accessed through the Bureau Personnel Management System (BPMS) on the FBINET. Each active EEO Counselor is required to report his/her counseling activity on a quarterly basis.

(2) All active EEO Counselors are granted access to the Counselor Matters Data Base via their User ID. Newly trained Counselors are granted access immediately following training. To access the data base, Counselors must enter their User ID and password, and then select the call key for the Counselor Matters application. Appropriate selections are available depending on the nature of the entry, |e.g., |initial entry, modify entry, |or|delete. Specific information necessary to close out the record is|also| prompted|in order|to ensure|that|it is entered. A detailed instruction guide on this application is available through the OEEOA.

(3) On a quarterly basis, the OEEOA will run reports from this data base and reconcile any discrepancies. Counselors that have not entered their counseling activity (which includes a selection that they had no counseling activity for the quarter) by the 21st day following the end of the quarter, will be contacted by the OEEOA and requested to enter the data immediately.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-5.1.4 Report of Counseling (JMD-379)**

The EEO Report of Counseling, JMD-379, should be|completed|when a formal complaint has been filed|no matter what the basis of the complaint. The Report of Counseling is the initial document in the precomplaint phase. It, together with the Counselor Matters Data Base, is used by OEEOA in reporting instances of precomplaint counseling throughout the Bureau. In situations where the Report of Counseling is to be completed, the Counselor should develop the facts as would be done in any other type grievance or

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| personnel matter requiring consideration and approval. |  
Reports of Counseling must be submitted by the EEO Counselor to the OEEOA within 7 days of being advised by the OEEOA to furnish same. Notes created during the counseling activity are not to be included in these reports. Instead, the Counselor should retain and properly store his/her notes for a period of two (2) years. (See MAOP, Part 1, 4-5.1.5 & Part 2, 2-4.5.15.)

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-5.1.5 Storage of EEO Counselor's Notes (See MAOP, Part 1, 4-5.1(7), 4-5.1.4.)**

(1) Each EEO Counselor will be responsible for the proper storage of notes created during the course of EEO counseling activities. Such notes should be stored in a secure or locked device such as a desk or safe to which access is restricted to the EEO Counselor. These notes should be retained for a period of two (2) years from the date of their creation, at which time they should be destroyed. Each EEO Counselor will be responsible for creation of his/her tickler system for the destruction of these notes (see MAOP, Part 2, 2-4.5.15).

| (2) |There|may be instances where, prior to the passage of the two years, the EEO Counselor may be suspended or terminated, may retire or resign from the FBI's employment, may be transferred from one office of assignment to another, or may decide to relinquish his/her duties as an EEO Counselor. As a result of such change of circumstances, and to ensure the integrity of the confidentiality required in the EEO process, it will be incumbent upon the Counselor to have the notes forwarded to the OEEOA, FBIHQ for appropriate storage.

(3) Each ADIC, SAC and Assistant Director should likewise remain vigilant in those circumstances involving the replacement of an EEO Counselor to ensure that the outgoing Counselor's notes are appropriately forwarded to the OEEOA, FBIHQ. In those instances where, due to unusual circumstances, the office management is tasked with forwarding the notes of an outgoing EEO Counselor, extra care should be given to the handling of such material to ensure that adequate confidentiality is maintained for these materials.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-5.2 EEO Investigators (See MIOG, Part 1, 280-2.)**

(1) EEO investigations are conducted by Special Agents

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(GS 1811) serving either as TERM GS-14 Investigators or collateral duty Investigators. TERM Investigators are full-time positions selected by the OEEOA, and approved by the SAMMS Board, who serve in one of five regions across the country--Northeast, East, Southeast, Midwest and West. The East Region has four TERM Investigators, while the remaining regions have one investigator each. The TERM Investigator position is a two-year term, with optional one-year extensions approved by the OEEOA. Each TERM Investigator, when selected, remains in his/her field office, and investigates complaints arising in the field offices within their region (see MAOP, Part 1, 4-5.2 (7)), except for their own field office. TERM Investigators report directly to the OEEOA, which supervises their work and provides annual performance appraisal ratings. Collateral duty Investigators perform EEO investigations as a voluntary, collateral duty to their normal investigative responsibilities. Each field office is required to maintain a specific number of trained collateral duty Investigators as set forth by the OEEOA, and the division head is responsible for ensuring that those Investigators are impartial and professional representatives of that division.

(2) The collateral duty Investigator position can be filled through circulating a memo outlining the duties and qualifications of the position. Interested qualified employees may directly volunteer by making their interest known to management, or management may encourage such qualified employees to volunteer. No formal posting is required, but individuals selected for this position must have exhibited an ability to conduct THOROUGH and OBJECTIVE investigations in a timely manner. They do not have to be participants in the Executive Development and Selection Program (EDSP). Divisions may choose to select EEO Investigators through established career board procedures.

(3) Following selection, both TERM and collateral duty Investigators will be scheduled to attend the next available EEO Investigators' Seminar training course at the FBI Academy. Case assignments will not be made until completion of the training program. Investigations will be assigned by the Unit Chief of the Complaints Processing Unit (CPU). Assignments to collateral duty Investigators will be made by the CPU Unit Chief following concurrence with the respective Assistant Special Agent in Charge of the office where the Investigator is assigned. Investigations are assigned based on geographic region, but are NEVER assigned to an Investigator within his/her own division. During the investigation, Investigators are directly supervised by various personnel within the OEEOA, including the Supervisory Special Agents assigned to the CPU, the CPU Unit Chief, and the EEO Officer.

(4) Collateral duty Investigators who are promoted to supervisory positions, or who resign from the EDSP will be removed from the list of active Investigators. Exceptions can be made by the OEEOA on a case-by-case basis. A collateral duty Investigator who receives a nonpromotional transfer from one field division to another becomes a part of their new division's complement of EEO Investigators if they are still interested and available. It is the responsibility of each field office to immediately advise the OEEOA, by communication, of any personnel changes (retirements, transfers,

**SENSITIVE**

promotions, etc.) involving collateral duty Investigators. Offices experiencing a reduction below the recommended complement of collateral duty Investigators will be notified by the OEEOA and given preferential consideration for spaces at the next available EEO Investigator's in-service.

(5) At the conclusion of each investigation, the OEEOA will provide an evaluation of the collateral duty Investigator's work to the ADIC/SAC/AD, the Investigator's rating official, and the Investigator. The evaluation is to be used as a measuring tool of the Investigator's additional duty as an EEO Investigator and DOES NOT constitute an official performance rating. The significance given to this evaluation in the Investigator's annual Performance Appraisal Report will be left to the discretion of the rating official. The OEEOA has the discretion and authority to remove an ineffective collateral duty Investigator for cause in the event the quality of that Investigator's performance or work product does not meet the OEEOA's standards. Examples of such grounds would be biased behavior and/or reporting, or failure to follow OEEOA instructions regarding an investigation.

(6) Special Agents conducting EEO investigations should attribute time spent on TURK Form (FD-420a) as subclassification 280A.

(7) TERM GS-14 EEO Investigator regions are comprised of the following offices:

Northeast - AL, BF, BS, CV, DE, NH, NK, NY, PG, PH  
Southeast - AT, BH, CE, CI, CO, IP, JK, JN, KX, LS, ME, MM, MO, NO, SJ, TP  
East - BA, FBIHQ (to include Legats), NDIC, NF, RH, WFO  
Midwest - AQ, CG, DL, DN, EP, HO, KC, LR, MP, MW, OC, OM, SA, SI, SL  
West - AN, HN, LA, LV, PD, PX, SC, SD, SE, SF, SU (See (1).)

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **| 4-5.2.1 Authority and Role of EEO Investigator (See MIOG, Part I, |280-2.1.)|**

|

\*\*EffDte: 12/11/1995 MCRT#: 482 Div: EE Cav: SecCls:

#### **| 4-5.2.2 Files Available to Investigator (See MIOG, Part I, |280-2.2.)|**

|

\*\*EffDte: 12/11/1995 MCRT#: 482 Div: EE Cav: SecCls:

**| 4-5.2.3 EEO Investigation and Documentation (See MIOG, Part I, |280-2.3.)|**

|

\*\*EffDte: 12/11/1995 MCRT#: 482 Div: EE Cav: SecCls:

**| 4-5.2.4 Investigative Report/Review by Office of the General Counsel (See MIOG, Part I,|280-2.4.)|**

|

\*\*EffDte: 12/11/1995 MCRT#: 482 Div: EE Cav: SecCls:

**| 4-5.2.5 Theories of Discrimination (See MIOG, Part I,|280-2.5.)|**

|

\*\*EffDte: 12/11/1995 MCRT#: 482 Div: EE Cav: SecCls:

**| 4-5.2.6 |Moved to 4-5.3|**

\*\*EffDte: 12/11/1995 MCRT#: 482 Div: EE Cav: SecCls:

**| 4-5.2.7 |Deleted|**

\*\*EffDte: 12/11/1995 MCRT#: 482 Div: EE Cav: SecCls:



### 4-5.3 Subclassifications (See MIOG, Part 1, 280-1; MAOP, Part 2, 3-1.1, 3-1.2, 3-3.2(3) & 3-4.5(5).)

(1) 280A (EEO Investigations) - Should ONLY be utilized for EEO investigative files and to record time spent on EEO investigations. FILE USE RESTRICTED TO OEEOA ONLY.

(2) 280B (EEO Counseling) - Should ONLY be utilized for recording time spent counseling.

(3) 280C (EEO Conferences) - Should ONLY be utilized to record time spent at conferences and training seminars.

(4) 280D (EEO Administrative) - Utilized for EEO administrative files that are unrelated to specific complaints of discrimination or that make reference to a complainant by name.

| (5) 280E (Reasonable Accommodation Request) - FILE USE  
| RESTRICTED TO OEEOA ONLY. |

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

## | 4-6 |AFFIRMATIVE EMPLOYMENT|PROGRAM

| The Bureau's Affirmative Employment Program is a  
| continuing program for the recruitment of minorities and women to  
| eliminate underrepresentation in various categories of employment and  
| to ensure equality of opportunity by tracking and monitoring such  
| activities as recruitment, hiring, disciplinary actions, promotions,  
| and training. |

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: EE Cav: SecCls:

### | 4-6.1 |Moved to 4-3|

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### 4-6.1.1 Recruitment of Persons with Disabilities, Minorities and Women

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(1) Suggested means of attracting individuals with disabilities are: contact various rehabilitation agencies, state employment services and Veterans' Assistance Centers, participate in job fairs, conferences and other events that focus on employment of persons with disabling conditions. In addition, contacts should be maintained with the suggested contacts for attracting minorities and women.

(2) Suggested means of attracting members of minority groups and women are: contacts with high schools, business and specialty schools, colleges and law schools, women's colleges and organizations; contacts with civic, professional, business, and religious leaders; contacts with minority groups such as the National Urban League; contacts with military separation centers and other logical military bases including the transition officers at such centers and bases; contacts with graduating seniors who are also receiving commissions in the military as a result of ROTC programs at colleges having a predominance of minority students, suggesting career potential as SA in FBI following separation and that while in military they may be in contact with minority officers being separated from military or who would be inclined to separate if they were assured of a good job; contact with law enforcement agencies; contact with local offices of pertinent federal and state employment opportunity programs for the underprivileged; contact with state employment services; notices regarding opportunities for employment included in relevant publications, particularly appropriate women's, minority, and foreign language newspapers, e.g., Spanish, including publicity on achievements or career information on our individual women and minority employees; participation in radio and television broadcasts, particularly over minority-oriented stations, including participation by women and minority employees; provide press releases related to the recruiting/hiring programs; speeches before groups which include a representative number of women and minority group members; use of informal contacts, such as with friends, neighbors, etc., and discussion of career opportunities during tours of field offices and FBIHQ. These suggestions are by no means all-inclusive but are to be supplemented consistent with individual field office effort. ADICs/SACs and FBIHQ division heads must ensure that handling of all applicants is proper, and that coverage of sources of applicants is complete. The positive EEO program implemented by each field office must be under the personal direction of the ADIC or SAC who must ensure that the office applies a positive and forward-looking approach toward recruitment in this area.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

## **4-7 EMPLOYEES' AWARENESS OF EEO PROGRAM**

(1) ADICs, SACs and FBIHQ division heads must ensure that all employees are familiar with the EEO policy and the responsibility of employees under the Department's regulations, and that all

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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supervisors are fully knowledgeable on this subject and particularly as to their responsibilities. This should be brought to the attention of supervisors at the time they are designated as such. Supervisors must make certain all employees thoroughly understand pertinent parts of the program and are aware of where details on the program can be located. It is imperative that all employees fully understand that allegations of discrimination must be brought to the attention of an EEO Counselor within 45 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 45 calendar days may result in forfeiture of the complainant's right to pursue a claim of discrimination.

(2) To supplement training offered through management and supervisory courses on EEO at the FBI Academy and other FBI training sessions, supervisors and managerial staff, in particular the ASAC, Supervisory SAs, Administrative Officers (AOs), and Assistant AOs, should attend EEO training provided by the OEEOA at the FBI Academy.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-7.1 Conferences**

The policy pertaining to EEO must be made a subject of discussion at annual conferences of Agent and support personnel in the field and at FBIHQ and should be appropriately documented. Such discussions should describe in general terms the discrimination complaint process and in particular the fact that all allegations of discrimination must be brought to the attention of an EEO Counselor within 45 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 45 calendar days may result in forfeiture of the complainant's right to pursue a claim of discrimination. It must be emphasized during such lectures that all personnel actions in the Bureau should be based on merit and job-related criteria and that there must be no discrimination as to the EEO factors. Employees should be urged to consult their EEO Counselor at any time should they have any question(s) on this matter. Names of these EEO Counselors should be brought to the attention of the conference attendees. (See MAOP, Part 2, 8-1.3.2(4) and 8-2.2(1),(2); Legal Attache Manual, Sections 2-12.1 and 2-12.3.)

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-7.2 Special Emphasis Program Coordinators**

(1) To enhance opportunities for results-oriented programs and increase employee awareness of the Special Emphasis

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Programs, 15 major offices| (by office population size -| Atlanta,  
| Baltimore, Boston, Chicago, Dallas, Detroit, Houston, Los Angeles,  
| Miami, Newark, New York, Philadelphia,| San Diego,| San Francisco and  
| Washington Field Office) are required to designate coordinators as  
| follows: American Indian/Alaskan Native, Asian American/Pacific  
| Islander, Black Affairs, Federal Women's, Hispanic Employment, and  
| Persons with Disabilities (hiring and placement of persons with  
| disabilities)| Programs.| The Applicant Coordinator is to coordinate  
| the active recruitment of persons with disabilities and, where  
| feasible, handle all matters pertaining to persons with disabilities  
| and serve as the Persons with Disabilities Coordinator. In certain  
| instances, such as| with the Los Angeles, New York, and Washington  
| Field Offices,| there is a need to fill the responsibility of handling  
| matters pertaining to the Persons with Disabilities Program by an  
| individual in addition to the Applicant Coordinator.

(2) In the above-named offices the coordinators are to  
formulate an EEO Advisory Committee. Each coordinator and/or the  
committee, collectively, should serve as a resource body or person to  
management officials on concerns of the targeted group he/she  
represents. These coordinators are to maintain contact with the FBIHQ  
Special Emphasis Program Managers for necessary guidance and  
direction.

(3) Training for each coordinator, apropos to the program  
| for which he/she is responsible, is offered through the| Graduate  
| School, USDA (formerly OPM Training). For additional information  
| regarding this training call USDA toll free at (888) 744-GRAD.| The  
| coordinators should arrange to attend| training provided through  
| Graduate school| or comparable courses approved by the OEEOA. Standard  
| Form 182, "Request Authorization Agreement and Certification of  
| Training," must be utilized.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

### **| 4-7.3 OEEOA Funding for Commemorative Events**

| All requests for OEEOA funding assistance are subject to  
| availability of funds. Budget limitations and increased demand for  
| assistance require the OEEOA to allocate its assistance funds so as to  
| encourage the broadest reach of programs.

| The OEEOA will apply the following guidelines:

| (1) GENERAL GUIDANCE

| (a) OEEOA funds, when available, are to supplement,  
| not supersede, the contributions of the local office.

| (b) The EEO program/activity must highlight the  
| contributions and provide awareness of the various affinity groups

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| being highlighted. The OEEOA will consider funding the following  
| items: exhibits, posters, workshops/seminars, guest speakers, and  
| other related resources.

| (c) Other events may also provide an opportunity to  
| include and celebrate the unique contributions made by other heritages  
| and cultures not regularly celebrated throughout the year by the  
| OEEOA. An example of this would be the "Unity Festivals" being held  
| annually at FBIHQ and in various field offices.

| (d) Funding assistance request must be in writing and  
| received by OEEOA at least one month prior to the event.

| (2) The request must contain the following information:

| (a) A statement of the SAC's approval for the date,  
| place, and content of the event.

| (b) The scope of the program and how it highlights  
| the contributions of various cultures or groups.

| (c) An itemized list of the cost of each program  
| component or activity, to include but not be limited to, featured  
| speakers and scheduled performances.

| (d) A proposed breakdown of the sponsoring  
| office/OEEOA proportions of total costs.

| (3) In the event you are sharing the cost with other  
| agencies or local entities, the requesting FBI office must provide a  
| complete breakdown of expenses, as set forth below:

| (a) Overall expenses

| (b) Division's share of total

| (c) Requested OEEOA contribution|

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **| 4-8 |EXECUTIVE DEVELOPMENT AND SELECTION PROGRAM (EDSP)**

| FBI Policy Statement dated July 26, 1994, reiterates long-  
| standing policy under the Affirmative Employment Program Plan for  
| Minorities and Women as follows:

| "As the Director of the FBI, I strongly encourage women  
| and minorities to participate in the voluntary Executive Development  
| and Selection Program (EDSP), and I, personally, support initiatives  
| to affirmatively recruit women and minorities into the EDSP.  
| Increasing the number of women and minorities participating in the

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

| EDSP at the entry level position of relief supervisor will broaden the  
| pool of women and minority candidates eligible for selection as  
| supervisors, mid-level managers and, ultimately, for selection as  
| senior executives. It is my objective to encourage participation in  
| the EDSP by sufficient numbers of highly talented and motivated women  
| and minority SAs to ensure that women and minority SAs achieve  
| leadership positions in the FBI, including the Senior Executive  
| Service."

\*\*EffDte: 11/18/1994 MCRT#: 347 Div: EE Cav: SecCls:

#### **| 4-8.1 |Moved to 4-9.1|**

\*\*EffDte: 11/18/1994 MCRT#: 347 Div: EE Cav: SecCls:

### **4-9 UPWARD MOBILITY PLAN**

| The FBI has developed an Upward Mobility Plan (UMP). This  
| Plan includes all positions in the FBI to which all GS employees or  
| any Wage Board employee can aspire, to enable them to realize their  
| full work potential. The Plan is designed to ensure a continuing,  
| results-oriented program of upward mobility within the FBI.  
| Information concerning the Plan should be maintained on key bulletin  
| boards in each office, division and field office so that every  
| employee will have ample opportunity to observe and review same. In  
| addition, information concerning upward mobility should be discussed  
| during annual conferences of Support personnel and at any other times  
| deemed appropriate. It must be emphasized during such lectures that  
| upward mobility must conform with merit principles and equal  
| opportunity requirements. Employees should be urged to consult their  
| Upward Mobility (UM) Counselor should they have any questions on this  
| matter.|

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-9.1 Role of Upward Mobility Counselor (Formerly 4-8.1)**

Instructions regarding the selection of UM Counselors  
are included under Career and Educational Counseling in the  
FBI's UMP. The Counselor's role is an essential element in the  
UMP because the Counselor attempts to match the employee's interests,  
skills and potential to the organizational needs by bringing together

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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people and job opportunities. Such career counseling is designed to provide information and advise of the ways employees can use their skills, acquire more job satisfaction, and choose the education and/or training necessary to advance. Counselors should be able to deal effectively with all persons within the Bureau's diversified work force, including persons with disabilities. The Counselor should have an understanding of merit principles, performance evaluation procedures, Bureau promotional policy and other information necessary to assist employees so that employees will not have their hopes raised unrealistically. To ensure Counselors are well versed in personnel procedures, they should review FBI's promotion policy, thoroughly familiarize themselves with the various positions throughout the Bureau, and be familiar with the transfer policy for support employees. Counselors should furnish pertinent information to FBIHQ|semiannually|regarding the employees who seek them out for individualized counseling on upward mobility. This information should include the employee's name, entry-on-duty date, current position,|series number, grade|and what upward mobility|target position(s),|if any, the employee was|advised|he or she could aspire to in the future. |All reports should be received in the Office of EEO Affairs no later than March 15th and September 15th of each year. |To reduce the time of transmittal the reports should be sent electronically to Ms. Kimberlee Swain, Upward Mobility Program Manager, via the FBI's internal e-mail system with a hard copy to follow. All divisions are required to submit negative responses when |no activity has occurred during a reporting period.|

\*\*EffDte: 06/18/2001 MCRT#: 1115 Div: EE Cav: SecCls:

#### **4-10 PERSONS WITH DISABILITIES (FORMERLY SELECTIVE PLACEMENT) PROGRAM**

| The FBI's Persons with Disabilities Program (PDP), located within the Office of Equal Employment Opportunity Affairs (OEEOA), monitors and reports on the recruitment, hiring, testing, placement, and advancement of persons with disabilities within the Bureau. The PDP also provides training to Bureau personnel regarding the employment of individuals with disabilities, general awareness, reasonable accommodation and other related issues. In addition, the PDP receives, reviews, researches, coordinates and makes | recommendations|regarding|requests for reasonable accommodations received from employees and applicants. Recommendations for reasonably accommodating persons with disabilities are generally made with the assistance of the FBI's Reasonable Accommodation Committee (see MAOP, Part 1, 4-10.2).

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

**SENSITIVE**

**| 4-10.1 Regulations Pertaining to Employment of Persons with Disabilities**

|           (1) The Rehabilitation Act of 1973 (Public Law 93-112),  
| as amended by Public Law 93-516, the Vietnam Era Veterans'  
| Readjustment Act of 1974 (Public Law 93-508), and the Americans with  
| Disabilities Act of 1990 require that agencies within the Executive  
| Branch of the federal government develop and implement affirmative  
| action program plans that will expedite the hiring, appointment and  
| promotion of persons with disabilities and develop policies that do  
| not unnecessarily exclude or limit persons with disabilities because  
| of architectural, procedural, communication, transportation or  
| attitudinal barriers.

|           (2) Federal law and EEOC guidance provide the following  
| definitions:

|           (a) "Person with a disability" is an individual who  
| has a physical or mental impairment which substantially limits one or  
| more of the person's major life activities; has a record of such an  
| impairment; or, is regarded as having such an impairment.

|           (b) "Physical or mental impairment" includes: any  
| physiological disorder or condition, cosmetic disfigurement, or  
| anatomical loss affecting one or more of the following body systems:  
| neurological; musculoskeletal; special sense organs; respiratory,  
| including speech organs; cardiovascular; reproductive; digestive;  
| genitourinary; hemic and lymphatic; skin; and, endocrine; or any  
| mental or psychological disorder, such as mental retardation, organic  
| brain syndrome, emotional or mental illness, and specific learning  
| disabilities. In addition, Congress included the following examples  
| of conditions, diseases and infections as physical or mental  
| impairments under the Americans with Disabilities Act of 1990:  
| alcoholism; cancer; cerebral palsy; diabetes; drug addiction;  
| emotional illness; epilepsy; and, infection with the Human  
| Immunodeficiency Virus (HIV).

|           (c) "Record of an impairment" means that the  
| individual has a history of, or has been misclassified as having a  
| mental or physical impairment that substantially limits one or more  
| major life activities.

|           (d) "Is regarded as having an impairment" includes:

|           1. individuals with physical or mental  
| impairments that do not substantially limit a major life activity,  
| but are treated by a covered entity as constituting such a  
| limitation;

|           2. individuals with a physical or mental  
| impairment that substantially limits a major life activity only as a  
| result of the attitudes of others toward the impairment; or,

|           3. individuals with no physical or mental



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| impairment who are treated by a covered entity as having such an  
| impairment.

|           (e) "Major life activities" include those basic  
| activities that the average person in the general population can  
| perform with little or no difficulty. Examples of these activities  
| include but are not limited to: caring for one's self; performing  
| manual tasks; walking; seeing; hearing; speaking; breathing;  
| learning; and, working.

|           (f) "Substantially limits" means that the individual  
| is unable to perform or is significantly restricted as to the  
| condition, manner or duration under which he or she can perform a  
| major life activity as compared to the general population.  
| Temporary, nonchronic impairments of short duration, with little or  
| no long-term or permanent impact, are not usually considered a  
| disability.

|           (g) "Qualified individual with a disability" for the  
| purpose of employment, includes those persons who, with or without a  
| reasonable accommodation, can perform the essential functions of the  
| employment position that the individual holds or desires.

|           (h) "Reasonable accommodation" is a modification or  
| adjustment to a job, the work environment or the way things are  
| usually done, that will enable a qualified individual with a  
| disability to attain the same level of performance or enjoy equal  
| benefits and privileges of employment as are available to a similarly  
| situated employee without a disability. Reasonable accommodation may  
| occur in three phases of employment: in the application/recruitment  
| process; in the performance of essential functions of a job; and/or  
| in the receipt of all benefits of employment. Within the FBI, all  
| requests for reasonable accommodations received from employees or  
| applicants will be coordinated through the OEEOA.

\*\*EffDte: 12/13/1996 MCRT#: 593   Div: EE           Cav:           SecCls:

#### **4-10.2 Reasonable Accommodation Committee (See MAOP, Part 1, 4-10.)**

|           On March 10, 1994, the Director approved the establishment  
| of the Reasonable Accommodation Committee (RAC) within the OEEOA to  
| assist the PDP in addressing individuals' requests for reasonable  
| accommodation. The RAC is comprised of representatives from the  
| Administrative Services Division and the Office of the  
| General Counsel (OGC) to include: the Persons with Disabilities  
| Program Manager; the Medical Officer (MO); the Safety Officer; and  
| personnel from the Facilities Management, Staffing, Position  
| Classification, and Health Care Programs Units. As necessary,  
| personnel from the Employee Assistance and/or Employee Benefits Units  
| are requested to assist.

**SENSITIVE**

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

### 4-10.3 Reasonable Accommodation Process

| (1) The Rehabilitation Act of 1973 (Public Law (PL) 93-112), as amended by PL 93-516, requires that agencies within the Executive Branch of the federal government institute programs that will expedite the hiring, appointment, and promotion of persons with disabilities.

| (2) The reasonable accommodation process is administered through the Bureau's Persons with Disabilities Program (PDP), and is managed by the Office of Equal Employment Opportunity Affairs (OEEOA). The reasonable accommodation request process allows employees to make an informal request for assistive devices, "...modification or adjustment to a job, employment practice or work environment" which may assist AN EMPLOYEE WITH A DISABILITY in successfully performing the essential functions of their respective positions. The decision about the type of accommodation to be provided will be based upon what is deemed to be reasonable.

| (3) Generally, it is the responsibility of the employee to inform Bureau management of his or her need for an accommodation. In cases where Bureau management is aware that an employee with a known disability is having difficulty performing their duties, management should only approach the issue from a performance perspective. Bureau management should avoid making comments that suggest that poor work performance is the direct result of the employee's disability. For example, a manager who observes a change in an employee's performance should discuss the performance issue with the employee, and inquire about ways that management might assist the employee to improve work performance. In doing so, this may lead the employee to indicate that he or she does require an accommodation.

| (4) Any employee who believes that a current or ongoing medical condition, whether physical or mental, is impacting their ability to perform their duties, may seek an accommodation under the Bureau's process. Submission of a request does not guarantee approval. All requests for accommodations will be evaluated by the Office of the General Counsel (OGC), the Health Care Programs Unit (HCPU), and the OEEOA to ensure that the employee is a qualified "INDIVIDUAL WITH A DISABILITY," and thus is eligible for an accommodation. The ADA defines a "QUALIFIED INDIVIDUAL WITH A DISABILITY" as a person who has 1) a physical or mental IMPAIRMENT that SUBSTANTIALLY LIMITS one or more MAJOR LIFE ACTIVITIES; 2) has a record of such an impairment; or, 3) is regarded as having such an impairment. Once a determination is made by OGC, HCPU, and the OEEOA regarding the employee's filing status, the OEEOA will make recommendations based upon information and input provided by the OGC and the HCPU. Information submitted by employees as part of their request for an accommodation will be kept confidential. This

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| information will be maintained by the OEEOA and will not be placed in  
| the employee's personnel file.

|           (5) If it is determined that an employee is eligible for an  
| accommodation, the OEEOA will provide recommendations regarding the  
| types of accommodations necessary to assist the requesting employee.  
| Although the OEEOA issues the recommendations, and will provide  
| technical assistance to managers and supervisors, IT IS THE  
| RESPONSIBILITY OF EACH OFFICE TO ALLOCATE FUNDS IN THE ANNUAL BUDGET,  
| AND TO INCUR THE COST OF PROVIDING AN ACCOMMODATION FOR AN EMPLOYEE.  
| In cases where Bureau management believes that providing the  
| accommodation would create an UNDUE HARDSHIP, Bureau managers and  
| supervisors should submit written justification explaining the  
| hardship to the OEEOA office. The determination of whether a  
| particular accommodation would impose an undue hardship will be made  
| by the OGC and OEEOA on a case-by-case basis.|

\*\*|EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **| 4-10.4 Request for Reasonable Accommodation**

|           |(1) Any employee who believes that a medical condition,  
| whether physical or mental, is affecting his/her ability to perform  
| their duties, should notify his/her immediate supervisor in an effort  
| to cooperatively reach some sort of accommodation without the need to  
| file a formal request. Employees seeking an accommodation should  
| complete Section One (pages 1-3) of Form FD-856 (Request for  
| Reasonable Accommodation) to initiate the reasonable accommodation  
| process. In this section, employees shall clearly state the nature of  
| their medical condition, and if possible, identify any accommodations  
| they believe would assist them in performing the essential functions  
| of their jobs. Submission of inadequate documentation will require  
| the OEEOA to contact the requesting employee, which will result in a  
| delay in handling the request. Employees must attach to their request  
| all medical documentation which is relevant and that supports the need  
| for an accommodation. The employee must also sign and date the FD-856  
| in the designated area. Supervisors are required to complete Section  
| Two (Supervisor Information) when presented an FD-856 by an employee.  
| The supervisor shall acknowledge and provide the date of receipt of  
| the FD-856, and review the request for accommodation. Supervisors  
| are also required to advise the employee regarding the availability of  
| the Employee Assistance Program (EAP). Whenever possible,  
| supervisors shall attempt to accommodate the employee's request.

|           (2) If the supervisor or manager is willing and able to  
| provide the necessary accommodation, the information should be  
| documented and acknowledged by the requesting employee. If an  
| accommodation is provided, then a referral to the OEEOA for further  
| action is not necessary. However, the completed FD-856 should be  
| forwarded by the office head to the OEEOA for recordkeeping purposes.  
| Copies of an employee's request shall NOT be placed in the employee's

**SENSITIVE**

| personnel file. In cases where the supervisor does not agree with  
| the employee's request, the supervisor should express his or her  
| concerns in writing where appropriate in the FD-856, and shall forward  
| the FD-856 to the OEEOA for additional action.

| (3) During the preliminary stages, supervisors and managers  
| are required to inform employees regarding the availability of  
| Employee Assistance Program services. However, EAP Counselors are not  
| involved in the accommodations process; therefore, employees should  
| not pursue a request for accommodation using the EAP process.

| (4) The reasonable accommodation process is strictly a  
| voluntary process. Managers and supervisors may not submit a request  
| for accommodations on behalf of their employees without the employee's  
| knowledge or consent. Managers and supervisors who recognize that an  
| employee's medical condition is affecting his or her performance  
| should attempt to resolve the matter prior to submitting an FD-856 to  
| the OEEOA office.

| (5) All requests for accommodations (FD-856), including all  
| correspondence and medical documentation, should be forwarded to:

| Office of Equal Employment Opportunity Affairs  
| Persons with Disabilities Program Manager  
| Federal Bureau of Investigation (HQ)  
| Room 7901  
| 935 Pennsylvania Ave. NW  
| Washington, DC 20535-0001

| Upon completion of the process, the OEEOA will provide written  
| notification to the employee and appropriate management official. |

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **| 4-10.4.1 Medical Documentation**

| The submission of medical documentation is essential to the  
| effective handling of requests for accommodation. Under the ADA,  
| employers are entitled to request adequate medical documentation in  
| support of the request for accommodation. All Bureau employees are  
| strongly encouraged to submit CURRENT medical documentation which  
| supports the request for accommodation. Failure to submit adequate  
| documentation may result in an inability to properly evaluate the  
| request and accommodate the employee's needs. All medical  
| documentation should include the employee's name and be signed and  
| dated by the attending physician. In addition, the medical statement  
| should include a response to the following:

- | (1) Why did the patient seek your professional services?
- | (2) What is his or her medical history?

- |           (3)   What was the nature of the complaint?
- |           (4)   What tests or examinations did you perform, and what  
| were the results?
- |           (5)   What is the diagnosis?
- |           (6)   Is there a secondary diagnosis?
- |           (7)   To what do you ascribe the condition?
- |           (8)   What body system(s) does the condition affect?
- |           (9)   What is the prognosis?
- |           (10)   What effect does or will the condition have upon the  
| patient?
- |           (11)   What functions or activity does the condition impair,  
| and to what extent are they impaired:   slight, minor, moderate,  
| substantial, severe, total?
- |           (12)   How does the condition affect the patient's ability to  
| perform everyday functions?
- |           (13)   Will the extent of the impairment remain constant?  If  
| not, will it improve or degenerate?
- |           (14)   If the condition affects the patient's ability to work,  
| specifically how does it do so?  What limitations, if any, should the  
| patient be under while in the work environment?
- |           (15)   What is the prescribed course of treatment, and how  
| long will the treatment last? (What therapies, medications, or  
| procedures are indicated)
- |           (16)   What restrictions or limitations have you prescribed?
- |           (17)   Are any special devices or equipment indicated?
- |           (18)   Is there anything else that you believe warrants our  
| attention in responding to the request by your patient?|
- \*\*EffDte: 11/18/1999 MCRT#: 935   Div: EE           Cav:           SecCls:

#### **| 4-10.4.2   Appeals Process**

- |           (1)   The reasonable accommodation process is intended to be  
| interactive and ongoing.  An employee may seek a reevaluation and  
| assessment for additional accommodation by submitting updated medical

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| documentation. Although the OEEOA does not guarantee that an  
| additional accommodation will be provided, all requests will be given  
| full consideration under applicable laws.

| (2) An employee whose request for accommodation is  
| declined may choose to pursue their concerns beyond the reasonable  
| accommodation process. This may be accomplished by contacting an EEO  
| Counselor to initiate the informal complaint process.|

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **| 4-10.4.3 Definitions/Terms**

| (1) "Major Life Activities" - Walking, speaking,  
| breathing, performing manual tasks, seeing, hearing, learning,  
| working, caring for oneself

| (2) "Substantially Limits" - Unable to perform, or  
| significantly limited in the ability to perform, an activity compared  
| to an average person in the general population

| (3) "Undue Hardship" - Excessively costly, extensive,  
| substantial, or disruptive, or that would fundamentally alter the  
| nature or operation of the business

| (4) "Mental impairment" - Any mental or psychological  
| disorder, such as mental retardation, organic brain syndrome,  
| emotional or mental illness, and specific learning disabilities

| (5) "Physical impairment" - Any physiological disorder,  
| or condition, cosmetic disfigurement, or anatomical loss affecting one  
| or more of the following body systems: neurological, musculoskeletal,  
| special sense organs, respiratory (including speech organs),  
| cardiovascular, reproductive, digestive, genito-urinary, hemic and  
| lymphatic, skin, and endocrine|

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: EE Cav: SecCls:

#### **4-10.5 Reasonable Accommodations for Bureau Applicants**

| Applicants for employment with the FBI requesting  
| reasonable accommodation for their physical or mental disability  
| during the application process should provide a  
| written request for accommodation and supporting medical documentation  
| detailing the applicant's diagnosis, prognosis, limitations and  
| recommendations for accommodation. All documentation from the

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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applicant's physician or therapist should be forwarded to the OEEOA along with an explanatory communication from the division or office requesting assistance. Generally, applicants will be provided with accommodations such as sign language interpreters, text-enlarging adaptive equipment for use with written materials, or up to double time to complete written portions of application tests. Each request will be addressed by the OEEOA in coordination with the Administrative Services Division.

\*\*EffDte: 11/18/1999 MORT#: 935 Div: EE Cav: SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

**SENSITIVE**

## | SECTION 5. PERFORMANCE|APPRAISALS,|RECOGNITION AND AWARDS

\*\*EffDte: 03/18/1983 MCRT#: 0      Div: D3      Cav:      SecCls:  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

### | 5-1 PERFORMANCE|APPRAISAL|SYSTEM |(PAS)| (See MAOP, Part 1, 21-2(4); & Legal Attache Manual, 4-2.)

|            The|PAS|was designed to integrate the performance-related facets of personnel management. It encompasses not only performance appraisal, but also|employee development and|performance-based personnel decisions|such|as promotions,|Office of Preference|transfers, within-grade and quality step increases, and superior accomplishment awards. The|PAS|covers all non-Senior Executive Service employees.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3      Cav:      SecCls:

#### 5-1.1 Purpose

|            The purpose of the|PAS|is to provide a tool for executing basic management and supervisory responsibilities by:

- |            (1) Communicating and clarifying agency goals and objectives;
- |            (2) Identifying individual accountability for the accomplishment of organizational goals and objectives;
- |            (3) Evaluating and improving individual and organizational accomplishments;
- |            (4) |Evaluating employees' development needs and providing them with guidance and/or resources to help them improve their performance; and|
- |            |(5)| Using the results of performance appraisal as a basis for adjusting basic salary, determining performance awards, training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3      Cav:      SecCls:



### **| 5-1.1.1 An Overview of the PAS**

|           The FBI has developed a PAS designed to ensure an effective  
| and fair performance appraisal process. This system is designed both  
| to create a partnership between employees and supervisors in the  
| performance appraisal process and to focus on the developmental  
| aspects of employee performance.

#### **|           (1) Definitions**

|           Under the PAS, FBI JOB TITLES (with the exception of those  
| found only in the Senior Executive Service) have been categorized into  
| JOB FAMILIES, or groups of jobs, where similar work is performed.

| These job families are an important part of the PAS because each  
| employee's performance is evaluated based on the critical elements  
| identified for his/her job family.

|           CRITICAL ELEMENTS are the rating components that will be  
| used to evaluate employees' performance. There are two types of  
| critical elements, CORE critical elements and SPECIALIZED critical  
| elements. CORE critical elements are relevant for all persons in a  
| given job family, whereas SPECIALIZED critical elements may only be  
| relevant for some persons in a job family (depending upon their  
| position's requirements). In order to be a critical element, a work  
| assignment or responsibility must be of such importance that  
| unacceptable performance on the element would lead to a summary  
| performance rating indicating that the employee's overall performance  
| is at the Does Not Meet Expectations level. This, in turn, could  
| serve as the basis for the employee's reduction-in-grade,  
| reassignment, or removal from the FBI.

|           PERFORMANCE STANDARDS explicitly define the performance  
| expectations for each of the critical elements. Performance standards  
| change as one advances in performance levels or is assigned to a  
| position in a different job family. Therefore, for each critical  
| element, multiple levels of performance standards are provided that  
| describe the performance expectations of employees at different grade  
| levels.

|           PERFORMANCE LEVELS are based upon the specific job family,  
| specific grade, and other various factors (e.g., the type of work  
| performed).

#### **|           (2) General Description**

|           The PAS includes some elements of the former performance  
| appraisal system, but also incorporates several novel elements  
| specific to the new PAS. Similar to the previous system, standard  
| rating periods for the performance appraisal process will begin and  
| end at one-year intervals. At the beginning of the process,  
| supervisors will provide employees with a Performance Plan containing  
| a detailed description of the performance expectations established for  
| the employee's position and grade level. Approximately midway through

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| the rating period, employees will participate in a Progress Review  
| Session with their supervisors. During this session, employees will  
| have the opportunity to share their views of their performance with  
| their supervisors and obtain from supervisors feedback regarding their  
| performance. The formal Performance Appraisal Session, conducted at  
| the end of the performance appraisal period, completes the performance  
| appraisal process. During this session, supervisors discuss  
| employees' Performance Appraisal Report (PAR) ratings with them.

| Several of the new elements incorporated into the PAS are the rating  
| levels and the use of job families, performance standards and  
| performance levels. Performance will be evaluated using two  
| rating levels, Meets Expectations and Does Not Meet Expectations. In  
| addition, supervisors will provide developmental recommendations which  
| will act as a guide for how employees can improve their performance.  
| These recommendations will not be furnished to any other FBI personnel  
| or become part of the employee's official personnel records. For more  
| detailed information regarding employee development refer to the "PAS  
| Employee Development Manual" and the "PAS Supervisor Handbook."

| The FBI's PAS has been designed to accomplish two major objectives.  
| The first objective is to measure job-relevant performance in a  
| clear, fair and systematic manner. The second objective is to provide  
| supervisors and employees with tools, resources and information that  
| will encourage employee development and career management. It is  
| expected that this system will both foster employee/supervisor  
| communication and facilitate employee development.|

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3                      Cav:                      SecCls:

## **5-1.2      Responsibilities**

|                      The Personnel Officer is responsible for the overall  
| administration of the FBI's|PAS|as it applies to Special Agent and  
| support personnel. In this regard, the Personnel Officer shall ensure  
| that the performance appraisal and recognition processes are properly  
| administered and applied. At any time deemed appropriate, the  
| Personnel Officer or his/her designee will conduct a substantive  
| review and validation of any|Performance Plan/PAR|and institute any  
| actions necessary to ensure compliance with applicable law,  
| regulation, or policy as set forth herein. The specific  
| responsibilities of other executives, management officials and  
| supervisors follow:

|                      (1) Heads of offices (e.g., Special Agents in Charge  
| |(SAC)|or Assistant Directors) shall personally ensure that:

|                      (a) Employees under their jurisdiction are  
| adequately informed of their rights and responsibilities under the  
| |PAS|in a timely manner;

|                      (b) Managers and supervisors under their

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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jurisdiction who serve as rating and/or reviewing officials are given training and periodic reminders of their duties and responsibilities under the PAS, in addition to receiving supplementary directives as necessary;

(c) Managers and supervisors under their jurisdiction are made fully aware of the design of the system, including the job family structure, performance levels and the distinction between core and specialized critical elements;

(d) Periodic evaluations of the performance appraisal processes within their offices are conducted and that only employees whose performance Meets Expectations, as defined by their critical elements and performance standards set forth in their Performance Plans, are rated at the Meets Expectations level;

(e) Ratings of record issued to employees in their offices are approved;

(f) Performance-based personnel action recommendations are reviewed and approved; and

(g) Development needs are identified and communicated to employees and that employees are afforded guidance and/or assistance to improve as needed.

(2) Reviewing officials are at a higher organizational level than rating officials and are normally the supervisors of rating officials and as such will ensure that:

(a) PARs completed by rating officials are reviewed and accepted or adjusted as warranted; and

(b) Rating officials provide advice or instruction as appropriate to subordinates.

(c) Deleted

(3) Rating officials are supervisors, including those employees with the word supervisor, manager, officer, or foreman in their position titles and/or position description. They are normally the employees' immediate supervisors who train, assign and review the employees' work. In appraising subordinates, rating officials are to:

(a) Collect and maintain specific examples of employees' accomplishments and deficiencies and any developmental information (e.g., development needs, development goals) throughout the rating period;

(b) Afford guidance, developmental feedback and developmental opportunities (where feasible) to all subordinates;

(c) Issue PARs to employees as prescribed; and

(d) If applicable, review the performance appraisal practices of subordinate supervisors and provide advice as

**SENSITIVE**

appropriate.

| (e) |Deleted|

| (4) Employees subject to the|PAS|are responsible for:

| (a) Participating, as requested, in|discussions  
| regarding their Performance Plans at the beginning of the performance  
| appraisal period;|

| (b) Actively engaging in performance discussions  
| during Progress Review Sessions,|Performance Appraisal Sessions,|and  
| at other appropriate times; and

| (c) Maintaining current knowledge of their rights  
| and responsibilities under the|PAS.|

| (5) The Performance, Recognition and Awards Unit (PRAU)  
| is responsible for:

| (a) Administering, coordinating and managing the  
| FBI's PAS;

| (b) Reviewing PARs issued at the Does Not Meet  
| Expectations rating level to ensure compliance with applicable law,  
| regulation, and the PAS policy;

| (c) Providing, as the Personnel Officer's designee,  
| a substantive review of Reconsideration Requests to ensure compliance  
| with applicable law, regulation, and the PAS policy and to make  
| recommendations to the Personnel Officer regarding action to be taken;

| (d) Reviewing performance-based action  
| recommendations based on performance at the Does Not Meet Expectations  
| rating level and making recommendations to management of the  
| Administrative Services Division on action to be taken; and

| (e) Providing guidance/training to rating and  
| reviewing officials in the applications of the PAS with respect to the  
| interrelationship with other human resource areas such as discipline,  
| promotions, within-grade increases, and other recognition matters.|

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

### **5-1.3 Authority**

| The FBI's|PAS|was designed in accordance with applicable  
| portions of Title 5, United States Code, Chapter 43, and Title 5, Code  
| of Federal Regulations, Parts 430 and 432. Through the appraisal  
| process, employees are placed on notice of the critical  
| functions/duties|associated with their job family and performance  
| level and of the performance standards they are expected to meet.|

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Performance appraisal information controls and/or influences various personnel actions.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

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## **5-2 PERFORMANCE PLANS**

(1) ISSUANCE OF A PERFORMANCE PLAN: An original Plan, comprised of a Notice page and Critical Element and Performance Standard(s) pages is to be issued within 30 days of the beginning of an employee's entry on duty, an employee's change in position due to a change in grade outside of his/her performance level, an employee's change in position due to reassignment to a position outside his/her performance level or reassignment to a position outside his/her current job family. |The employee's appraisal period will begin the day he/she signs the Plan.| The original Plan, in its entirety, must be entered into the Bureau Personnel Management System and maintained by the office of origin. The original Plan is to be forwarded to FBIHQ, only when a PAR is completed. At that time, if the PAR is issued at the MEETS EXPECTATIONS level, the Plan along with the original PAR is to be forwarded to Personnel Records, Records Management Division. (See 5-4.6.1.) If the PAR is issued at the DOES NOT MEET EXPECTATION level, both the PAR and the Plan must be forwarded to the PRAU for review. A copy of the Plan must be retained by the issuing office.

(2) MODIFYING PERFORMANCE PLANS: Performance Plans reflect performance expectations for the job family and performance level as established by a thorough job analysis. Therefore, the content of Performance Plans cannot be modified in any way (i.e., no additions, deletions, or adjustments to Performance Plans are allowed).

(3) RENEWAL OF PERFORMANCE PLANS: When the same Plan is being continued from one annual appraisal period to the next, the rating official and employee must review the Plan, including each critical element and Performance Standards page within 30 days |after the beginning of the new period. |The employee's appraisal period will begin the day he/she renews the Plan.| The annual renewal of notice of the Plan must be documented by the rating official and the employee by initialing and dating the Notice Page inside the Plan renewal block. Failure to renew Plans will result in invalidation of PARs.

(4) PERFORMANCE STANDARDS: Define the performance expectations associated with each critical element and performance level identified for a job family and are expressed in terms of

**SENSITIVE**

quality, quantity, timeliness, or other appropriate measurement criteria. Rating levels to be used to assign a performance rating to each critical element are as follows:

(a) Meets Expectations: Employee consistently meets the standards.

(b) Does Not Meet Expectations: Employee repeatedly fails to meet one or more of the standards, such that performance is well below expected levels.

(c) Deleted

(d) Deleted

(5) Deleted

(6) Deleted

(7) Deleted

(8) Deleted

(a) Deleted

(b) Deleted

(c) Deleted

(d) Deleted

(e) Deleted

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### **5-3      PROGRESS REVIEWS**

(1) A progress review is an evaluation of an employee's progress toward achieving a performance level. Rating officials are responsible for imposing and maintaining appropriate controls to permit the assessment of employees' performance throughout the appraisal period. At the midpoint of the appraisal period, rating officials must conduct Progress Review Sessions with their subordinates. If an employee's appraisal period is altered by a change in grade that results in the employee being placed in a different performance level in his/her job family or placed in a different job family, the rating official must institute a review session approximately midway through the newly established rating period. Although employees are, at a minimum, to be advised of their level of performance on each critical element in relation to the measurement criteria in the performance standards, supervisors are

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| also responsible for providing developmental feedback to employees to  
| address improvement, where needed. However, advice regarding  
| performance appraisal rating levels|is not to be construed as an  
| official rating. An employee cannot request reconsideration of  
| his/her progress review ratings.

(2) Progress reviews are mandatory and may be conducted orally. At the conclusion of the Progress Review Session, the date of the review is to be recorded by the rating official inside the Progress Review block on the Notice Page of his/her copy of each subordinate's Performance Plan.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3

Cav:

SecCls:

## **5-4 PERFORMANCE-RELATED DOCUMENTATION**

(1) PERFORMANCE APPRAISAL REPORTS (PARs): A PAR is comprised of a Cover|Page, Evaluation Page(s), and Narrative Page(s) (for Does Not Meet Expectations rating only).| An employee must have served at least 90 calendar days on notice of his/her critical element(s) and performance standards before a PAR may be issued.

| |When an employee is issued a PAR within 90 days of his/her End of  
| Annual appraisal period, the PAR may be marked as an End of Annual  
| PAR, and another PAR does not need to be issued to satisfy the End of  
| Annual period requirement.|

(2) REVIEWING PARs WITH EMPLOYEES: Most performance appraisal procedures are to be accomplished through direct contact with the employee. Inasmuch as certain assignments may preclude face-to-face contact because of geographic location or the sensitive nature of the assignment, telephonic contact may be considered an appropriate substitute. When personal contacts are not possible for a reason other than undercover assignment, performance appraisal documents are to be forwarded to the employee in an envelope marked "Personal and Confidential" for his/her review and subsequent signing and dating.  
| (NOTE: Rating officials are|discouraged from including classified  
| information in PAR narratives. However, if necessary to include, they  
| must|ensure classified material is appropriately marked.) Upon  
| issuance of a PAR, a copy|will|be furnished to the employee.

(3) |PROVIDING DEVELOPMENT FEEDBACK TO EMPLOYEES: In addition to discussing performance appraisal ratings with employees, supervisors are responsible for assigning developmental recommendations to their subordinates and providing them with a development plan (if appropriate) that specifies that actions they should take to improve their performance. Developmental recommendations are to be communicated only between supervisors and their subordinates and will not be furnished to any other FBI personnel or become part of employee's personnel records. Developmental Plans, however, are considered official documents and may be shared with the reviewing official and/or higher level

**SENSITIVE**

| management.|

| (a) |Deleted|

| (b) |Deleted|

| (c) |Deleted|

| (d) |Deleted|

| (e) |Deleted|

| (f) |Deleted|

| (4) | MAINTENANCE AND DESTRUCTION OF PERFORMANCE-RELATED  
| INFORMATION/DOCUMENTATION: |Performance-related information and  
| documentation is defined as any material gathered, prepared and/or  
| maintained by an employee's team leader, supervisor, rating official,  
| and/or reviewing official, for the exclusive purpose of evaluating the  
| employee under the Bureau's performance appraisal process. This may  
| include, but is not limited to, information maintained in any  
| performance file or folder, other than the employee's official FBIHQ  
| or field office personnel file. Unless otherwise instructed by FBIHQ,  
| all performance-related information and documentation, including, but  
| not limited to information maintained in any performance file or  
| folder, other than the employee's official FBIHQ or field office  
| Personnel File, must be maintained for a period of one calendar  
| year from the date of the End of Annual PAR. Further, any and all  
| performance-related information and documentation, whether maintained  
| in the employee's performance folder or otherwise, which is not part  
| of the employee's official FBIHQ or field office Personnel File, must  
| be destroyed within 30 days after the expiration of the one-year  
| period as specified above.

| (a) |Information or documentation which is relevant  
| to a pending complaint, charge, or internal investigation should be  
| maintained until final resolution of the matter. Performance-related  
| information and documentation which is maintained pending a complaint,  
| charge, or internal investigation will be destroyed one year from the  
| date the matter becomes final.|

| (b) |Any copies of file review sheets and/or FD-865  
| Performance Assessment forms, which are maintained in an employee's  
| performance folder/used in determining an employee's performance  
| rating must be destroyed as instructed above. However, the above  
| provision does not apply to original file review sheets and FD-865s  
| which are maintained for inspection and other purposes not related to  
| the performance appraisal process.|

| (5) | EMPLOYEE ACCESS TO PERFORMANCE INFORMATION AND  
| DOCUMENTATION: Rating and reviewing officials are to make available  
| to each employee, upon request, any and all performance-related  
| documentation, whether maintained in the employee's performance file  
| or folder, or otherwise, which has been or will be used as a basis  
| for, or the development of, a Progress Review Session or PAR.  
| |(See 5-5.1.)|



(a) Copies of classified documents (e.g., PARs, progress review information) may be released to an employee; however, the employee should not release such material to any other individual, without proper authority.

(b) There may be particular circumstances which preclude the release of certain performance-related information or documentation to the employee. These circumstances may include, but are not limited to, information or documentation which is relevant to a pending complaint, charge, or internal investigation. For guidance on withholding performance-related information or documentation, rating officials should consult with the PRAU.

(c) If a rating official makes a decision to withhold performance-related information or documentation from an employee who has made a request pursuant to this policy, the employee will have the right to appeal the rating official's decision to the SAC or head of office. This appeal must be in writing, and must be submitted to the SAC or head of office within 15 business days of the denial of access to this material. The submission must then be reviewed and a written response provided to the employee within 10 business days of the receipt of the employee's appeal.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

## **5-4.1 Appraisal Periods**

Employees' performance is to be appraised on an annual basis, according to the following schedule:

(1) Special Agents (SAs): April 1 through March 31. For probationary SAs, see MAOP, Part 1, 5-4.3.

(2) Support:

(a) Field: July 1 through June 30.

(b) FBIHQ: December 1 through November 30.

(c) Criminal Justice Information Services/Finance Divisions: March 1 through February 28.

(3) All Supervisory and Managerial Agent and Support Personnel: Grades 1 through 15 (includes wage board supervisors): November 1 through October 31.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

## **5-4.2 Types of PARs**

### **(1) End-of-Annual Period**

(a) Special Agents (SAs): A PAR will be completed immediately after March 31 for any employee who has not received a PAR since January 1 and who has been in grade and on notice of critical elements and performance standards for at least 90 days. For probationary SAs, see MAOP, Part 1, Section 5-4.3.

(b) Support: A PAR will be completed immediately after February 28 (CJIS/Finance Division(s), June 30 (field), November 30 (FBIHQ) for any employee who has not received a PAR since December 1/April 1/September 1, respectively, and who has been in grade and on notice of critical elements and performance standards for at least 90 days.

When an employee has not received any PAR and is not eligible for a rating by February 28 (CJIS/Finance Divisions), June 30 (field), November 30 (FBIHQ) for support personnel and March 31 for SA personnel, the annual period must be extended until the employee completes 90 calendar days on notice of his/her critical elements and performance standards. The next annual period begins the day the employee renews his/her plan.

(c) Supervisory and Managerial Personnel Agent and Support: A PAR will be completed immediately after October 31 for any supervisory/managerial employee who has not received a PAR since August 1, and who has been in grade and on notice of critical elements and performance standards for at least 90 days.

(2) Position Change/Transfer: Whenever an employee is scheduled to leave his/her official position, due to reassignment, promotion, or demotion, that results in a change to the employee's job family, grade, or performance level, a PAR will be completed. This type of PAR can only be completed after meeting the 90-day appraisal requirements since the employee's last rating.

(3) Headquarters' Request: When a recommendation is due for the denial of a within-grade increase (WIGI) and the last PAR issued is over six months old or the WIGI denial decision does not support the rating of record, FBIHQ will request a PAR. When requested by the Inspection Division and/or the PRAU.

(4) Current Appraisal: Whenever an employee's last rating is more than 90 days old and the office desires to update performance appraisal information or to capture performance to date when a significant change in duties occurs (e.g., change from reactive squad to Chief Division Counsel), a PAR will be completed. A current PAR, covering at least a 90-day period, is necessary when a WIGI decision is not supported by the rating of record. Also, a PAR is required in some instances after the issuance of a Warning Resolution.

(5) Warning PAR: Whenever an employee's performance is

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| judged to be at the Does Not Meet Expectations level in any critical  
| element, a PAR will be completed. |

|                   | (6) | Warning Resolution: At the conclusion of an  
| opportunity period to resolve an employee's warning|status, a PAR will  
| be completed. |

|                   (7) | Deleted |

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3                   Cav:                   SecCls:

### **5-4.3 Probationary Agents (See MAOP, Part 1, 5-4.1 and 5-4.2.)**

|                   (1) In accordance with the provisions of the Probationary  
| Agent Program (PAP), as set forth in the MAOP, Part 2, Section 8, the  
| first annual period for new|SAs|ends upon completion  
| of the first year on|duty, and the|second annual period ends upon  
| completion of the second year on duty (see MAOP, Part 1, 21-1).  
| Subsequent annual periods are in accordance with established  
| |PAS|policy.

|                   (2) | Deleted |

|                   (3) | Deleted |

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3                   Cav:                   SecCls:

### **5-4.4 Issuance of PARs**

|                   (1) When an appraisal is due, the rating official must  
| review his/her documentation of the employee's|performance|to  
| determine the level achieved on each critical|element|in which the  
| employee has had the opportunity to perform by comparison with the  
| performance standards of the employee's Performance Plan. In  
| preparing PARs at the end of the annual period, the rating official  
| must also consider any prior PAR issued during the annual period. The  
| appraisal of a disabled veteran may not be lowered because the veteran  
| has been absent from work to seek medical treatment.

|                   (2) |Supervisors must maintain documentation regarding  
| both positive and deficient employee performance as it occurs  
| throughout the rating period. When issuing a PAR, a narrative summary  
| of an employee's performance must be provided to the PRAU, FBIHQ, only  
| for critical elements to which a supervisor assigns a Does Not Meet  
| Expectations rating. The narrative for this rating must include the  
| assistance to be afforded to the employee in improving. Such  
| assistance must include reviewing with the employee his/her  
| Performance Plan to reconvey the performance requirements for his/her  
| job family and performance level. | Additional assistance may include,

**SENSITIVE**

but is not limited to, formal or informal training, counseling, change in work assignments, and closer supervision. (See MAOP, Part 1, 5-4.7 and 5-4.7.1.)

(3) When issuing a PAR because of inspection results, the head of office must ensure that a current PAR is prepared and issued which will cover the employee's performance since the period covered in the last PAR. The rating official must consider and include in the PAR narratives for "Does Not Meet Expectations" ratings only, information from the inspection report, as well as other documented performance information, pertaining to performance which took place since the period covered in the last PAR. (NOTE: If 90 days have not passed since the end of the period covering the last PAR, issue the PAR once 90 days have passed.)

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

#### **| 5-4.5| Determining Summary Ratings|(Formerly 5-6)|**

A rating of Does Not Meet Expectations on any critical element results in a Summary Rating of Does Not Meet Expectations regardless of the Meets Expectations performance level achieved on other critical elements.

##### **PERFORMANCE LEVELS**

Meets Expectations

Does Not Meet Expectations|

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

#### **| 5-4.6| Prior Review of PARs by the Reviewing Official |(Formerly 5-4.5)|**

The PAR must be submitted to the reviewing official, who must be at a higher level in the organization than the rating official, for approval BEFORE it is presented to the employee. The reviewing official has the authority to accept or modify any PAR in keeping with the proper application of these provisions.

Modifications to a PAR must be justified in writing and such comments, to include specific examples of performance that support the rating level, are to be attached to the PAR.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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**| 5-4.6.1| Entry of PARs into the Bureau Personnel Management System (BPMS)| (Formerly 5-4.6)|**

| PARs are to be entered into the BPMS no later than 42 days after the appraisal period has ended. After each PAR is entered, a notation in box 10 on the PAR Cover Page should include the initials of the individual who entered the PAR in BPMS; the date the PAR was entered; the date of the Performance Plan which was used to rate the employee; and the date of the Plan Renewal if applicable. PARs rated at the Meets Expectations rating level are to be forwarded to Personnel Records, along with the original Plan. WHEN THE SAME PLAN IS BEING RENEWED FROM ONE APPRAISAL PERIOD TO THE NEXT, THAT PLAN DOES NOT HAVE TO BE SENT TO PERSONNEL RECORDS. (See 5-2.) If a PAR is issued at the Does Not Meet Expectations level, it must be forwarded to the PRAU for review along with the Plan. This is necessary for the PRAU to ensure that the employee has been placed on the correct Plan for his/her job family, and performance level, and to ensure that the Does Not Meet Expectations rating is properly documented and in compliance with the PAS policy.|

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3

Cav:

SecCls:

**| 5-4.7 Personnel Actions Based on "Does Not Meet Expectations" Ratings (See MAOP, Part 1, 8-8.4 and 14-4.2.)**

(1) Assistance must be provided to employees in improving performance rated at the Does Not Meet Expectations level. In this regard, at any time an employee's performance in one or more critical elements is rated at the Does Not Meet Expectations level, the rating official must review the Performance Plan with the employee to reconvey the performance requirements of his/her position and performance level through formal or informal training, counseling, closer supervision, or other appropriate means, such as a reassignment. The rating official must append a separate statement on plain white bond paper, as part of the PAR, stating the assistance to be offered to the employee. (Also see MAOP, Part 1, 5-4.4 and 5-4.7.1.)

(2) In some instances, performance may be found to be of such significance (e.g., demonstrating a reasonable potential for jeopardizing physical safety) that treatment through the performance appraisal process would not be appropriate; therefore, the office may request reassignment to another position without affording the employee a 90-day opportunity period. Other situations may combine poor performance and actions subject to policy governing disciplinary matters, as set forth in the MAOP, Part 1, Section 13. Except in cases meeting requirements for action under BOTH the PAS AND disciplinary policy, it is generally unnecessary and inappropriate to recommend a disciplinary action such as probation when issuing a Warning PAR.

SENSITIVE

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) A Does Not Meet Expectations rating is a basis to reassign, reduce in grade or remove an employee. Such remedial action may be taken only after an employee has been provided with notice of the performance that led to the Does Not Meet Expectations rating, in the form of a Warning PAR and given a 90-day opportunity period to demonstrate performance that Meets Expectations.

(4) Deleted

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3

Cav:

SecCls:

#### **5-4.7.1 Warnings, Resolutions, and Personnel Recommendations (See MAOP, Part 1, 5-4.4 and 14-4.2.)**

(1) |Warning PAR|NARRATIVE SUMMARIES must be provided for EACH critical element|rated at the Does Not Meet Expectations rating level.| Narratives for|these critical elements|must include specific instances of|the|performance|that demonstrate a clear rationale for a Does Not Meet Expectations rating.| The rating official must append a separate statement on plain white bond paper, as part of the PAR, regarding the assistance|to|be offered to the employee to improve. |(See 5-4.7.)| Such assistance must, without exception, include affording the employee the opportunity to review his/her Performance Plan, thereby reconveying the requirements of the|Meets Expectations rating|for each|critical element,|which must be achieved/maintained throughout the opportunity period. A copy of the employee's Plan must be submitted to the|PRAU,|FBIHQ, along with|the PAR. This is necessary for the PRAU to ensure that the employee has been placed on the correct Plan for his/her job family, and performance level, and to ensure that the Does Not Meet Expectations rating is properly documented and in compliance with the PAS policy.|

(a) Length of Opportunity Period - The opportunity period is uniformly set at 90 calendar days for all employees. An office may extend the opportunity period for an additional 30 calendar days if the rating and reviewing officials determine that the employee (1) has improved, (2) may yet achieve the|Meets Expectations|level if given some additional time, and/or (3) requires additional time due to an unusual circumstance, such as absence due to sick/maternity/military leave. Given concurrence by the head of the office, a written communication regarding such extension must be forwarded to the|PRAU.|

(b) Interruption of|Opportunity|Period - Once an employee is given a Warning PAR, he/she should NOT|normally|be reassigned/transferred prior to the completion of the opportunity period. Circumstances may necessitate the reassignment/transfer of an employee to protect an investigative operation or the employee; however, generally, reassignments/transfers are supervisory options which should be exercised before issuing a Warning PAR.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(c) Termination of Opportunity Period - To terminate an employee's opportunity period for any reason (e.g., reassignment, transfer, or at the employee's request) will nullify that employee's chance to demonstrate positive performance with respect to the critical elements in question. As a result, the Warning PAR must be considered unresolved, and no recommendation for reduction in grade or removal may be made. The office should notify the PRAU of such termination by written communication.

(2) Warning Resolution PAR - At the completion of the opportunity period, a Warning Resolution PAR must be prepared. The Resolution PAR is to reference the Warning PAR and document the employee's performance during the opportunity period. Narrative summaries of performance at the Does Not Meet Expectations level must be provided for EACH critical element and must include specific examples of performance demonstrated and the level achieved during the opportunity period. The narrative for any element rated at the Does Not Meet Expectations level must include a description of the assistance afforded. When the Resolution PAR satisfies the end-of-the-annual-period requirements, the rating official must consider all performance and/or ratings issued for the same grade level during the annual period.

(a) Positive Resolution: If the employee consistently demonstrates performance at the Meets Expectations level for a critical element during the opportunity period, a PAR must be issued at the Meets Expectations level at the end of the opportunity period. If all elements are rated Meets Expectations, the Warning is considered to be resolved at a positive level and no recommendation for remedial action may be made.

Jeopardy Period - When a warning is resolved at a positive level, a separate statement on plain white bond paper, initialed by the employee, must be appended to the PAR indicating that the employee has been advised of his/her responsibility to maintain an acceptable level of performance. The statement must include advice that failure to maintain at least the Meets Expectations level in the critical elements for which the opportunity period was provided, for one year from the date of issuance of the Warning PAR, will be cause for the immediate issuance of a PAR at the Does Not Meet Expectations level and the submission of an appropriate recommendation for personnel action (i.e., reassignment, reduction-in-grade or removal). NOTE: The PAR must be forwarded to the PRAU.

(b) Negative Resolution - If the employee continues to perform at the Does Not Meet Expectations level during the opportunity period, a recommendation by the SAC or head of office, in accordance with Title 5, United States Code, Section 4304, to reassign, reduce in grade, or remove is to be set forth in a cover communication forwarding the PAR to the PRAU. The recommendation must be based on the unacceptable performance addressed by the Does Not Meet Expectations - Warning Resolution PAR and should reflect consideration of the employee's record - a factor not addressed by the PAR, but appropriate for inclusion in the recommendation for personnel action.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (NOTE: Failure to issue|Warning|and Warning Resolution PARs in a  
| timely manner|may preclude|the consideration of some of the  
| employee's unacceptable performance in supporting reduction-in-grade  
| or removal decisions.)

1. Approval of Recommendation - When FBIHQ  
approves a recommendation to reassign, reduce in grade or remove the  
| employee based on a PAR at the|Does Not Meet Expectations|level, the  
| employee is entitled to: 30 days' advance written notice of the  
| proposed action. This notice will be provided to the employee  
| by FBIHQ. The written notice will identify instances of less  
| than|Meet Expectations|performance, as well as actions taken to assist  
| the employee to improve, advise the employee of his/her right to  
| representation by an attorney or other counsel, and provide the  
| employee with 10 days to respond to the proposed action orally and  
| in writing.

2. Expiration of the 30-day Notice Period -  
Upon expiration of the 30-day Notice Period, action will be taken by  
FBIHQ to reassign, reduce in grade, or remove the employee, unless  
otherwise notified by the head of office.

3. Written Decision - A written decision will  
be provided by FBIHQ. This decision will describe instances of less  
| than|Meet Expectations|performance by the employee on which the  
| reassignment, reduction in grade, or removal is based. A written  
| decision to reassign, reduce in grade, or remove the employee will be  
| made as soon as practicable after the date of expiration of the  
| notice period. Furthermore, in the case of a reassignment, reduction  
| in grade, or removal, the decision must be based on those instances  
| of unacceptable performance by the employee which occurred during the  
| one-year period ending on the date of the advance written notice of  
| the proposed action. The employee will also be advised in this  
| decision of any appeal rights available to him/her.

(3) If, because of an improvement in performance by the  
employee during the notice period, the employee is not reassigned,  
reduced in grade, or removed, and the employee's performance continues  
to be acceptable for one year from the date of the advance written  
notice, the Warning Resolution PAR and ANY entry or other notation  
with reference to same MUST be removed from ANY OFFICE or FBIHQ RECORD  
relating to the employee.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3

Cav:

SecCls:

## **5-5 RECONSIDERATION REQUESTS (Formerly 5-6) (See MAOP, Part 1, 14-2.)**

| (1) |Requesting Reconsideration for Does Not Meet  
| Expectations Ratings: Employees may only request reconsideration of  
| Does Not Meet Expectations ratings.|

| (2) |Request Reconsideration for Developmental

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Recommendations: The purpose of the developmental recommendations are  
| to provide supervisors with a tool for providing targeted, meaningful  
| feedback to employees on each critical element and to allow them to  
| work with their subordinates to improve performance where needed.  
| Given that there will be no official record of the developmental  
| recommendations, or official documentation for them, employees will  
| not be allowed to appeal or grieve them.|

| (3) |Request Reconsideration Based on Ratings Relevant to  
| their Job Family and Performance Level: Employees may only request  
| reconsideration for ratings based on critical elements relevant to  
| their job family and performance level (i.e., those critical elements  
| specified in their Performance Plan). That is, an employee will not  
| be permitted to request reconsideration based on the belief that  
| he/she should have been assigned to a different job family and/or  
| rated on a different set of critical elements. Similarly, an  
| employee is not allowed to file a grievance based on the belief that  
| he/she belongs in a different performance level than that identified  
| for his/her job family/grade.|

| (4) |Rating Information Communicated in the Progress Review  
| Session: Employees may not request reconsideration for information  
| communicated in the mid-year Progress Review Session. This is because  
| this discussion is considered to be an informal review of the  
| employee's performance, not an official communication of performance  
| appraisal ratings.|

| (5) |Deleted|

| (6) |Deleted|

| (7) |Deleted|

| (8) |Deleted|

| (9) |Deleted|

| (10) |Deleted|

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\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3

Cav:

SecCls:

## **| 5-5.1 |Procedures for Requesting Reconsideration**

| Employees may request reconsideration for any Does Not Meet  
| Expectations performance appraisal rating that is assigned.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           (1) An employee who is dissatisfied with a rating of Does  
| Not Meet Expectations must respond in writing to his/her  
| rating/reviewing officials within ten business days of his/her receipt  
| of the rating. A request for an extension of this time will be  
| considered by the PRAU, FBIHQ, on a case-by-case basis. (Note: An  
| employee of the Personnel Management Branch, Administrative Services  
| Division must direct a reconsideration request of a PAR to the Deputy  
| Assistant Director - Personnel Officer, Personnel Assistance and  
| Facilities Management Branch.)

|           (2) An employee's written request must clearly identify the  
| specific aspect(s) of the appraisal for which the employee seeks  
| reconsideration (e.g., the name(s) of the critical elements for which  
| a Does Not Meet Expectations rating was assigned). In addition, the  
| request must clearly specify all relevant facts and performance-  
| related information, which, in the opinion of the employee, support an  
| adjustment to the PAR. In effect, this document must provide the  
| factual basis upon which the employee chooses to request  
| reconsideration of his/her performance appraisal. In the event that  
| an employee seeks to receive a Meets Expectations rating for an  
| individual critical element, the employee must provide sufficient  
| documentation to support that action in his/her reconsideration  
| request. The employee should not only refute the information in the  
| PAR but also provide specific examples of work performance they  
| believe is at the higher level.

|           (3) When a reconsideration request is filed by an employee,  
| it will be the responsibility of his/her reviewing official to ensure  
| that the rater and the employee attempt to identify not only the  
| issues which are the basis for the employee's discontent, but, if  
| possible, to reach an agreement on the factual basis for those issues  
| as well. These discussions should serve to crystallize the specific,  
| factual issues and/or points of disagreement between the rater and the  
| employee in their respective assessment of the ratings assigned to the  
| critical elements.

|           (4) An employee must be allowed a reasonable amount of work  
| time, at the discretion of management, to prepare his/her  
| reconsideration request. An employee must also be allowed access to  
| the personnel folder/performance-related documentation maintained by  
| the rating/reviewing officials, in order to prepare his/her  
| reconsideration request. (See MAOP, Part 1, 5-4(5) for further  
| information.)

|           (5) The reviewing official must review the submission by  
| the employee and provide a written response to the employee within ten  
| business days (a request for extension of this time will be considered  
| on a case-by-case basis by the PRAU) commenting on the issues raised  
| by the employee. This finding will set forth the action being taken  
| by the reviewing official to resolve the reconsideration request and  
| the rationale for his/her decision. This response should address the  
| validity of the facts, if any, presented by the employee in his/her  
| reconsideration request. Information considered by the reviewing  
| official must be drawn from the narrative statements set forth by the  
| rating official in the contested appraisal, additional facts presented  
| by the employee in his/her reconsideration request, and any response

**SENSITIVE**

| prepared by the rating official to that information.

| Issues/deficiencies which were not addressed in the contested  
| appraisal by the rating official may not be introduced by the  
| reviewing official in the reconsideration request process, unless in  
| specific response to new facts/issues presented by the employee. A  
| reviewing official may sustain and/or adjust rating levels for  
| critical elements in the appraisal, to include the Summary Rating.

| (6) If the reviewing official decides to adjust the  
| appraisal, he/she will change the appraisal document to reflect Meets  
| Expectations ratings for those critical elements in which he/she  
| believes the employee has met expectations. The reviewing official  
| will attach a copy of his/her written findings regarding the  
| reconsideration request. The reviewing official will then present  
| this document to the employee for review and signature. Subsequently,  
| the reviewing official must forward the adjusted PAR along with the  
| documentation supporting the adjustment to the PRAU, which will ensure  
| BPMS is updated to reflect the adjustment(s) to the PAR. (NOTE: If  
| all critical element ratings in the PAR at this point are at the Meets  
| Expectations level, the employee cannot pursue the matter any further,  
| even if he/she does not agree with the language in the reviewing  
| official's response. This is true inasmuch as the Meets Expectations  
| rating cannot be grieved, and the reconsideration request process is  
| designed to assist employees who are dissatisfied with their PAR  
| rating(s) not the verbiage contained therein.)

| (7) If the reviewing official decides to sustain the  
| rating(s), he/she must present his/her written findings to the  
| employee, who, in turn, must sign and date the document to indicate  
| formal notice that the document has been received.

| (8) If an employee wishes to continue his/her  
| reconsideration request of the appraisal following receipt of the  
| reviewing official's written decision, he/she must inform the  
| reviewing official and the Personnel Officer of that fact within two  
| business days (a request for an extension of this time will be  
| considered on a case-by-case basis by PRAU). The notice to the  
| Personnel Officer (Attention: PRAU) must be in writing.

| (9) Upon notification by an employee that he/she wishes to  
| continue the reconsideration process, the reviewing official must  
| notify the Personnel Officer (Attention: PRAU) of that fact by  
| telephone on that date and confirm the notice by written  
| communication. The written communication will also be used to forward  
| the originals of the reviewing official's written decision, the PAR,  
| Plan, and the employee's written responses to the rating/reviewing  
| officials, to the Personnel Officer (Attention: PRAU) for use in  
| adjudicating the reconsideration request.

| (10) A reconsideration by PRAU on behalf of the Personnel  
| Officer will include a review of the facts/issues discussed in the  
| employee's appraisal, those presented by the employee in his/her  
| reconsideration request, the information supplied by the reviewing  
| official, and rebuttal information provided by the employee. The  
| Personnel Officer will conduct a substantive review of those critical

| elements contested by the employee. The Personnel Officer may sustain  
| or modify the level assigned to any critical element contested and, as  
| warranted, the Summary Rating, or invalidate the PAR to ensure its  
| compliance with policies governing the PAS. Normally, PRAU will  
| complete the action within 30 business days.

| (11) An employee will be informed in writing of the  
| decision of the Personnel Officer in adjudicating his/her  
| reconsideration request. Since the Director has delegated the  
| authority for adjudication of PAR reconsideration requests to the  
| Personnel Officer, the decision made by the Personnel Officer is  
| final.

| (12) In the event that a PAR is adjusted by the Personnel  
| Officer, a copy of the adjusted PAR will be provided to the issuing  
| division/office for the employee's review and for retention in lieu of  
| the original appraisal issued to the employee. |

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

#### **| 5-5.2 |Moved to 5-6.2|**

\*\*EffDte: 10/09/1996 MCRT#: 595 Div: D3 Cav: SecCls:

#### **| 5-6 |Moved to 5-4.5|**

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#### **| 5-6.1 |Deleted|**

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#### **| 5-6.2 |Deleted|**

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#### **| 5-7 DELETED|**

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\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

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\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

**5-13 RECOGNITION AND AWARDS**

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

**5-13.1 Legal and Administrative Bases**

(1) Title 5, U.S. Code Annotated, Chapters 45, 53, and  
54

(2) Title 28, Code of Federal Regulations (CFR), 0.137

(3) Title 5, CFR, 430.501-506; 451.101-107; and  
531.501-508

(4) Departmental Order DOJ 1451.1A

(5) The Director is authorized by the Attorney General  
to grant Quality Step Increases (QSI) to qualified employees at  
intervals of not less than 52 weeks, within the limits of available

funds. The Director is also authorized to approve for Bureau  
| |employees special|achievement (incentive) awards up to \$5,000.  
Special achievement awards in excess of \$5,000 are referred to the  
| Department of Justice for|approval.|

\*\*EffDte: 04/25/2001 MCRT#: 1096 Div: D3                      Cav:                      SecCls:

### **5-13.2    Purpose of Recognition and Awards**

(1) The primary objective of the awards program is to improve the economy and efficiency of government operations. Its purpose is to motivate employees to increase productivity and creativity by rewarding those whose job performance and adopted ideas benefit the government and are substantially above normal job requirements and performance standards.

(2) The FBI has established several means by which its employees may be recognized which are described in this portion of the  
| manual. These include QSIs, incentive awards based|on special|  
achievement, and certificates of commendation. Bureau supervisors and  
managers should be knowledgeable of these means of recognition and  
should ensure that only the most deserving employees are recommended  
for recognition through these awards. They should also bear in mind  
that the performance level and contributions of employees being  
recommended for the same matter differ and should indicate same in  
their recommendations. Careful consideration should be given to the  
appropriateness of the award recommended in comparison to the  
performance or achievements of the employee.

(3) For all performance-related awards, the employee must be shown to have significantly exceeded the requirements of his/her position. The position description and performance appraisal of the employee will be reviewed, as applicable, to determine the propriety  
| of granting incentive awards. |The PRAU will provide  
| guidance/assistance for all offices concerning the application of  
  
| awards criteria and various award options in regard to those  
| recommendations deemed not meeting the criteria, including those  
| without appropriate and sufficient justification.|

(4) Promotions are ordinarily considered sufficient recognition of sustained employee performance and must be taken into consideration prior to the recommendation for an incentive award.

(5) Division heads and SACs should ensure, on at least an annual basis, that supervisory personnel are knowledgeable of the intent of the recognition program, and their effective use of the program should be taken into consideration with regard to their own performance.

(6) If an employee is assigned to an office other than the one making the recommendation for recognition, the employee's

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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division head or SAC should be contacted, and the recommendation should state that the recommendation is being made with the concurrence of the employee's division head or SAC.

\*\*EffDte: 04/25/2001 MCRT#: 1096 Div: D3                      Cav:                      SecCls:

## **5-14    QUALITY STEP INCREASES (See MAOP, Part 1, 8-8.1(2).)**

(1) QSI's are intended to recognize those exemplary employees whose sustained, high-quality performance is at a level that substantially exceeds an acceptable level of competence by authorizing faster than normal step increases. FBI policy provides that QSI's may be granted, within limits of available appropriations, on an annual basis. Therefore, FBIHQ will request recommendations for QSI's to be submitted in April of each year for Special Agent personnel; March for Criminal Justice Information Services (CJIS)/Finance Divisions' support personnel; July for field support personnel; November for Supervisory Special Agents and Professional Support managers; and December for FBIHQ support personnel other than the CJIS and Finance Divisions.

(a) The Performance, Recognition and Awards Unit will advise each division head and SAC, prior to the date recommendations are required, of the number of QSI's allotted for their respective offices. QSI's will be distributed at the discretion of management, not to exceed the authorized number of allotted QSI's.

### **(2)    Criteria Necessary for QSI Nominations**

(a) An employee may be recommended for a QSI only when his/her annual performance appraisal reflects a summary rating of MEETS EXPECTATIONS with no critical element rated below Meets Expectations.

(b) |As long as an employee has demonstrated sustained performance of high quality and has a Performance Appraisal Report on record at the Meets Expectations level, he/she can be considered for a QSI. | Furthermore, the employee should be expected to remain in the same or similar position for at least 60 days following the awarding of the QSI. If an employee is scheduled for promotion within 60 days, he/she should NOT be recommended for a QSI.

(c) An award for a special act or achievement during the 52-week period is not disqualifying.

(d) The following employees may not be recommended for QSI's: Federal Wage Scale; employees who have reached step 10 of their GS grade; employees who have reached statutory salary limitations (the pay cap); employees whose salaries are fixed under the Executive Pay Act.

(e) A cash award may be recommended in lieu of a QSI

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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for an eligible GS employee who has reached step 10 of their grade or when the employee would enjoy the benefits of a QSI for an insufficient length of time. Also, eligible Federal Wage Scale employees may be recommended for cash awards in lieu of QSIs.

(3) Documentation for QSI Recommendations (Form FD-608). FD-608 is to be used to submit nominations for QSIs. This form should be completed and submitted in duplicate. A narrative setting forth the accomplishments of the individual is required as an attachment to this form.

(4) Relationship to Regular Within-Grade Increases. An employee who receives a QSI does not start a new waiting period to meet the time requirements for a regular within-grade increase; however, if a QSI places the employee in the 4th or 7th step, the waiting period is extended by 52 weeks. For example, a QSI is awarded to an employee in step 3 who has completed 40 weeks of creditable service to the 4th step. After the QSI places the employee in step 4, a 2-year (104-week) waiting period, the employee will only require 64 more weeks of creditable service to complete the 104-week waiting period for advancement to the 5th step. (See MAOP, Part 1, 8-8.1(2).)

(5) Presentation of QSIs. To increase employee understanding of the QSI program, FBIHQ division heads, Assistant Directors in Charge, and SACs will make presentations of QSIs at an office ceremony attended by employees in the immediate work area, with statements of specific reasons why the employee's contribution merited the QSI, including its impact on the division.

(6) Deleted

\*\*EffDte: 12/15/2003 MCRT#: 1310 Div: D3

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## **5-15 INCENTIVE AWARDS**

(1) Incentive awards are in addition to the basic pay of an employee and are based on the superior performance of work-related assigned tasks or performance of official duties, so that one or more important job elements are performed in a manner substantially exceeding normal requirements over a period of time or on special achievements or service-type contributions of a one-time, nonrecurring nature, connected with or related to official employment.

| (2) |Deleted|

| (a) |Deleted|

| (b) |Deleted|

| (c) |Deleted|

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| (3) |Deleted|

| (a) |Deleted|

| (b) |Deleted|

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| (4) Criteria for Determining Individual(s) Eligibility  
| for Special Achievement Awards. |(See 5-15.2.)|

Due to the variety of circumstances and possible  
unanticipated factors that may influence an employee's performance,  
the following criteria should not be considered all-inclusive. Award  
nominations will be considered on a case-by-case basis; therefore, as  
much detail as possible concerning the employee's performance should  
be included to ensure an appropriate evaluation. The recommendation  
should also clearly state the complexity of the task(s) performed and  
| the significance of the contribution(s). Furthermore,|the criteria  
| specified for each of the categories within the 4-Category Award  
| structure should be used to distinguish the level of recognition  
| requested. The PRAU will not direct that a higher or lower award be  
| granted, but will offer guidance regarding the proposed amount in  
| light of the justification an office provides.

| (a) |Category Award Structure

| CATEGORY A (\$300 - \$500)

| Accomplishment(s): Can result from any assignment or self-initiated  
| contribution by an employee.

| Duties and Responsibilities: Work was within scope of position duties  
| but extra effort applied.

| Impact: Typically addresses a short-term or reactive objective of  
| minor to moderate complexity. Benefit may be limited to the immediate  
| work area.

| CATEGORY B (\$501 - \$1200)

| Accomplishment(s): Typically results from an assignment with  
| specified goals and time frames.

| Duties and Responsibilities: Work involved the sustained application  
| of extra effort and/or the performance of additional duties.

| Impact: Attainment of a planned or reactive objective of moderate to  
| difficult complexity which notably supports the mission of the unit,  
| program, or squad.

| CATEGORY C (\$1201 - \$2000)

| Accomplishment(s): Must be associated with the objectives outlined  
| under the FBI Strategic Plan. (SEE BELOW.)

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Duties & Responsibilities: Work involved the sustained application of  
| extra effort and/or the performance of additional duties.

| Impact: Contributed toward the attainment of an objective under the  
| FBI Strategic Plan. (SEE BELOW.) Performance represents an  
| uncharacteristically high level of achievement.

| CATEGORY D (\$2001 - above)

| Accomplishment(s): Must be associated with the objectives outlined  
| under the FBI Strategic Plan. (SEE BELOW.)

| Duties and Responsibilities: Success was dependent upon the ability  
| to perform at a greater capacity than defined for the employee's  
| position.

| Impact: Contributed toward the attainment of an objective under the  
| FBI Strategic Plan. (SEE BELOW.) Performance serves as a model for  
| success and/or introduces new innovations in investigative strategy or  
| technique.

| FBI STRATEGIC PLAN:

| Support of the FBI's Strategic Plan 1998-2003 will play a pivotal  
| role in the submission of nominations for investigative achievements.  
| Before submitting nominations, all offices should take into  
| consideration and include reference to how the efforts being proposed  
| for recognition were in furtherance of the goals and objectives  
| established in the FBI's Strategic Plan. Moreover, nominations for  
| noninvestigative matters, not in association with special projects of  
| significant nature or direct support to operations, should include  
| reference to the employee's efforts that supported the FBI's  
| strategies. If such a link does not exist, other types of recognition  
| should be considered, e.g., Time Off from Duty (TD) Award, On-the-Spot  
| Award, or Certificate of Commendation.

|                   1. Award nominations pertaining to complex,  
| long-term and/or major cases will be vetted by the Criminal  
| Investigative Division; recognition for national security issues will  
| be addressed by the National Security Division; and employees' efforts  
| regarding terrorism matters will be reviewed by the Counterterrorism  
| Division. Critical query checks on all award nominees will be  
| conducted by the PRAU.

|                   2. SES members are ineligible for cash awards  
| throughout the year, and awards will be granted only incident to their  
| annual performance appraisals. Any exceptions would be based on  
| highly unusual events and would require the approval of the SES Board  
| and the Director. (See 5-15.4.)

(5) Documentation Insufficient to Support Awards.

(a) An employee is successful in an investigation  
and performed in an excellent fashion but not beyond normal job  
expectations for his/her grade and experience.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(b) An investigation which makes an interesting case write-up but which fails to describe what employee did to exceed normal job expectations.

(c) A case receiving favorable publicity but which does not describe employee's performance exceeding normal job expectations.

(d) Overtime for which an employee has been compensated by overtime pay or compensatory leave.

(e) Performance has not been work-related while on duty or in the performance of official duties.

(6) Group awards are granted to two or more employees who performed the same task and whose contributions are such that they are all considered equal. Each member of the group will be granted an equal amount of the overall group award.

(7) Multiple award recommendations may be made for two or more employees whose contributions to a particular situation are not considered of equal merit. These award amounts will be determined proportionate to each employee's contributions and the overall significance of the project/case; therefore, clear justification must be provided to ensure that all employees are recognized equitably. Recommendations for multiple awards should rank the employees to clarify the level of their contributions, utilizing the appropriate 4-category concept. To determine each employee's ranking, the complexity of their assigned duties and the significance of their contributions to the final results attained should be considered. The recommending official should make every effort to identify all employees contributing to the matter and include a statement at the end of the recommendation certifying that all reasonable steps were taken to ensure that all appropriate employees were considered for inclusion.

(8) Presentation of Awards. FBIHQ division heads, Assistant Directors in Charge, SACs, or individuals acting on their behalf, will make incentive award presentations with appropriate publicity to enhance the purposes of the awards program.

\*\*EffDte: 04/25/2001 MCRT#: 1096 Div: D3                      Cav:                      SecCls:

### **5-15.1    Form FD-255 (Recommendation for Incentive Award)**

(1) Form FD-255 should be used to submit recommendations for special achievement awards. Instructions on the form should be carefully followed and the documentation should include clear, specific statements of fact, including the following:

(a) The specific time frame employee worked on the project/case.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- (b) The initiative displayed by the employee.
- (c) The complexity or difficulty of assignment and if it exceeded the level of work expected of employee's grade and job description.
- (d) Any unique situations or unusual circumstances and how they were handled.
- (e) The specific results achieved.
- (f) The significance of employee's efforts to the results attained.
- (g) Benefits obtained for office, overall Bureau, local community, intelligence community.
- (h) The request of the recommending office (cash award or certificate of commendation, ranking employees as appropriate).
- (i) Any prior award(s) employee has received for same project/case.

(2) Special Agent and support supervisors may submit FD-255s to their SACs or division heads recommending awards for employees under their supervision. The office/division head, or in their absence, the acting office/division head should personally approve the recommendation and then submit the form to the designated point of contact that handles awards matters.

(3) Form FD-255 may also be used to recommend awards under the Principal Relief Supervisors Program. (See MAOP, Part 1, 5-15.5.)

(4) Deleted

\*\*EffDte: 04/25/2001 MCRT#: 1096 Div: D3 Cav: SecCls:

## **5-15.2 Amount of Awards**

Approval by the head of office for award amounts should be determined by using the established criteria for each category as set out in 5-15(4). The PRAU will not direct that a higher or lower award be granted, but will offer guidance regarding the proposed amount in light of the justification an office provides.

\*\*EffDte: 04/25/2001 MCRT#: 1096 Div: D3 Cav: SecCls:

**SENSITIVE**

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\*\*EffDte: 12/17/1993 MCRT#: 172 Div: D3 Cav: SecCls:

**| 5-15.4 Senior Executive Service (SES) Cash Awards |(See 5-15 (4).)|**

SES members are ineligible for cash awards throughout the year, and awards will be granted only incident to their annual

performance appraisals. Any exceptions would be based on highly unusual events and would require the approval of the SES Board and the  
| |Director.|

\*\*EffDte: 04/25/2001 MCRT#: 1096 Div: D3 Cav: SecCls:

**5-15.5 Principal Relief Supervisor Awards (See MAOP, Part 1, 3-2.2 and 5-15.1 (3).)**

(1) Criteria for Nomination of Principal Relief Supervisor for an Incentive Award.

(a) The individual must have been officially designated as the principal relief supervisor or the Assistant Supervisory Senior Resident Agent for at least six months.

(b) The recommending official must state in the  
| submitting communication that the individual is at|the "Meets  
| Expectations" level in all of his/her duties.|

(c) The individual must perform or have performed relief supervisory functions an average of eight hours per pay period for at least the past six months; and

(d) The individual's performance in the principal relief supervisor capacity must be considered superior and documented as such on an FD-255 (Recommendation for Incentive Award). The field division head or acting field division head must personally endorse the recommendation.

(2) A qualified individual may only receive this particular award once in a 12-month period; however, the same individual may be recognized during subsequent 12-month periods if all  
| qualifications continue to be met. |Head(s) of offices have been  
| authorized to grant principal relief supervisor awards in amounts up  
| to \$1,000.| All nominations must be received at FBIHQ within 60 days  
| following the reassignment of the principal relief supervisor.

(3) Nominations for the principal relief supervisor cash award may be submitted at any time. All nominations must state that the recommended individual meets all of the above criteria.

\*\*EffDte: 07/19/2002 MCRT#: 1229 Div: D3 Cav: SecCls:

## **5-15.6 On-the-Spot (OTS) Cash Awards Program**

OTS awards are designed to recognize, through immediate recognition, FBI employees who perform quality service in an exceptional manner while on duty or in the performance of duties related to FBI employment. These awards do not replace any existing awards, and employees who receive them may be considered for other recognition.

### **(1) Amount of Awards**

| \$50 to|\$500|in increments of \$50. The awards will  
| be net and will be ordered in amounts to cover withholding to ensure  
| actual amounts of \$50, \$100, \$150,|\$200, \$250, \$300, \$350, \$400, \$450,  
| and \$500.|

### **(2) Eligibility**

| All FBI employees at the GS-15|level and below|and WG  
| employees at the equivalent of the GS-15|level or below|are eligible.  
| An employee may receive no more than four (4) OTS|awards, and cannot  
| exceed a maximum of \$2,000,|in one|calendar|year.

### **(3) Qualifying Criteria**

Must be for work-related performance while on duty or in the performance of duties related to FBI employment; performance of additional duties while maintaining his/her own workload; accomplishing office goals in meeting short deadlines; solving unusual work-related problems; or single short-term incidences of exceptional work-related performance.

### **(4) Nomination**

(a) A recommending official (supervisor) may nominate any deserving employee by sending an e-mail to the approving official. Nominations should include the recipient's name, the recommended award amount, and a brief explanation of why the employee is being recommended for the award. Nominations should be made no more than two (2) weeks after the occurrence of the achievement being recognized, whenever possible.

(b) OTS awards should be granted individually. Groups cannot share the OTS awards. Withholdings are reflected in the salary records of the award recipient for tax purposes.

(5) Approval

(a) The approving official should reply to the recommending official with either an approval or disapproval after receiving a recommendation from the recommending official. The recommending official then forwards the approval to the awards Point of Contact (POC) so he/she can deduct the money from the office awards budget. The recommending official should print a copy of the e-mail for the employee's drop file.

(b) If an employee is assigned to an office other than the one making the recommendation for recognition, the employee's division head or SAC should be contacted, and the recommendation should state that the recommendation is being made with the concurrence of the employee's division head or SAC. The funds for the OTS award will be deducted from the allotment of the office making the recommendation.

(c) Deleted

(6) Presentation

The employee should be notified of the OTS award in a public forum. The use of a certificate is optional.

(7) Award Allotment

The PRAU will notify each office/division of their one lump sum budget at the beginning of each fiscal year. This budget should be used for all awards.

(8) Office/Division Head Responsibilities

Office/division heads are requested to designate a point of contact to handle all awards matters to ensure that all employees comply with the OTS Awards policy. Also, a log/file should be maintained to track the awards and to account for the budget.

\*\*EffDte: 02/15/2005 MCRT#: 1371 Div: D3                      Cav:                      SecCls:

## **5-15.7    Time Off From Duty as an Incentive Award**

The Time-Off Awards are an enhancement of the Incentive Awards Program (IAP) to expand recognition afforded FBI employees for their excellent efforts and performance which is substantially above normal job requirements and performance standards. This program allows the presentation of time off, without loss of pay or charge to leave, in lieu of monetary recognition as an incentive award. Time-Off Awards are intended to recognize superior accomplishments or other personal efforts that contribute to the quality, efficiency, or economy of government operations and are not intended to be a substitute for monetary recognition through the IAP.

(1) Criteria

The following are the types of contributions an employee must make in order to be eligible for a Time-Off Award. All contributions must be work-related performance while on duty or performance of duties related to FBI employment.

(a) Making a high-quality contribution involving a difficult or important project or assignment.

(b) Displaying special initiative and skill in completing an assignment or project before a deadline.

(c) Using initiative and creativity in making improvements in a product, activity, program, or service.

(d) Ensuring the mission of the FBI is accomplished during a difficult period by successfully completing additional work or a project assignment while still maintaining one's own workload.

(e) Deleted

(f) Producing additional benefits to the government as the result of especially effective and timely evaluation of an employee suggestion.

(2) Eligibility

(a) All employees are eligible for Time-Off Awards. An employee may be granted a Time-Off Award regardless of his/her length of service, and the receipt of a prior award is not disqualifying. However, the same contributions should NOT be used as the basis for a Time-Off Award and another award unless the Time-Off award or other award is deemed clearly NOT adequate to recognize the value of the employee's contributions.

(b) Time-Off Awards for Senior Executive Service (SES) members will be granted only incident to their annual performance appraisals, and they will be ineligible for Time-Off Awards throughout the year. Any exceptions will be based on highly unusual events and will require the approval of the SES Board and the Director.

(3) Amount of Award and Limitations

(a) The minimum amount of time off that may be given is four hours, and Time-Off Awards can only be used in increments of four hours or more unless an employee has less than four hours remaining of their allotment.

(b) A full-time employee may be granted a maximum of 40 hours of time off from duty as an award for any single contribution that meets the criteria.

(c) Time off granted to an employee must be



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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scheduled and used within one year after the award is made, and this one-year period may extend into the next leave year. However, employees should be encouraged to use the award within 120 days. Leave not used within a year of receipt will be forfeited and is not restorable.

(d) The total amount of time off a full-time employee may be granted during any one leave year is 120 hours.

(e) For part-time employees or employees with uncommon tours of duty, the maximum amount of time off that can be

granted during any one leave year is the average number of hours of work in the employee's biweekly scheduled tour of duty, and the maximum amount that can be granted for any single contribution is one-half of the total leave year maximum.

(f) A Time-Off Award cannot be converted to cash under any circumstances. Time off can be transferred between offices within the FBI, but cannot be transferred to another federal agency. Also, time off cannot be recredited to an employee's account if the employee has a break in service from the FBI for more than three calendar days.

(g) There will be no limit on the number of employees who can be recognized with Time-Off Awards in a particular office. Each division/office head will have the authority to grant the amount of time off he/she deems appropriate and which is within the bounds of good management to ensure that the functions of the division/office are not adversely affected by the use of Time-Off Awards. When granting or recommending Time-Off Awards, consideration should also be given to the recipients' leave status, i.e., end-of-the-year "use or lose," when time off could be a burden on the division/office and adversely impact on operational needs.

(h) Employees in leave without pay (LWOP) status cannot use Time-Off Awards. Time-Off Awards cannot be granted to employees in an extended LWOP status.

(i) Use of a Time-Off Award should not affect an employee's Availability Pay.

(j) Time-Off Awards may only be granted for above-average, work-related performance while on duty or in the above average performance of duties related to FBI employment.

(4) Relationship to other Awards and Consideration for Promotion

The receipt of a Time-Off Award is not disqualifying for the subsequent granting of any other cash incentive or honorary award. However, the same contribution should not be used as the basis for a Time-Off Award and another award, unless the time off is deemed clearly not adequate enough to recognize the value of the employee's contribution. In such rare cases, it may be appropriate to couple a Time-Off Award with a cash award.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(5) Approval Levels

(a) Awards may be approved by the division/office head, and awards in the range of 8 to 16 hours may be approved by first-line supervisors, without higher-level supervisory approval, except for those in the Senior Executive Service, provided he/she is at a level higher than those making the recommendations for the awards. Therefore, a Special Agent in Charge (SAC) may not recommend and approve an award. However, the Assistant Special Agent in Charge may make the recommendation for the SAC's approval.

(b) If an employee is assigned to an office other than the one making the recommendation for recognition, the employee's division head or SAC must be contacted, or first-line supervisor if the award is in the range of 8 to 16 hours, and the recommendation should state that the recommendation is being made with the concurrence of the employee's division head, SAC, or first-line supervisor. The employee's office point of contact will be responsible for entering the Time-Off Award.

(c) All Time-Off Award recommendations for members of the Senior Executive Service (SES) must be submitted to the PRAU where they will be forwarded to the SES Board and to the Director for their approval.

(6) Form FD-812

Form FD-812 should be used to submit recommendations. The form should contain the following information: Name of employee; Social Security Number; Number of hours of leave being granted; and a narrative of the employee's performance which warrants the recognition. When awards are for eight hours or less, the narrative may be a short, informative paragraph or two setting forth the reason(s) for the award.

(7) Time-Off Award Certificate

After the FD-812 has been approved by the division/office head, the Time-Off Award certificate should be prepared for presentation to the employee. The certificate should contain the following information: Name of employee; Number of hours of leave being granted; and the Date presented.

(8) Documentation Requirements

A Time-Off Award must be supported by written justification which indicates that the employee's contribution met one of the criteria for the granting of this award and clearly merits the amount of time off approved.

(9) Time Capture Record

Upon presentation of a Time-Off Award, the award should be recorded in the Bureau Personnel Management System (BPMS) through the screen specifically designed for these awards. The date

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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presented is to be entered as the effective date. The leave can then be requested and used by the submission of an FD-282 (Leave Request). A notation should be made on the FD-282 that the request is for a Time-Off Award. The used leave should also be recorded in the BPMS and on the FD-420 (Attendance Register) or the FD-420a (Attendance Register/TURK) as a Time-Off Award.

(10) Deleted

\*\*EffDte: 06/24/2004 MCRT#: 1342 Div: D3

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## **5-16 CERTIFICATES OF COMMENDATION**

(1) A certificate of commendation may be recommended when an employee's contributions do not meet the criteria for a cash award but are of such significance that recognition is warranted.

(a) Recommendation for a certificate of commendation from the Director should be made only when the recommending official is convinced that certain elements of the employee's performance are above normal and reasonable performance expectations sufficient to warrant special recognition but do not meet the standards for a cash award.

(b) Recommendations for certificates of commendation from the Director may be submitted in electronic communication form or on the FD-255 for the attention of the head of office. However, if recommendations are being made for certificates of commendation in addition to recommendations for incentive awards, they may be added to the FD-255, with the appropriate justification.

(2) Letter from the division head or SAC. Division heads and SACs should commend their employees over their own signatures when it is believed an employee's performance warrants recognition but does not meet the requirements for a certificate of commendation from the Director.

(3) If recognition of a particular contract employee is deemed appropriate, a written communication to the Contracting Officer, with a copy to the Contracting Officer's Technical Representative, should be prepared. For recognition under the FBI's Incentive Awards Program, the PRAU no longer prepares letters of commendation for individuals who perform services to the Bureau through a contractual agreement.

\*\*EffDte: 07/19/2002 MCRT#: 1229 Div: D3

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## **5-17 LETTERS OF APPRECIATION TO NON-BUREAU PERSONNEL**

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Letters of appreciation may be recommended to recognize the efforts of individuals other than employees of the FBI who have contributed to the Bureau's mission or who have been cooperative in furthering our mission. Recommendations for such letters should be submitted on Form FD-468 (Correspondence Matters, Recommendation for Letter from Director), not on Form FD-255 (Recommendation for Incentive Award), and forwarded to the Executive, Congressional, and Public Constituent Services Unit (formerly Correspondence Unit), Office of Public and Congressional Affairs, FBIHQ. (See MAOP, Part II, 11-1.2, for details.)

\*\*EffDte: 05/13/1996 MCRT#: 541 Div: PA Cav: SecCls:

## **5-18 PUBLIC SERVICE AWARDS PROGRAM AND CERTIFICATES OF APPRECIATION**

Cooperative relationships between the FBI and the public have many benefits. There are three effective means to appropriately recognize the contributions made to the FBI's mission by private citizens or organizations.

\*\*EffDte: 08/30/1991 MCRT#: 0 Div: PA Cav: SecCls:

### **5-18.1 Public Service Award Plaques**

(1) Division heads and SACs have authority for the awarding of public service plaques in appreciation of highly significant contributions for presentation to private citizens or organizations located within the 50 states. All division heads and SACs must therefore establish proper procedures, including indices checks and a control file, to ensure that all candidates meet the following guidelines.

(2) Division heads and SACs should demonstrate that the individual or organization provided one of the following:

(a) Exemplary service in an advisory capacity to the FBI.

(b) Direct assistance to the FBI through actions or useful ideas which are beneficial in eliminating or minimizing problems or actively contribute to the FBI mission accomplishment.

(c) Assistance to the FBI of a highly significant nature through the cooperative use of facilities, equipment or manpower.

(d) Courageous or heroic action in support of FBI

**SENSITIVE**

activity or mission.

|           (3) |The field office can then use their supply account to  
| purchase the plaques. The use of appropriation funds to purchase  
| plaques for on-board Department of Justice employees is prohibited.|

|           (4) |Plaques may be obtained from outside commercial  
| sources, including the FBIHQ Recreation Association Store, or a local  
| establishment of office's choice.|

\*\*EffDte: 02/27/1995 MCRT#: 370 Div: PA Cav: SecCls:

## **5-18.2 Certificates of Appreciation**

|           (1) SACs or division heads may request a Certificate of  
| Appreciation for presentation to an individual|who|has rendered  
| assistance and/or cooperation to the Bureau, in lieu of letters of  
| appreciation. |The certificate should be presented by the SAC,  
| division head, or other appropriate FBI representative.|

|           (2) The request with supporting justification should be  
| directed to the Executive, Congressional, and Public Constituent  
| Services Unit (formerly Correspondence Unit), OPCA, Room 6236, using  
| Form FD-468. There are|13|different certificates which should be  
| identified accordingly when requests are made. |Certificates are  
| further identified on Form FD-468.|

|           (3) The Certificate of Appreciation is signed by the  
| Director and enclosed in a|cardboard|folder or a leatherette diploma  
| holder with a gold FBI seal applied on the cover. |(When requests  
| exceed 25, cardboard diploma holders with gold FBI seals will be  
| used.)|

\*\*EffDte: 04/13/1999 MCRT#: 874 Div: PA Cav: SecCls:

## **5-18.3 Certificate of Appreciation for Use by the Special Agent in Charge**

|           (1) Each FBI field office has a supply of Certificates of  
| Appreciation enclosed in a blue paper folder designed to be signed and  
| presented by the Special Agent in Charge. The criteria of this  
| certificate are established by the Special Agent in Charge.

|           (2) |The National Press Office, OPCA,|should be contacted  
| for additional Certificates of Appreciation for use by the Special  
| Agent in Charge.

\*\*EffDte: 02/29/1996 MCRT#: 496 Div: PA Cav: SecCls:

## 5-19 SUGGESTION PROGRAM

(1) The employee suggestion program can be a useful and important employee-management communication device. It allows the employee to suggest improvements in Bureau operations and enables management to reward those employees who make significant contributions.

(2) Suggestion awards are made to employees in recognition of idea-type contributions which directly contribute to productivity, economy, efficiency, or directly increase effectiveness in carrying out the FBI's programs or mission.

### (3) Criteria for Consideration of Suggestion

(a) The suggestion must be outside the employee's responsibility. In rare cases, contributions within the employee's job description may be awarded if they are so superior or meritorious as to warrant this special recognition. The official position description and performance requirements will be used to measure the acceptable level of competence and as the basis for determining what is normally expected of an employee occupying that position.

(b) The benefit to the FBI in terms of direct contributions in efficiency or economy must be equivalent to a savings of \$250 in order to qualify for a cash award. Benefits will usually be based on the first full year of operation following adoption of a suggestion. Benefits may be determined by estimating the net savings over a longer period when there are high first-year costs required to implement the suggestion. In instances where the value cannot be determined by estimated net savings, it will be determined by reference to the intangible awards table (see 5-19(6)(c)).

(c) Suggestions that deal with routine employee services, benefits, working conditions, housekeeping, or maintenance of buildings and grounds should be handled through normal administrative channels and not accepted into the suggestion system. Items of supply which can be procured through simple requisition, or proposals which offer no specific means to improve operations, should not be entered into the program unless the contribution to economy, efficiency or increased effectiveness of operation can be clearly demonstrated. Also, proposals which would obviously cost more to process than the tangible benefit achieved will not be evaluated under this program but will be returned for oral acknowledgment.

(d) Inventions and patent disclosures may serve as the basis for a suggestion award when the idea meets the criteria set forth above. The patent application and an analysis of the estimated direct dollar benefits will meet the minimum documentation requirements.

| (e) Suggestions that are submitted into the program  
| will not receive recognition if the idea has previously been submitted  
| or is currently under consideration by an FBI entity. |

(4) Documentation Requirements for Suggestion Awards

(a) Form FD-252 should be utilized to submit suggestions (original and three copies). If the suggestion relates to a form, submit four copies of the current form and four copies of the proposed form.

(b) Form FD-252 must be signed by the suggester and forwarded to the Performance, Recognition and Awards Unit, Administrative Services Division for appropriate action.

(c) A brief description of the current practice or procedure, if any, should be noted, as well as any manual citation, if appropriate.

(d) A description of the suggested change to existing practice or procedure, or if it is a suggestion to add a new practice or procedure, a description of what is to be added.

(e) An analysis of the direct estimated net dollar benefit which would result over the first 12-month period after adoption should be set forth. The suggester is to document as fully as possible the actual or anticipated savings which will result from adoption of a suggestion.

(5) Adoption of Suggestion and Group Awards

(a) Suggestions not adopted when made remain active for six months. If adopted within a six-month period, the original suggester will be entitled to consideration of an appropriate award. Suggestion becomes invalid if not evaluated within six months from the date of the suggestion.

(b) When awards are granted in connection with adopted suggestions, the use of the suggestion by the United States shall not form the basis of a further claim.

(c) If two or more employees independently and simultaneously submit identical suggestions, any award will be equally divided.

(6) Amount of Cash Award for Adopted Suggestions

(a) In the interest of uniformity, the amount of an award will be determined by FBIHQ; therefore, the amount of an award will be determined by FBIHQ and approved by the head of office or SAC.

(b) Cash awards resulting in tangible benefits will be determined in accordance with the following scale for such benefits:

TANGIBLE BENEFITS	AWARD
Up to \$100,000	10 percent of benefits

\$100,001 and above in benefits	\$10,000 plus 1 percent of benefits over \$100,000
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(c) Cash awards resulting in intangible benefits will be determined in accordance with the following scale: (See MAOP, Part 1, 5-19(3)(b).)

	VALUE OF BENEFIT		EXTENT OF APPLICATION	
	Limited	Extended	Broad	General
Moderate	\$ 25-125	\$ 125-325	\$ 325-650	\$ 650-1,300
Substantial	\$ 125-325	\$ 325-650	\$ 650-1,300	\$1,300-3,150
High	\$ 325-650	\$ 650-1,300	\$1,300-3,150	\$3,150-6,300
Exceptional	\$ 650-1,300	\$1,300-3,150	\$3,150-6,300	\$6,300-10,000

(d) Cash awards for suggestions will not affect the annual salary of an employee; however, federal withholding tax will be deducted from such award prior to payment.

(7) Streamlining Committee or Suggestion Coordinator (Optional). Each division may designate either a Suggestion Coordinator or Streamlining Committee. Their function is to facilitate suggestions to improve Bureau operations. This decision will be left to the discretion of the division head or SAC who is responsible for lending appropriate support to the Suggestion Program.

\*\*EffDte: 11/22/2002 MCRT#: 1245 Div: D3 Cav: SecCls:

## **5-20 SERVICE AWARDS**

Certificates of service and service award keys are presented to Bureau employees in connection with their 10-, 20-, 25-, and 30-year anniversaries. Bureau employees celebrating their 40-, 45-, 50-, and 55-year anniversaries will receive congratulatory letters in lieu of certificates. Additional service awards follow:

(1) 35-Year Service Award

Scroll Award

(2) 40-Year Service Award

(a) Deleted

(b) Service award key cluster

(c) Engraved watch



- | (d) |Deleted|
- (3) 45-Year Service Award
- | (a) |Deleted|
- (b) Three-dimensional plaque of FBI Seal
- | (c) |Bookends|
- | (d) |Deleted|
- (4) 50-Year Service Award
- | (a) |Deleted|
- (b) Cuff links and tie clasp for men
- (c) Brooch for women
- | (d) |Deleted|
- | (5) 55-Year Service Award
- | (a) Engraved crystal eagle
- | (6) 60-Year Service Award
- | (a) FBI Medal for Meritorious Achievement|

\*\*EffDte: 08/09/2000 MCRT#: 1007 Div: D3 Cav: SecCls:

### **5-20.1 Computation of FBI Service**

- (1) Based on total period(s) of active duty
- (2) Leave without pay in excess of six months is deducted
- (3) In general, any period of separation from the Bureau's rolls is deducted. Military service is credited for those employees who possess mandatory restoration rights to the positions they hold when they enter the military and who fulfill any criteria necessary to protect such rights.

\*\*EffDte: 08/29/1990 MCRT#: 0 Div: D3 Cav: SecCls:

### **| 5-20.2 Presentation of Service|Awards|**

- | (1) Anniversary awards should be presented to employees

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| by the heads of office. At the employee's request, the Director will  
| present, as his schedule allows, service awards to those employees  
| celebrating 25 years, or longer, of Bureau service who are assigned to  
| FBIHQ (excluding the Criminal Justice Information Services Division  
| employees assigned to Clarksburg, WV, but including any employees  
| assigned to Quantico, Virginia; Washington Field Office; and the  
| Critical Incident Response Group (CIRG)). Bureau employees in  
| Clarksburg, WV, and all field offices, other than CIRG, celebrating  
| 25-year, 30-year, or 35-year anniversaries who wish to meet with the  
| Director for presentation of their service awards need to submit their  
| request by EC with the understanding that all expenses are to be borne  
| by the requesting employee. The EC should be addressed to  
| Administrative Services, Attn: Performance, Recognition, and Awards  
| Unit (PRAU), Room 6860, at FBIHQ, at least one month prior to the  
| employee's anniversary.

| (2) The PRAU, via an EC, will contact all Bureau  
| employees assigned to field offices (excluding CIRG) celebrating a 40-  
| year anniversary or longer, through the employee's division front  
| office, inviting the recipient to travel to FBIHQ to meet with the  
| Director for presentation of his/her service award. Travel costs for  
| the recipient and one guest will be reimbursed by the Bureau.|

\*\*EffDte: 08/09/2000 MCRT#: 1007 Div: D3 Cav: SecCls:

### **5-20.3 Loss of Service Award Key**

| [A replacement key, at the employee's expense, may be  
| requested by submitting a communication to the PRAU, Administrative  
| Services Division, Room 6860. In the communication, the employee must  
| explain the reason for the request and should also include their  
| official Bureau name and entry on duty date, as well as a personal  
| check, cashier's check or money order made payable to the FBI. Due to  
| the fluctuating prices of gold, an employee must contact the PRAU to  
| obtain a current price.]

\*\*EffDte: 08/09/2000 MCRT#: 1007 Div: D3 Cav: SecCls:

### **5-21 FEDERAL SERVICE EMBLEM**

A Federal service emblem, with FBIHQ concurrence, is available at the employee's specific request when an employee does not qualify for a Bureau service award key under the following circumstances:

(1) Employee must have completed at least 10 years of civilian and/or military service, exclusive of FBI service.

(2) Employee must have completed at least one year of FBI

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service.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

## **5-22      RETIREMENT PLAQUE**

|            [A retirement plaque is authorized for presentation to  
| employees who retire, including disability retirements, from the  
| Federal Government while employed by the FBI regardless of their years  
| of FBI service. These employees may be eligible for retirement under  
| the provisions of the Civil Service Retirement System or the Federal  
| Employees Retirement System. Special Agent badges and credentials or  
| support employee credentials or identification cards may be  
| appropriately mounted on the plaque. The employee may request a  
| walnut shield-type plaque without badges, credentials or cards. The  
| retirement plaque will reflect only the dates of FBI service.]

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

### **5-22.1      Request for Retirement Plaque**

(1) Type of plaque and employee's desire for such plaque, as well as approval by division head or SAC, should be determined at time of exit interview and appropriately indicated on the exit interview form (FD-193).

(2) FBIHQ division heads and SACs should ensure that credentials and badges or identification cards are submitted by routing slip to FBIHQ in a sealed envelope at least 45 days prior to retirement date. Credentials and badges or identification cards should be submitted to FBIHQ by registered mail, Attention:  
| Employee Benefits Unit, | Personnel | Division.

\*\*EffDte: 04/21/1994 MCRT#: 226      Div: D3      Cav:      SecCls:

### **5-22.2      Presentation of Retirement Plaque**

(1) The Director will personally present, as his schedule allows, retirement plaques to employees assigned to FBIHQ and to the Washington Metropolitan Field Office, at the employee's written request. These requests should be made at the time of the exit  
| interview to Attention: Employee Benefits Unit, | Personnel | Division.

(2) In the Director's absence, retirement plaque will be presented by the FBIHQ division head or SAC.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) In the field, exclusive of Washington Metropolitan Field Office, SACs or, in their absence, ASACs will present retirement plaque to recipient employee.

\*\*EffDte: 04/21/1994 MCRT#: 226 Div: D3 Cav: SecCls:

## **5-23 MEMORIAL PLAQUE**

A memorial plaque is authorized, but only after the specific request of surviving family member(s), for a Bureau employee who dies while on the rolls, without regard to age or length of Bureau service. Requests should be forwarded to FBIHQ, Attention: Employee Benefits Unit, Administrative Services Division.

(1) In each instance, the availability of a plaque should be communicated to the next of kin.

(2) The memorial plaque will be identical to the employee retirement plaque, with the exception of the inscription and the perforation on the credentials.

(3) The inscription plate will read "Presented to the Family of \_\_\_\_\_, in Memory of his (her) Loyal and Devoted Service to the Federal Bureau of Investigation, 19\_\_ - 19\_\_."

(4) Deleted

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

### **5-23.1 Memorial Plaques for Agents Killed in the Line of Duty but Not Necessarily During an Adversarial Confrontation**

(1) The FBI has long honored Agents killed in the line of duty as a result of direct adversarial impetus--that is, at or by the hand of an adversary, or who die as a result of an adversarial confrontation. These Agents' names have been placed on a permanent plaque so that their great sacrifice will always be remembered. The inscription on this plaque reads: "In memory of Special Agents of the Federal Bureau of Investigation who were killed in the line of duty as the direct result of an adversarial action." The criterion for inclusion on this plaque is as follows: "Agent or Agents who are killed in the line of duty as a result of direct adversarial impetus--that is, at or by the hand of an adversary or who die as a result of an adversarial confrontation." The plaque consists of the names of the Agents under the Special Agent badge.

(2) The FBI also honors those Agents who lose their lives

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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in the performance of their duty, but not necessarily during an adversarial confrontation. The inscription on this plaque will read: "In memory of Special Agents of the Federal Bureau of Investigation who lost their lives in the performance of a law enforcement duty." This would include situations involving "hot pursuit" of criminals and when death results from the Agent taking immediate action to save the life or lives of others. It would not include deaths caused, in whole or in part by voluntary intoxication of the Agent, internal misconduct of the Agent, the Agent's intention to bring about his/her death (suicide) or gross negligence by the Agent. Specific guidelines for inclusion on this new plaque have been developed. FBIHQ will decide which Agents are to be honored.

(3) Both plaques will be prominently displayed, side by side, in the Hall of Honor at the FBI Academy at Quantico, FBIHQ, and in all field offices.

\*\*EffDte: 08/30/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

## **5-24 HONORARY MEDALS PROGRAM (HMP)**

(1) The HMP is an enhancement of the Incentive Awards Program and was created to expand recognition afforded FBI employees by allowing the presentation of honorary medals in acknowledgement of their acts of heroism, valor and meritorious achievements. The medals are: FBI Medal of Valor; FBI Shield of Bravery; FBI Medal for Meritorious Achievement; FBI Star; and FBI Memorial Star. The medals are 14k gold filled and accompanied by replica 14k gold-filled lapel pins. They are engraved on the reverse sides with the names of the honorees and placed in decorative shadow boxes for presentation.

(2) These medals may also be presented to federal, state, and local law enforcement personnel who are detailed to or working with the FBI in an investigative capacity under the Bureau's direction for performance in the direct line of duty, or within the scope of their assigned duties relating to the FBI's mission.

(3) In instances where recognition of a group is warranted, in lieu of individual medals, the approved medal mounted on a plaque and imprinted with the names of the honorees is awarded to the office to which the group is assigned. Each recipient is presented with an individual award device as well as a replica lapel pin.

\*\*EffDte: 04/21/1999 MCRT#: 875      Div: D3      Cav:      SecCls:

### **5-24.1 Qualifying Criteria for FBI Employees**

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**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(1) FBI Medal of Valor

- (a) Exceptional (extreme) act of heroism.
- (b) Voluntary risk of personal safety and life.
- (c) Act occurs in the direct line of duty and/or within scope of FBI employment and in the face of criminal adversary(s).
- (d) Resolution and fortitude are of such a degree as to overcome several obstacles to neutralize a significant life-threatening crisis.

(2) FBI Shield of Bravery

- (a) Brave and courageous acts occurring in the direct line of duty and/or within the scope of FBI employment.
- (b) Voluntary risks in hazardous duties to extend major assistance to, i.e., task force or undercover operations, grave situations and/or crisis confrontations associated with the highest priority cases of the FBI.
- (c) Performance occurs on duty and may include action in connection with a high-priority police cooperation matter or organized crime penetration. (For example, involving lead hostage negotiators or undercover Agents, continuously exposed to hostile, dangerous individuals.)

(3) FBI Medal for Meritorious Achievement

- (a) FBI Service
  - 1. Awarded for extraordinary and exceptional meritorious service in a duty of EXTREME challenge and GREAT responsibility; i.e., a sufficient accumulation of DEMONSTRATED DEEDS and ACTS of such magnitude, over a requisite time period, to clearly judge the employee's service to the FBI and Nation to be beyond our highest expectations (beyond performance solely justifying Quality Step/Increases, or significantly substantial cash awards).
  - 2. Extraordinary and exceptional achievements in connection with criminal or National Security cases, as well as senior executives who have given long and outstanding service upon their retirement, etc.
- (b) Exceptional Performance
  - 1. A decisive, exemplary act that results in the protection of life (lives) or the direct saving of life (lives) in severe jeopardy.
  - 2. The recipient need not be in any risk of danger to his/her life or personal safety.

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**Man1-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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3. The lifesaving act or deed may occur during, before, or after the employee's official duty hours. For example, ranging from a support employee's cardiopulmonary resuscitation act to a SWAT member's success in properly neutralizing an extremely dangerous subject with hostages.

4. Brave and courageous acts occurring in the direct line of duty and/or within the scope of FBI employment or voluntary risks in hazardous duties which are not at a level to justify the FBI Shield of Bravery, but are of such magnitude that a medal is appropriate recognition.

(4) FBI Star

(a) Serious injury sustained in the direct line of duty from physical confrontation with criminal adversary(s), or by a device for purposes of ambush.

(b) Injury inflicted by weapons to include hands, fists, feet, clubs, (blunt instruments), knives, firearms, and explosives.

(c) The FBI Star is awarded for gunshot wounds of any variety inflicted as a result of an adversarial action when it is determined that the injured employee was acting in accordance with governing policy and exercising reasonable judgment.

(d) Injury in the case of all weapons, with the exception of gunshot wounds, that are so severe as to require substantial emergency room sutures, hospitalization and/or COMPREHENSIVE medical treatment for a SUSTAINED period of time (e.g., severe concussion and broken bones).

(e) Superficial abrasions, skin discolorations, sprains and other minor injuries will be disqualified for consideration in most cases.

(5) FBI Memorial Star - Death when killed in the line of duty as the direct result of an adversarial action; loss of life in the performance of a law enforcement duty; and when actions resulting in death occur in the scope of FBI employment and in the face of criminal adversary(s). Note: Under circumstances wherein an Agent is slain "in the scope of FBI employment," the propriety of the actions must be adjudicated internally prior to the presentation of the FBI Memorial Star.

\*\*EffDte: 04/25/2001 MCRT#: 1096 Div: D3

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## **5-24.2 Qualifying Criteria for Law Enforcement Personnel**

(1) FBI Medal of Valor

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(a) Exceptional (extreme) act of heroism.

(b) Voluntary risk of personal safety and life.

(c) Act occurs in the direct line of duty and/or within scope of employment while detailed to or working with the FBI in an investigative capacity under Bureau direction and in the face of a criminal adversary(ies).

(d) Resolution and fortitude are of such a degree as to overcome several obstacles to neutralize a significant life-threatening crisis.

(2) FBI Shield of Bravery

(a) Brave and courageous acts occurring in the direct line of duty and/or within scope of employment while detailed to or working with the FBI in an investigative capacity under Bureau direction.

(b) Voluntary risks in hazardous duties connected to task force or undercover operations, or grave situations and/or crisis confrontations associated with the highest priority cases of the FBI.

(c) Performance occurs on duty and includes actions in connection with a high-priority police cooperation matter or organized crime penetration. (For example, involving lead hostage negotiators|or|undercover roles, continuously exposed to hostile, dangerous individuals.)

(3) FBI Medal for Meritorious Achievement

(a) Brave and courageous acts occurring in the direct line of duty and/or within the scope of employment while detailed to or working with the FBI in an investigative capacity under Bureau direction or voluntary risks in hazardous duties which are not at a level to justify the FBI Shield of Bravery, but are of such magnitude that a medal is appropriate recognition.

(b) A decisive, exemplary act that results in the protection of life (lives) or the direct saving of life (lives) in severe jeopardy.

(c) The recipient need not be in any risk of danger to his/her life or personal safety.

(4) FBI Star - Serious injury sustained in the direct line of duty from a physical confrontation with a criminal adversary(ies), or by a device for purposes of ambush while detailed to or working on an FBI investigation under Bureau direction.

(5) FBI Memorial Star - Death in the line of duty as the direct result of an adversarial action; loss of life in the performance of a law enforcement duty; and when death occurs in the face of a criminal adversary(ies) while detailed to or working with FBI investigative matters under Bureau direction.

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\*\*EffDte: 04/21/1999 MCRT#: 875 Div: D3 Cav: SecCls:

### **5-24.3 Nomination Procedures**

| (1) |Nominations for honorary medals are to be submitted on  
| Form FD-255a within a reasonable time period after the occurrence of  
| the act, deed, or service to be honored. If more than one year has  
| lapsed since the incident occurred, the field or Headquarters head of  
| office must specifically address the reasons why more timely  
| recognition was not sought.

| Note: Effective December 31, 1999, medal recommendations based on  
| events that occurred prior to 1989 will no longer be accepted. |

| (2) |The FBI Memorial Star is intended to be presented to  
| the primary next of kin as soon as possible after the interments of  
| Special Agents or federal, state, or local law enforcement personnel  
| killed in the line of duty or in the performance of a law enforcement  
| duty. |

| (3) |Any individual having personal knowledge of an act,  
| deed, or service believed to merit an honorary medal may submit a  
| statement of facts to a field or Headquarters head of office. Each  
| head of office is required to PERSONALLY screen the nomination and  
| include comments concerning the specifics of the event and employees'  
| performance in terms of criteria for the medal(s) being recommended,  
| and submit it, by Form FD-255a, to the Performance, Recognition and  
| Awards Unit (PRAU). A division head should also comment negatively if  
| he/she believes the medals' criteria were not met. It is crucial that  
| appropriate supporting documents, e.g., administrative inquiry reports  
| when an event involved an Agent's use of his/her weapon, newspaper  
| clippings regarding the event, and the like are attached to the  
| recommendation. |

| (4) | Recommendations of medals for federal, state, and  
| local law enforcement personnel should be made by the FBI  
| office/division head where the activity warranting the medal took  
| place and must also contain the concurrence of the head of the  
| employing agency.

| (5) | The FD-255a should be submitted to the PRAU,  
| |Administrative Services Division. |

| (6) | In the interest of timeliness when recommendations are  
| made for the FBI Memorial Star, immediate|electronic communication  
| (EC)|may be submitted to the PRAU. The|EC|should include a succinct  
| description of the circumstances wherein an Agent or law enforcement  
| employee was killed.

\*\*EffDte: 04/21/1999 MCRT#: 875 Div: D3 Cav: SecCls:

#### **| 5-24.4 | FBIHQ Approval Process (Moved from 5-24.7)|**

|           |A panel, chaired by the Assistant Director of the  
| Administrative Services Division (ASD) and consisting of two Special  
  
| Agents in Charge and two Special Agents, is convened as often as  
| necessary to review medal nominations and make recommendations to the  
| Deputy Director. Representatives of the Employee Assistance Unit,  
| Shooting Incident Review Group, and the PRAU are also present to  
| assist the voting members of the panel. The criteria for the Memorial  
| Star, and in some cases, the FBI Star, are sufficiently clear to allow  
| for the submission of a recommendation by the ASD without convening a  
| panel. |  
|

\*\*EffDte: 04/21/1999 MCRT#: 875   Div: D3           Cav:           SecCls:

#### **| 5-24.5 | Presentation of Medals (Moved from 5-24.6)|**

|           (1) The FBI Memorial Star will be presented by the Director  
| or his personally designated representative to the primary next of  
| kin. |The order of precedence to establish the primary next of kin as  
| surviving spouse, eldest child, father or mother, eldest sibling, or  
| eldest grandchild is in accordance with the manner prescribed in the  
| Department of Army regulations governing posthumous awards and  
| decorations. |

|           (2) |The FBI Medal of Valor, Shield of Bravery, Medal for  
| Meritorious Achievement, and FBI Star are normally presented by the  
| head of the office to which the recipient is assigned in a suitable  
| ceremonial setting. |

|           (3) |Upon approval of each medal, the submitting office will  
| be advised to plan a presentation ceremony and coordinate with the  
| PRAU to ensure that the medal is appropriately inscribed and forwarded  
| to the office in time for the event. |  
|

\*\*EffDte: 04/21/1999 MCRT#: 875   Div: D3           Cav:           SecCls:

#### **| 5-24.6 | Moved to 5-24.5|**

\*\*EffDte: 04/21/1999 MCRT#: 875   Div: D3PA          Cav:           SecCls:

**| 5-24.7 |Moved to 5-24.4|**

\*\*EffDte: 04/21/1999 MCRT#: 875 Div: D3 Cav: SecCls:

**5-25 DIRECTOR'S ANNUAL AWARDS FOR EXCELLENCE**

The Director's Annual Awards for Excellence offer the Director and other FBI officials the opportunity to recognize, in a public ceremony, Bureau employees for their outstanding contributions and exceptional service to the FBI and its mission. There are 17 categories of awards, and to the extent the quality of the award nominees warrant, the opportunity exists to present more than one award per category. Also, more than one employee will be eligible for consideration to receive one award, e.g., a group award. A two-tiered system will be used with the first tier consisting of three awards. The second tier will be only slightly lower in significance and will consist of 14 awards.

\*\*EffDte: 07/19/2002 MCRT#: 1229 Div: D3 Cav: SecCls:

**5-25.1 First Tier**

(1) The Director's Annual Award for Excellence in Management

(a) Description: This award is designed for someone in a supervisory position, not necessarily a Special Agent Supervisor, and is one of the three highest awards the Director can bestow.

(b) Criteria: The nominee must have demonstrated outstanding leadership and have made extraordinary contributions or achievements in the improvement of operational or program effectiveness, efficiency or productivity; have reduced or eliminated costs through innovative or special managerial or administrative efforts and initiatives; or have benefited the FBI through the reduction or elimination of fraud, waste, mismanagement or abuse.

(2) The Director's Annual Award for Excellence in Investigation

(a) Description: This award is designed for someone who has made significant contributions to an investigation and is one of the three highest awards the Director can bestow.

(b) Criteria: The nominee must have achieved major accomplishments in an investigation(s) and demonstrated extraordinary competence in complicated, long-term, and/or sophisticated cases of

major significance.

(3) The Director's Annual Award for Excellence in Investigative Support

(a) Description: This award is designed for someone in a support capacity, with eligibility extended to both support employees and Agents, and is one of the three highest awards the Director can bestow.

(b) Criteria: The nominee must have demonstrated exceptional motivation, initiative, and performance in the support of investigative efforts and/or displayed extraordinary achievements that overcame unusual difficulties or unique situations of great importance to the mission of the FBI.

\*\*EffDte: 02/29/1996 MCRT#: 495 Div: D3 Cav: SecCls:

## **5-25.2 Second Tier**

(1) The Director's Award for Distinguished Service to the Law Enforcement Community

(a) Description: This award is designed for someone who contributed to better relations among law enforcement and/or governmental agencies.

(b) Criteria: The nominee must have demonstrated an exceptional ability to work with outside agencies, resolve difficulties and differences, and achieved significant results through coordinated law enforcement and/or governmental agency efforts.

(2) The Director's Award for Information Management or Technical/Scientific Advancement

(a) Description: This award is designed for someone who develops law enforcement techniques in the area of information management, technical services, or scientific advancement.

(b) Criteria: The nominee must have made outstanding achievements in the area of information management, technical services, or scientific advancement that significantly contributed to the mission of the law enforcement community or resolving a case of major importance.

(3) The Director's Award for Outstanding Criminal Investigation

(a) Description: This award is designed for someone involved in a criminal investigation(s) of a significant nature.

(b) Criteria: The nominee must have demonstrated

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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extraordinary ingenuity, initiative, and competence in overcoming serious obstacles and achieved significant results in a complex criminal investigation(s) of major importance.

(4) The Director's Award for Outstanding National Security Investigation

(a) Description: This award is designed for someone who is involved in a National Security investigation of a significant nature.

(b) Criteria: The nominee must have demonstrated extraordinary ingenuity, initiative, and competence in overcoming serious obstacles and achieved significant results in a National Security investigation(s) of major importance.

(5) The Director's Award for Outstanding Counterterrorism Investigation.

(a) Description: This award is designed for someone who is involved in a counterterrorism investigation of a significant nature.

(b) Criteria: The nominee must have demonstrated extraordinary ingenuity, initiative, and competence in overcoming serious obstacles and achieved significant results in a counterterrorism investigation(s) of major importance.

(6) The Director's Award for Distinguished Service by a Support Employee

(a) Description: This award is designed for a support employee who has made exceptional contributions to the FBI.

(b) Criteria: The nominee must have demonstrated outstanding motivation, initiative, and performance in support of the FBI's mission and/or displayed significant achievements that overcame unusual difficulties or unique situations.

(7) The Director's Award for Sustained Distinguished Service

(a) Description: This award is designed for someone who has contributed to the FBI for an extended period of time, an "unsung hero" award.

(b) Criteria: A nominee in this category ideally will have demonstrated significant contributions to the FBI over a period of 20 years or longer. Service of less than 20 years will be considered relative to the candidate's potential length of career service, scope of accomplishment, and eligibility under other award categories. The contributions on a single project or investigation may not be sufficiently significant to justify a Director's award. However, the totality of their service to the FBI warrants special recognition.

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**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(8) The Director's Award for Distinguished Service by a New Employee

(a) Description: This award is designed for someone who significantly contributes to the FBI with less than five years in the FBI and is to serve as an incentive and role model for all employees, especially new employees. This is a type of "Rookie of the Year" award.

(b) Criteria: The nominee must have demonstrated exceptional ability and resourcefulness to overcome obstacles in light of limited experience that significantly contributed to fulfilling the FBI's goals.

(9) The Director's Award for Exceptional Public Service

(a) Description: This award is designed for an individual or organization outside of the FBI who contributed to the FBI's mission, a "public service" award.

(b) Criteria: The nominee must have demonstrated great unselfishness and public consciousness in assisting the FBI in achieving exceptional results.

(10) The Director's Award for Equal Employment Opportunity

(a) Description: This award is designed to recognize the most significant contribution(s) to the Equal Employment Opportunity (EEO) Program.

(b) Criteria: This award is not restricted to EEO Program officials. A nomination may be for any manager or employee who has made significant contributions to the FBI's EEO Program. These contributions could be in the areas of leadership, training, recruitment, conciliation, or any other activity that enhances employment opportunities for women and minorities including Blacks, Hispanics, Native Americans and Asian Americans within the FBI. Consideration should be given for accomplishment(s) in the following area(s):

1. Performance of a special service beyond the normal job requirements which results in significant improvement and effectiveness of EEO Program operations.

2. Development and implementation of a program or activity which greatly improves public understanding of the FBI's EEO Program and the Agency mission.

3. Development and implementation of a program or activity which greatly improves employees' understanding of the FBI's EEO Program and the Agency mission.

4. Performance of a single or continuing act which clearly strengthens the effectiveness of some aspect of the EEO process.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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5. Performance in the implementation of EEO activities and programs which addresses the career needs and concerns of FBI employees, and contributes to the fostering, understanding, harmony and cohesiveness within the FBI workforce.

6. Other EEO-related accomplishments or activities that enhance the EEO Program.

7. Contributions to the EEO Program that are especially innovative, or that employ a unique approach to EEO concepts (e.g., a new recruitment initiative or EEO planned event).

8. Where an individual creatively defused a potentially volatile EEO situation or through mediation of a particularly egregious EEO issue.

|  
| (11) | The Director's Award for Outstanding Service to Disabled Employees or by a Disabled Employee.

(a) Description: This award is intended to be given to the employee who has rendered outstanding service to disabled employees, or a disabled employee whose above-average performance warrants recognition.

(b) Criteria: Recognition may be received for such services as recruitment, employment, providing services, accommodations or equipment for disabled employees; or, a disabled employee may be recognized for his/her exemplary performance in the face of formidable obstacles.

| (12) | The Director's Award for Special Achievement

(a) Description: This award is designed for a Special Agent or support employee who has excelled in a specific area of expertise or in a foreign service assignment, and whose achievements do not fit other categories of the Director's Awards.

(b) Criteria: The nominee must have demonstrated extraordinary initiative, ingenuity, competence and performance in his/her area of expertise or in areas of foreign service or any specialization that enhances the mission of the FBI.

| (13) | The Thomas E. DuHadway Humanitarian Award

(a) Description: This award is designed to recognize Bureau employees that best exemplify former Assistant Director DuHadway's constant, unqualified willingness to help others through personal crises, regardless of their position, age, race, sex or religion, with no expectations of personal gain or recognition.

(b) Criteria:

1. Nominee must be an employee of the FBI.
2. Nominee has responded to the needs of a

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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fellow FBI employee or the employee's family with an unqualified willingness to help the employee through a time of personal or family crisis without regard for their position, age, race, sex or religion.

3. The nominee volunteered time to help a member of the FBI family solve a personal problem or unsolicited assistance of a positive nature that aided the employee or their family.

4. The employee's contributions or assistance had a significant, positive effect on the resolution of the personal crisis involved and/or otherwise is clearly recognizable as an action which others should seek to emulate in the spirit demonstrated by former Assistant Director DuHadway.

| (14) | The Manuel J. Gonzalez Ethics Award

(a) Description: This award is designed to recognize Bureau employees who best embody former Assistant Director Gonzalez's example of unwavering ethical standards, professional ideals, and reputation for organizational integrity.

(b) Criteria:

1. Nominee must be an employee of the FBI.

2. Eligibility extends to three qualifying forms of ethical display. One of the following, or combination thereof, will be deemed suitable:

a. Nominee's FBI career has been distinguished by his/her extraordinary commitment to the FBI's code of conduct in both professional and private life.

AND/OR

b. Nominee has demonstrated an extraordinary sense of ethics in overcoming a significant dilemma or withstanding a specific crisis as it relates to his/her official FBI duties or employment with the FBI.

AND/OR

c. Through nominee's display of ethical standards in a specific instance, public trust in the FBI, or law enforcement in general, has been markedly enhanced or fortified.

3. Nominee has significantly improved the FBI's internal ethics or standards of conduct program through exceptional individual effort, contribution, or example.

4. Nominee has substantially enhanced the federal government's Standards of Ethical Conduct program through exceptional individual effort, contribution, or example.

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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5. Nominee has personified the FBI's Core Values of rigorous obedience to the Constitution, respect for the dignity of all; compassion; fairness, and uncompromising personal and institutional integrity through either sustained outstanding performance of day-to-day duties or special acts.

6. Nominee has substantially improved the public's perception of the FBI's commitment to individual and institutional integrity through exceptional individual effort or contributions in the community.

\*\*EffDte: 07/19/2002 MCRT#: 1229 Div: D3 Cav: SecCls:

### **5-25.3 Awards**

The first-tier awards will consist of a \$5,000 cash award and a noncash award, i.e., plaque, statue, certificate, etc. The second-tier awards will consist of a \$3,000 cash award and a noncash award. |(NOTE: Nonwork-related performance recognized under the EEO category, e.g., community services, will be recognized with an award device only. Work-related performance in this category will be recognized with a cash award.)| Provided that the size of a group receiving one award, e.g., a group award, is not excessive, each member of the group will receive the full cash amount of the award. If the size of the group is deemed excessive, the selection panel will make a recommendation on the size of the award for each member of the group, based on what is reasonable and the circumstances at hand. A noncash award will be presented for the Thomas E. DuHadway Humanitarian Award and the Manuel J. Gonzalez Ethics Award; however, in keeping with the nature of these awards, there will be no accompanying monetary recognition.

\*\*EffDte: 01/29/1999 MCRT#: 855 Div: D3 Cav: SecCls:

### **5-25.4 Nominations**

Nominations will be made by the heads of FBI field and FBIHQ divisions/offices. Each nomination must be submitted via a cover page which contains the personal endorsement of the division/office head. Nominations arising from investigative work must also be endorsed by the appropriate United States Attorney or responsible department. Where participation in an investigation is the primary basis for a nomination, the strongest background and support can be derived from cases which have been adjudicated through the initial trial phase. However, in recognition of the delays which are inevitable in bringing some cases to trial, nominators should, at a minimum, carefully consider and include a brief assessment of the expected outcomes for nominations supported by investigations which have yet to be adjudicated.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(1) When an office nominates an employee from another FBI division or field office, the nominating office must include a brief statement noting concurrence from the nominee's division/office head. Nominators are urged to consider all well-qualified individuals in order to contribute toward a proper representation of employees at all levels in both the support and Agent career paths.

(2) Division/office heads may submit a limit of one nomination for each category. Nominations shall be individually typed on plain bond paper, single-spaced, and must not exceed five pages in length. All pages must be headed with the name of the award, the nominee's official Bureau name and title, Social Security Number, grade, and office of assignment.

(3) A one paragraph synopsis of the achievement(s) upon which the nomination is based must be included. The synopsis should be concise, descriptive, and fully outline the outstanding achievement(s) related to the award for which the employee is nominated. It should be written with the assumption that the nominee will be selected for the award, and the paragraph will appear in briefing material and/or an awards program booklet for public dissemination.

(4) Newspaper articles and/or other forms of supporting material may be submitted; however, the selection panel reserves the right to not review this material in their deliberations dependent upon the overall volume of information received.

(5) Nominees must have received a Meets Expectations rating on their last Performance Appraisal Report. Ordinarily, an employee who is the subject of a pending administrative inquiry which could result in disciplinary action should not be recommended for an award.

(6) Submit all nominations to the Performance, Recognition and Awards Unit (PRAU), Administrative Services Division, FBIHQ, except the following:

(a) Nominations from Legal Attache Offices are to be forwarded to the Office of International Operations for initial screening and approval before submission to the PRAU.

(b) Nominations containing details of national security investigation(s)/matter(s) must be forwarded to the Deputy Assistant Director, Counterintelligence Division, Room 4012, FBIHQ, for preliminary review.

\*\*EffDte: 07/19/2002 MCRT#: 1229 Div: D3

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## **5-25.5 Selection Process**

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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An awards selection panel composed of representatives, both Agent and support, of FBI Headquarters and the field will be convened by the Assistant Director of the Administrative Services Division to review the nominations and make final recommendations to the Director. Those nominated for first-tier awards will automatically be considered for second-tier awards should they not be selected for a first-tier award. Likewise, those nominated for second-tier awards will automatically be considered for a first-tier award. Nominees will also be eligible for consideration in other categories within the same tier if they meet the criteria of the respective category. The final decision will be made by the Director based on the recommendations made by the selection panel.

\*\*EffDte: 07/19/2002 MCRT#: 1229 Div: D3 Cav: SecCls:

### **5-25.6 Ceremony**

An annual awards ceremony will be held in the Bonaparte Auditorium in the J. Edgar Hoover F.B.I. Building, followed by a reception in the recipients' honor. The Director will preside over the ceremony which will be attended by representatives of the recipients' office of assignment and FBI executives. Recipients and one immediate family member each will attend the ceremony on reimbursable travel expenses; however, the recipients will be allowed to invite any other family members, guests, and Bureau employees of their choosing.

\*\*EffDte: 02/29/1996 MCRT#: 495 Div: D3 Cav: SecCls:

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## **SECTION 6. TESTS**

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D2      Cav:      SecCls:

### **| 6-1      STENOGRAPHIC, TYPING, AND DICTAPHONE TRANSCRIBER TESTS**

(1) Stenographic and typing tests are available on a weekly basis to FBIHQ employees desiring to participate in these examinations. These tests are also afforded to applicants and on-board employees in the field offices. The dictaphone transcriber test is a tape cassette of dictation to be transcribed by the employee using a dictaphone machine, and this test is given only to field office employees. The stenographic test is a cassette tape dictated at 80 wpm. The typing test is a 5-minute timed test.

(2) The 80-wpm stenographic test is the standard requirement for the position of Stenographer, GS-5. The typing test is the standard requirement for the position of Office Automation Clerk/Assistant, GS-3, GS-4, and GS-5. The dictaphone transcriber test is given in conjunction with the typing test to field office applicants or employees who will be utilizing dictaphone equipment.

\*\*EffDte: 09/02/1993 MCRT#: 62      Div: D2      Cav:      SecCls:

### **| 6-2      INSTRUCTIONS FOR AFFORDING STENOGRAPHIC, TYPING, AND DICTAPHONE TRANSCRIBER TESTS**

Only current Bureau-approved tests are to be used.

\*\*EffDte: 09/02/1993 MCRT#: 62      Div: D2      Cav:      SecCls:

#### **6-2.1      Stenographic Tests**

(1) Only official Bureau stenographic tape cassettes are to be used when affording the stenographic test. A standard tape recorder must be used to play the tape cassette (do not use a dictaphone machine). The official test must only be afforded once. If the employee or applicant must be tested more than once, a different test must be used.

(2) Instructions for transcription -

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(a) Place official payroll name of employee, date, EOD, and office of assignment in upper right-hand corner of a single sheet of paper.

(b) If an applicant, applicant's full name and the date should be placed in the upper right-hand corner of the paper.

(c) Set the typewriter for one-inch margins, double spacing, and a ten-space tab indentation. Indent only at the beginning of the transcription.

(d) Employee or applicant cannot retype original transcription.

(e) Verbatim transcription is required. Applicant or employee is responsible for spelling, punctuation, capitalization and proper word division. Dictionaries may be used. In case of error, it is permissible to use an eraser. Self-correcting typewriters, correcting tape or whiteout are not permitted.

(f) Indicate on transcription paper the amount of time required for transcribing.

(g) Staple all stenographic notes to the transcription including warm-up notes.

\*\*EffDte: 08/26/1988 MCRT#: 0      Div: D2      Cav:      SecCls:

## **6-2.2    Typing Tests**

(1) Only official Bureau typing tests are to be used when affording the typing test. Do not use correcting tape or whiteout. A practice typing test may be afforded prior to the official test. The official typing test must only be afforded once. If the employee must be tested more than once, a different test must be used.

(2) Instructions for a 5-minute timed typing test -

(a) Place official payroll name, date, EOD, and office of assignment in upper right-hand corner of single sheet of paper.

(b) If an applicant, applicant's full name and the date should be placed in the upper right-hand corner of the paper.

(c) Set machine for a one-inch margin, single spacing, and a ten-space tab indentation. Double space between paragraphs.

(d) Test must be copied precisely line for line.

**SENSITIVE**

| (e) | Time employee for five (5) minutes.

| (f) | If entire test is typed before time is called,  
employee should double space and begin typing test again.

\*\*EffDte: 08/26/1988 MCRT#: 0      Div: D2      Cav:      SecCls:

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\*\*EffDte: 09/02/1993 MCRT#: 62      Div: D2      Cav:      SecCls:

### **6-2.4      Dictaphone Transcriber Test**

(1) Only official Bureau dictaphone transcriber tape cassette is to be used when affording the dictaphone transcriber test. A dictaphone machine must be used (do not use a tape recorder). The tape cassette may be forwarded or reversed if necessary. The official test must only be afforded once. A practice dictaphone transcriber test may be afforded prior to affording the official test. If the employee or applicant must be tested more than once, a different test must be used.

(2) Instructions for transcription -

(a) Place official payroll name of employee, date, EOD, and office of assignment in upper right-hand corner of a single sheet of paper.

(b) If an applicant, applicant's full name and the date should be placed in upper right-hand corner of the paper.

(c) Set the typewriter for one-inch margins, double spacing and a ten-space tab indentation. Indent only at the beginning of the transcription.

(d) Employee or applicant cannot retype original transcription.

(e) Verbatim transcription is required. Applicant or employee is responsible for spelling, punctuation, capitalization and proper word division. Dictionaries may be used. In case of error, it is permissible to use an eraser. Self-correcting  
| typewriters, correcting tape or whiteout are|not permitted.

(f) Indicate on transcription paper the amount of time required for transcribing.

\*\*EffDte: 08/26/1988 MCRT#: 0      Div: D2      Cav:      SecCls:

## 6-3 GRADING OF TESTS

(1) For applicants recruited for FBIHQ: All stenographic and typing tests administered to applicants recruited for FBIHQ must be forwarded to the|Bureau|Support Applicant Unit with the appropriate paperwork for regrading. Field offices should never inform an applicant of the results of these tests until notified of the official score from FBIHQ.

(2) For applicants recruited for field offices: Field offices shall officially grade all stenographic and typing tests for applicants recruited for their respective offices and on-board employees being considered for promotion. These tests are not to be sent to FBIHQ for regrading.

\*\*EffDte: 04/07/1997 MCRT#: 651 Div: D2 Cav: SecCls:

## 6-4 INSTRUCTIONS FOR GRADING BUREAU STENOGRAPHIC TEST

The exercise consists of 240 words and has been dictated at 80 wpm for three (3) minutes. Accuracy in the test will be rated on the entire paper. If the transcription consumes more than twenty (20) minutes, two (2) points will be deducted for every minute thereafter. A grade of 75 percent is passing, below 65 percent constitutes a NO GRADE.

The following deductions will be made for the errors noted:

ERRORS	POINTS
General Rule: Every word omitted, added, inserted, misspelled, transposed or in any manner changed from the dictation tape will be penalized as follows:	
Word omitted	3
Word added	3
Word inserted	3
Misspelled word	3
Transposed word	3
Abbreviation (not dictated or dictated but not standard use of)	3
Punctuation:	
Failure to use punctuation	1
Incorrect punctuation	1
Division of words (each error in)	1
Erasures and strikeouts	1
(Maximum for exercise)	5

Incorrectly compounded word	1
Capitalization	1
Interlineation	1
Plural instead of singular if grammatical connection	
is affected	3
is not affected	1
Singular instead of plural if grammatical connection	
is affected	3
is not affected	1
Spacing:	
Following punctuation marks	1
Between words	1
Incorrect tabulation	1
Incorrect margins	1
**EffDte: 12/12/1991 MCRT#: 0      Div: D2      Cav:      SecCls:	

## **6-5      RULES TO BE FOLLOWED IN GRADING BUREAU TYPING TESTS**

A score of 40 wpm is required for the GS-4 or GS-5 positions and a score of 30-39 wpm is required for the GS-3 position.

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: D2      Cav:      SecCls:

### **6-5.1    Errors**

General Rule: Every word omitted, added, misspelled, transposed or in any manner changed from the printed copy will be penalized as follows:

(1) Omission - Charge one error for each letter, figure, or punctuation mark omitted. If the entire line is omitted or a partial line omitted, charge only one error. Then deduct total strokes of the omitted line or partial line from the total strokes typed for the entire line.

(2) Addition - Charge one error for each letter, figure, or punctuation mark added. Charge one error for each entire line added or retyped and for part of a line added or retyped. Charge one error for each word containing a mistake in added or retyped lines.

(3) Misspelled Words - Charge one error for each misspelled word.



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(4) Transposition - Charge one error for each transposed word, plus an error for each word in the transposed matter containing a mistake.

(5) Faulty shifting and lightly struck characters - Charge one error for each character appearing either above or below the line or lightly struck character if the whole character is discernible.

(6) Capitalization - Charge one error for failure to capitalize as in printed copy. Charge one error for an entire line or part of a line typed in solid capitals plus an error for each word containing a mistake.

| (7) Indention - Charge|only|one error for each failure to  
| indent as in copy|since tab indentions are previously set before the  
| timing starts; therefore, if the typist indents incorrectly the first  
| time, he or she will be indenting incorrectly throughout the entire  
| timing.|

(8) Margins - Charge one error for each irregularity in left margin. Charge one error for each deviation from the test in the right margin.

(9) Spacing - Charge one error for incorrect spacing between lines, words, and after punctuation marks that differ from printed copy.

(10) Strikeovers - Charge one error for each strikeover.

(11) Last word - Charge one error for a mistake in the last word typed, whether or not the word is completed.

ONLY ONE ERROR MAY BE CHARGED IN A WORD, INCLUDING ITS FOLLOWING PUNCTUATION AND SPACING.

NOTE: Use a check mark to indicate each error.

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: D2      Cav:      SecCls:

## **6-5.2      Calculation of Grade**

Each character or space in a line counts as one stroke. Determine the number of strokes typed. If a partial line is typed, count the strokes and add to the total strokes in the line above. Do not add strokes in retyped lines. Subtract strokes from the total number of strokes for omitted lines. Divide the number of strokes by (5) five to determine the gross number of words typed. For each error, deduct (10) ten words from the gross number of words. Divide by (5) five to determine net wpm typed. Round off fractions to nearest whole number.

**SENSITIVE**

Example:

A typist typed 1,233 strokes with 2 errors in 5 minutes  
1,233 divided by 5 = 247 gross words  
2 (errors) x 10 = 20 penalty  
247 - 20 = 227 net words  
227 divided by 5 (minutes) = 45 net wpm

PASSING GRADE = 40 WPM

\*\*EffDte: 06/28/1991 MCRT#: 0      Div: D2      Cav:      SecCls:

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### **| 6-6.1    |Deleted|**

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### **| 6-6.2    |Deleted|**

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### **| 6-6.3    |Deleted|**

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## **6-7    INSTRUCTIONS FOR GRADING THE BUREAU DICTAPHONE TRANSCRIBER TEST**

The exercise consists of 240 words and has been dictated at 80 wpm for three (3) minutes. Accuracy in the test will be rated on the entire paper. If the transcription consumes more than (10) ten minutes, two (2) points will be deducted for every minute thereafter. A grade of 75 percent is passing, below 65 percent constitutes NO GRADE.

The following deductions will be made for the errors noted:

\*\*EffDte: 01/21/1987 MCRT#: 0      Div: D2      Cav:      SecCls:

## **6-7.1    Errors**

General Rule: Every word omitted, added, inserted, misspelled, transposed or in any manner changed from the dictation tape will be penalized as follows:

ERRORS	POINTS
Word Omitted	3
Word Added	3
Word inserted	3
Misspelled word	3
Transposed word	3
Abbreviation: (Not dictated or dictated but not standard use of)	3
Punctuation:	
Failure to use punctuation	1
Incorrect punctuation	1
Division of words (each error in)	1
Erasures and strikeouts	1
(Maximum for exercise)	5
Incorrectly compounded word	1
Capitalization	1
Interlineation	1
Plural instead of singular if grammatical connection is affected	3
is not affected	1
Singular instead of plural if grammatical connection is affected	3
is not affected	1
Spacing:	
Following punctuation marks	1
Between words	1
Incorrect tabulation	1
Incorrect margins	1

\*\*EffDte: 01/21/1987 MCRT#: 0      Div: D2      Cav:      SecCls:

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\*\*EffDte: 01/21/1987 MCRT#: 0      Div: D2      Cav:      SecCls:

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SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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## SECTION 7. MERIT PROMOTION AND PLACEMENT PLAN (MPPP)

### 7-1 OBJECTIVE

- (1) The objective of this plan is to provide guidance in assuring that all qualified candidates receive fair and equal consideration for support positions based on merit principles. It is based on the premise that the best predictor of future performance is past performance in similar situations and is designed to ensure that the FBI is staffed by the most qualified candidates available.
- (2) Personnel staffing decisions will be based on valid job-related criteria and, except where otherwise provided by law, without regard to and without discrimination because of color, race, religion, national origin, political affiliation, marital status, mental or physical disability, age, sex, or sexual orientation.
- (3) Personnel staffing decisions will be based on job-related criteria without regard to membership or nonmembership in an employee organization; personal favoritism; or in reprisal for the lawful disclosure of information in "whistleblower" situations.
- (4) The standards outlined address policies and procedures necessary to operate an effective merit system for the staffing of support positions consistent with the requirements of the "Uniform Guidelines on Employee Selection Procedures," Section 50.14, Title 28, United States Code of Federal Regulations.
- (5) This plan is applicable for the staffing of positions in the FBI excluding those classified in occupational series 1811, attorney positions, positions in the Senior Executive Service and positions at the Executive Level.

### 7-2 DEFINITION OF TERMS

- (1) ABILITY (KSAO): The power to perform an observable activity or behavior which results in an observable product or consequence.
- (2) ALL-SOURCE APPLICANT: Any applicant, usually an individual not employed by the federal government, such as a private sector employee, military member or student.
- (3) ALL-SOURCE CERTIFICATE: A list of all-source candidates who have been rated and ranked and afforded veterans' preference. Referred to as "Certificate of Eligibles" in the competitive service.
- (4) AREA OF CONSIDERATION: An area in which an intensive search for eligible candidates for a specific vacancy is made. The area of consideration is decided by management and human resource personnel based on the needs of the FBI. It must be broad enough to produce a sufficient number of well-qualified candidates and meet EEO objectives.
- (5) BEST-QUALIFIED LIST: A group of federal candidates who, when measured by appropriate procedures, possess the critical knowledge, skills, abilities and other characteristics (KSAOs) to a greater degree than other candidates eligible for the position.

SENSITIVE

**SENSITIVE**

**ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(6) **CAREER LADDER:** The grade levels through which an employee may advance to the full level of the position to which appointed or assigned; it provides progressively more responsible experience and noncompetitive promotion potential for incumbents up to the designated full level.

(7) **CAREER PATH:** Range of career progression opportunities available to a particular occupational group within an organization. Career paths include not only the classified career ladders of individual positions, but other positions for upward, lateral, or downward movement into different positions.

(8) **CHANGE TO LOWER GRADE:** A change of an employee to a job or grade level with a lower representative rate. An action resulting in a reduction in grade. A change to lower grade can occur as a result of a competitive selection procedure, an adverse action or at the request of an employee. It may or may not result in a decrease in pay.

(9) **COMPETITIVE SELECTION PROCEDURES:** Procedures that allow for advertisement of a position, evaluation of qualifications and selection of a candidate(s) for a position. A competitive procedure could result in a noncompetitive action (i.e., reassignment, change to lower grade).

(10) **CONVERTED SCORE:** The rating of an all-source candidate that has been converted to a 100-point scale.

(11) **CREDITING PLAN:** Education, training and experience examples for each knowledge, skill, ability or other characteristic (KSAO) which serves as a gauge by which a candidate is compared and evaluated.

(12) **DETAIL:** A temporary assignment of an employee to a different position not to exceed a specific period of time with the employee returning to his/her regular duties at the end of the detail. A position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed. The employee should be eligible and qualified for any position to which he/she is detailed. Details of more than 120 days to either a higher graded position or a position with greater promotion potential require competitive staffing procedures.

(13) **ELIGIBLE CANDIDATE:** Applicant who is within the published area of consideration and who meets the established minimum qualification standards for the position and any other applicable legal or regulatory provisions.

(14) **FEDERAL APPLICANT:** Applicant who is currently an employee of the federal government or who is eligible for reinstatement. (Includes FBI candidates.)

(15) **FULL PERFORMANCE LEVEL (FPL):** The highest grade/level of regular and recurring work identified and classified in a particular career ladder. In cases where a position is advertised at a grade/level less than the FPL, the employee who is placed in the position will have noncompetitive promotion potential to the FPL.

(16) **FUNDED STAFFING LEVEL:** The number of work years which a division/office is authorized, as determined by the Resource Management and Allocation Board.

(17) **GENERAL EXPERIENCE:** Experience that is usually required at grade levels where the knowledge and skills needed to perform the duties of a specific position are not a prerequisite, but where applicants must have demonstrated the ability to acquire the particular knowledge and skills.

**SENSITIVE**

**SENSITIVE**

**ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(18) **GRIEVANCE:** A formal protest by an employee, or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction relating to the employment of an individual(s) which is subject to control by the FBI. Personal relief is a specific remedy directly benefitting or affecting the grievant(s), but does not include a request for discipline or other action affecting another employee.

(19) **INTERVIEW:** A method of evaluating a candidate to determine if he/she possesses the essential knowledge, skills, abilities or other characteristics needed to perform a job.

(20) **JOB ANALYSIS:** A systematic and documented statement of essential work functions and KSAOs relevant to the position.

(21) **JOB RELATED:** Factors determined through a job analysis to be necessary for acceptable job performance.

(22) **KNOWLEDGE (KSAO):** A body of information, usually of a factual or procedural nature, which, when applied, makes acceptable performance on the job possible.

(23) **KSAO:** Knowledge, skill, ability or other characteristic rated/evaluated after minimum qualifications.

(24) **LOCAL COMMUTING AREA:** The geographic area surrounding a work site that encompasses the localities where people live and reasonably can be expected to travel back and forth daily to work, as established by the FBI based on the generally held expectations of the local community. The area is usually within a 50- mile radius of where a position vacancy exists.

(25) **MERIT SYSTEM:** A system of identification, qualification, evaluation and selection based solely on merit factors (i.e., on the basis of relative ability, knowledge and skills), without regard to political affiliation, race, color, religion, national origin, sex, sexual orientation, marital status, parental status, nondisqualifying disability, reprisal, or age.

(26) **MERIT SYSTEM PRINCIPLES:** Standards by which the federal government operates to ensure that the government has the best possible employees, that they are treated fairly, and that all employees will have the opportunity to go as far as their abilities will take them. This means that whenever anyone is hired, promoted, fired, demoted, or affected by any other type of personnel action, the action in question must be on the basis of the individual's own ability and performance. These principles governing personnel practices were enacted into law: Title 5, United States Code, Section 2301 (b).

(27) **MINIMUM QUALIFICATIONS:** Requirements for a job which the employer deems as so basic and essential that only candidates who meet these requirements are considered for further processing. Minimum qualifications also include any appropriate selective placement factors and positive education requirements.

(28) **NONCOMPETITIVE STAFFING ACTION:** Filling a position without using competitive procedures.

(29) **OTHER CHARACTERISTIC (KSAO):** A personal characteristic, aptitude, physical or mental trait needed to do the work.

**SENSITIVE**

**SENSITIVE**

**ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- (30) **PLACEMENT:** The assignment of a new employee to a position or the movement of an employee from one position to another.
- (31) **PROMOTION:** A change of an employee to a job or grade level with a higher representative rate than his/her current grade or retained grade, if applicable.
- (32) **RANKING:** Placing all-source candidates on an All- Source Certificate in order of their veterans' preference category and converted score.
- (33) **RATING:** The evaluation of minimally qualified candidates' experience by use of an approved crediting plan. The score the candidate receives is his/her rating. All-source candidates' ratings are converted to a 100-point scale.
- (34) **RATING FACTORS:** KSAOs that identify the better candidates from a group of individuals determined to be at least minimally qualified for a position.
- (35) **REASONABLE ACCOMMODATION:** Modifications or adjustments to a job, the work environment, or the way things are usually done, that will enable a qualified individual with a disability to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a disability.
- (36) **REASSIGNMENT:** A change of an employee from one position to another with no change in grade level. The employee must be eligible and qualified for any position to which he/she is reassigned. A noncompetitive reassignment may not place the employee in a position with greater promotion potential than his/her current position.
- (37) **REEMPLOYMENT RIGHTS:** The statutory, regulatory or administrative obligation (including military restoration rights) that requires the FBI to rehire an individual and place him/her in a position.
- (38) **REINSTATEMENT:** The noncompetitive reemployment of an FBI or other qualified former federal employee into a position at the same or lower grade level and occupational classification as the one the employee previously held.
- (39) **REPRESENTATIVE RATE:** The going rate of pay, i.e., the rate or step keyed to the prevailing rate determination; the fourth step on the General Schedule (GS); or the second rate on a five rate regular wage schedule (Federal Wage Schedule (WG)).
- (40) **RULE OF 3:** Three highest-ranked available candidates on the All-Source Certificate, listed according to veterans' preference category and rating. Selecting Officials are limited to making a selection using the Rule of 3, in accordance with the regulations in Title 5, Code of Federal Regulations (CFR), Part 302.
- (41) **SELECTING OFFICIAL:** A supervisor or manager designated by head of office/division or his/her designee who is responsible for selecting/recommending an individual for a staffing action.
- (42) **SELECTION PROCEDURE:** Any measure, combination of measures or procedures used as a basis for a staffing decision.
- (43) **SELECTIVE PLACEMENT FACTOR:** An element found to be essential to acceptable performance in a job to be filled, which is in addition to or more specific than the minimum

**SENSITIVE**



**SENSITIVE**

**ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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qualification standard. This element thus becomes a minimum qualification for the position and only candidates who meet this requirement are considered for further processing. For example, a position in a particular location may require knowledge of a language other than English.

(44) **SKILL (KSAO):** An art, trade or technique, particularly one requiring the use of the hands or body. A skill can be observed, quantified and improved with practice or training.

(45) **SPECIALIZED EXPERIENCE:** Experience that has equipped the applicant with the particular knowledge, skills and abilities to perform successfully the duties of the position and is typically in or related to the work of the position to be filled. It is usually required for positions above the entry level where applicants must have demonstrated they possess the ability to perform successfully the duties of the position after a normal orientation period.

(46) **STAFFING ACTION:** A step-by-step procedure conducted in accordance with merit principles through which an individual is identified, considered, selected and assigned to a position.

(47) **SUBJECT MATTER EXPERTS (SMEs):** A group of persons thoroughly knowledgeable about the duties and responsibilities of a job. Management, with the assistance of human resource personnel, will be responsible for identifying SMEs.

(48) **TEMPORARY PROMOTION:** A nonpermanent promotion of an employee to a higher grade level for a specified period of time, not less than 60 days nor more than one year in duration. The employee must be eligible and qualified for any position to which he/she is temporarily promoted.

(49) **TERM PROMOTION:** A nonpermanent promotion of an employee to a higher grade level for a defined period of time, not less than 120 days or more than three years in duration, to handle a specific assignment, project or duties and responsibilities which can be accomplished within that time frame. The employee must be eligible and qualified for any position to which he/she is temporarily promoted.

(50) **TEST:** Any written, performance or work simulation test or exercise used to measure a job-related knowledge, skill, ability or other characteristic. For placement/selection purposes only those approved in writing by the Personnel Officer may be used. (See MAOP, Part 1, 7-4.3.)

(51) **TRAINING AND EXPERIENCE EVALUATION:** A method of evaluating candidates based on their past training, education and experience.

(52) **VACANCY ANNOUNCEMENT:** The written or electronic document used to notify potential applicants of a position to be filled by competitive procedures.

(53) **VETERANS' PREFERENCE:** A statutory entitlement provided to former members of the Armed Forces who served on active duty during certain specified periods of time, became disabled, or served in military campaigns. Preference eligibles must meet minimum qualifications for the position before they may be afforded the additional points associated with their veterans' preference category. These candidates are entitled to preference over others when a competitive service or excepted service agency in the executive branch is hiring from an All-Source Certificate.

(54) **VETERANS' PREFERENCE CATEGORY:** There are four categories of preference, designated by the following shorthand letters and points: CPS - 10 points, CP - 10 points, XP - 10

**SENSITIVE**

points, TP - 5 points. Veterans' preference points are added to all-source candidates' converted scores prior to ranking the candidates on the All-Source Certificate. Nonpreference eligibles are designated by the shorthand letters, NV. Nonpreference eligibles do not receive additional points.

### **7-3 RESPONSIBILITIES**

(1) PERSONNEL OFFICER is responsible personally and/or through members of his/her staff for:

- (a) designing and developing the policies and procedures for selection, promotion and placement in accordance with merit system principles;
- (b) approving/disapproving all support employee selection, promotion and placement actions;
- (c) informing employees by means of official communications of the merit promotion and placement policies and procedures;
- (d) implementing and enforcing the Merit Promotion and Placement Plan policies and procedures to ensure their full and equitable application to all affected employees and positions;
- (e) providing technical assistance, advice, and guidance to management officials, supervisors and operating employees on all selection, promotion and placement matters;
- (f) locating and referring eligible and qualified candidates to the Selecting Official on a timely basis;
- (g) maintaining records reflecting decisions on selection, promotion and placement actions as detailed in this section;
- (h) responding to appropriate grievances, that have not been resolved through informal means, from employees concerning an act or occurrence of a selection, promotion or placement action covered under the Merit Promotion and Placement Plan;
- (i) suspending merit procedures to address unusual staffing circumstances when warranted to fulfill FBI mission requirements;
- (j) approving use of any tests as a measure for selection.

(2) SELECTING OFFICIAL is responsible for applying merit system principles and equal employment opportunities in filling all positions. He/She is to comply with and ensure that all applicable laws, regulations, and procedures, as outlined in this plan, are followed with regard to the selection, promotion and placement actions he/she recommends.

(3) SUPERVISORS and MANAGERS are required to recuse themselves from advocating a relative for appointment, employment, promotion, or advancement to a position over which they exercise jurisdiction or control, and from participating in the selection process if a relative is under consideration, as specified in Title 5, Code of Federal Regulations (CFR), Part 310, Subpart A.

(a) Relative means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

(b) Supervisors and managers should also recuse themselves from involvement in personnel actions where there may be a perception of favoritism or bias, e.g., adjudicating a grievance or recommending a promotion for a close personal friend, etc.

(4) EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICIAL serves as a source of information for all employees, managers, and supervisors. In the event a nonselected candidate perceives that the selection, promotion or placement action was made with regard to race, color, religion, national origin, sex, sexual orientation, age, parental status, disability (mental or physical), or reprisal, the Office of Equal Employment Opportunity Affairs (OEEOA) would pursue his/her concerns. Additionally, in the event the applicant or employee requires a reasonable accommodation for a physical/mental disability, the OEEOA would be responsible for coordinating this process for approval of the Personnel Officer.

(5) EMPLOYEES are responsible for:

(a) demonstrating that they have the knowledge, skills, abilities and other characteristics necessary to qualify for positions for which they desire consideration; and

(b) submitting the required completed forms within the time frames indicated when applying for vacancies.

## **7-4 FACTORS AFFECTING ALL STAFFING ACTIONS**

Certain factors, such as performance, service time, tests and formal recommendations apply to both noncompetitive and competitive staffing actions, except those that are effected as a reasonable accommodation for a person with a disability.

### **7-4.1 Performance Appraisal (Formerly 7-7.2.3.)**

An employee must possess at least a Fully Successful (this rating will, over time, phase out) or Meets Expectations rating in each critical element of his/her most recent Performance Appraisal Report (PAR) in order to be considered for promotion or a change to lower grade/reassignment to a position offering promotion potential. If an employee has had insufficient time on duty to have received an official PAR, the employee's supervisor must certify that the employee's current performance is consistent with the criteria included in performance standards for the Meets Expectations level.

#### **7-4.1.1 Deleted**

### **7-4.2 Service Time Requirement Following Appointment**

A newly appointed employee must have 90 calendar days of federal service in order to be eligible for his/her first promotion.

### **7-4.3 Tests (Formerly 7-7.2.4.) (See also MAOP, Part 1, 7-2 (50) and 7-6.3.1.)**

Any written, performance or work simulation test or exercise considered for use in the selection process for either competitive or noncompetitive procedures, including career ladder promotions, must be approved by the Personnel Officer or his/her designee.

**7-4.4 Formal Recommendations (Formerly 7-10.)**

A personnel action of promotion, reassignment, reappointment, change to lower grade, or position change may be transmitted to the Personnel Officer or his/her designee for review and approval by electronic submission of an SF-52, Request for Personnel Action, form through the Bureau Personnel Management System (BPMS). If the request is a noncompetitive action, the reason(s) for same should be indicated. A personnel action is considered final only upon approval of the SF-52 by the Personnel Officer or his/her designated representative.

**7-5 NONCOMPETITIVE STAFFING ACTIONS (Formerly 7-4.2.) (See also MAOP, Part 1, 7-6.)**

The actions shown below do not require competitive staffing procedures:

- (1) A promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities. (The addition of supervisory duties to a nonsupervisory position may result in the establishment of a different position rather than an upgrading. The filling of that new position would require competitive procedures.)
- (2) A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to the issuance of a new classification standard or the correction of a classification error.
- (3) A position change permitted by reduction-in-force (RIF) regulations.
- (4) A temporary promotion for 120 days or less.
- (5) A reassignment or position change with no greater career ladder advancement potential.
- (6) A reassignment or promotion to a clerical position (up to and including grade level GS-8), with or without greater promotion potential, following two unsuccessful attempts to fill that position within a six-month period.
- (7) A career ladder promotion where an employee advances to the full level of the position to which he or she is appointed or assigned.
- (8) Placement of individuals having statutory, regulatory, or administrative reemployment rights, or to whom a like employment obligation exists (e.g., return of employees from military service, EEO settlements, etc.).
- (9) A reassignment or position change as a reasonable accommodation to an employee's mental and/or physical disability.
- (10) A promotion, reassignment or position change made as a result of the suspension of merit procedures by the Personnel Officer to address unusual staffing circumstances.
- (11) The noncompetitive appointment of current or former federal employees to a vacant FBI position for which they are qualified, regardless of whether they have served in the same series of the position. The individual eligible for this type of appointment must currently serve in or have served in the grade of the position to be filled and the promotion potential of the vacant FBI position must be no greater than the highest promotion potential ever held.

**7-5.1 Career Ladder Promotions (Formerly 7-5.)**

(1) A career ladder indicates the grade levels through which an employee may advance to the full level of the position to which he or she is appointed or assigned. Initial assignment to a grade level above entry level is possible based on an individual's qualifications for the particular occupation at the higher grade level.

(2) After having entered a career ladder, an employee may advance to each grade through noncompetitive promotion; however, such promotions are not a right, nor should advancement opportunities through a normal career ladder pattern be construed as a guarantee of promotion. Advancement within a career ladder is dependent upon:

- (a) management recommendation;
- (b) the availability and assignment of progressively more difficult duties and responsibilities;
- (c) demonstrated possession of the essential KSAOs for the higher grade level position;
- (d) any minimum general or specialized experience requirements; and
- (e) any position limitations.

(3) The evaluation of an employee for a career ladder promotion is based on whether the employee has acquired, usually through on-the-job training and/or experience, the essential KSAOs required for the higher grade level position. The supervisor must determine the essential KSAOs for the higher level position and evaluate, through the employee's work performance, whether the employee possesses the required KSAOs. Supervisors should ensure, to the extent possible, that employees are provided with opportunities at the lower grade level to demonstrate their possession of the essential KSAOs required for promotion to the next level.

**7-6 COMPETITIVE SELECTION PROCEDURES (Formerly 7-4.1.)**

Competitive selection procedures are used when all eligible, qualified and interested employees must be considered for a position. These procedures are required unless specifically excluded under MAOP, Part 1, 7-5, Noncompetitive Staffing Actions. They include but are not limited to:

- (1) promotion, to include term and promotions lasting more than 120 days, change to lower grade or reassignment to an entry-level position of a career ladder;
- (2) reassignment or change to lower grade to a position with greater promotion potential;
- (3) reassignment, or detail to a position, including relief position where performance of the duties and responsibilities would provide the employee with an opportunity to gain KSAOs that would uniquely qualify them for the position if filled on a permanent basis.

**7-6.1 Determining Job Requirements**

Before any effort is made to fill a position, essential job-related requirements must be identified. These job-related requirements are categorized as minimum qualifications, rating factors and working conditions.

**7-6.1.1 Minimum Qualifications (Formerly in 7-6.)**

(1) The purpose of minimum qualification standards, usually education and/or general and specialized experience, is to identify and eliminate from the selection process those candidates who are clearly not qualified for a position. Only those candidates who meet the education and experience requirements, as appropriate, will be further considered in the selection process.

(2) The Office of Personnel Management's (OPM) "Qualifications Standards for General Schedule Positions," will be used to determine the minimum qualifications for a position, except when they are determined to be inappropriate. If the position requires similar work behaviors and KSAOs to that described or if the standards are consistent with the backgrounds (at the time of selection) of competent employees currently in the job, it is likely that the OPM standard is appropriate. If it is determined that the OPM standards are inappropriate based on the above conditions, the Selecting Official may request a modification or development of new standards by the Personnel Officer. Modifications may also be made by using selective placement factors, with the approval of the Personnel Officer. For example, a position in a particular location may require knowledge of a language other than English. This requirement may not be covered in the minimum qualifications standard, but may be essential to acceptable performance for a job in a particular location.

**7-6.1.2 Identifying Rating Factors**

(1) Rating factors are those KSAOs that identify the better candidates from a group of individuals at least minimally qualified for a position. Rating factors are needed to help distinguish the most qualified candidates from among a pool containing people with, frequently, a broad range of experiences, education or training and different levels of expertise of the KSAOs. Appropriate rating factors can be determined by a review of an up-to-date position description; interviews with subject-matter experts, supervisors or clients; and manuals, logs or training materials. KSAOs that can be learned within a reasonable period of time after assuming the duties of the position and those that cannot be effectively measured are not appropriate for use in the selection process and should be eliminated.

(2) Once essential KSAOs are identified, the best method to measure them must be determined. These methods can include a written, performance, or work simulation test or exercise, and/or an evaluation of training and experience and/or a structured interview. If a written, performance or work simulation test or exercise is used to measure essential KSAOs, ensure that approval of the Personnel Officer is received before incorporating it into the selection process. For the majority of competitive selections an evaluation of training and experience and/or a structured interview should be used. These measures are designed to obtain information concerning a candidate's past experiences that indicates whether he/she would be successful at future similar experiences.

(3) If all KSAOs identified for selection cannot be measured by either a written, performance, or work simulation test or exercise and/or an evaluation of training and experience, an interview is necessary. The KSAOs measured in the interview should generally be different from those KSAOs that are being measured by the other procedures. However, it may be desirable to assign greater weight to a particular KSAO for a given position, and to measure the KSAO in multiple ways in order to get a more complete assessment of an individual's skill level. Whatever measures are to be

used must be decided before the vacancy is advertised and those same KSAOs must be used through final selection.

(4) KSAOs selected to be measured for the training and experience procedure should be those that can be demonstrated by specific achievements, experience, or training. For example, "planning" is a KSAO that can be described in terms of a specific accomplishment. "Analytical ability" on the other hand, is very broad and abstract and it may be difficult to describe a specific accomplishment related to this type of KSAO.

(5) KSAOs to be measured by the interview should be those that can elicit specific, detailed, or up-to-date information from the candidate. Also, KSAOs such as oral communication, and verbal comprehension can be best observed and measured during the interview.

### **7-6.1.3 Working Conditions**

Any unusual conditions that are essential for successful performance and are beyond what is normally required of most employees should be identified. Such things as frequent travel, odd working hours, physical demands, hazardous duties or environment are all conditions of employment that should be described in the position description and these conditions should be made known to prospective candidates. Only those candidates willing to work under the identified conditions, with or without reasonable accommodation, will be further considered in the selection process.

### **7-6.2 Qualified Candidates (Formerly 7-4.1.1.)**

(1) A pool of qualified candidates may be composed of:

(a) federal candidates (individuals currently employed by the federal government or who are eligible for reinstatement); and/or

(b) all-source candidates (any individual, usually individuals not employed by the federal government, such as private sector employees and students).

(2) Federal candidates (FBI and other federal employees) are considered for vacant positions under the merit procedures outlined in this plan.

(3) All-source candidates may be evaluated in a similar fashion as federal candidates, with the provision that veterans' preference points must be given to candidates who claim such preference.

#### **7-6.2.1 Area of Consideration (AOC) (Formerly in 7-4.1.1.)**

(1) The AOC must provide the Selecting Official with a choice from among a reasonable number of qualified candidates. Since the area of consideration determines who will be considered for competitive selection, it is important that it be broad enough to uphold basic merit principles of open competition, equal opportunity, and identification of the best qualified candidate(s). The area of consideration may not be established in such a way that it gives unwarranted consideration to a particular individual or group, nor may it be expanded solely to recruit members of a particular group. Only applicants within the AOC may be considered for selection.

(2) Limited vs. Expanded AOC: Each division/office, with the concurrence of the Personnel Officer as necessary, will establish the AOC based on its funded staffing level (FSL) and any overhire authority for the vacancy. A separate determination must be made whether or not to pay relocation expenses. This decision will be authorized by the Personnel Officer based on the needs of the FBI, the adequacy of the candidate pool within the local commuting area, and the availability of transfer funds. Selectees who reside within the local commuting area (usually a 50-mile radius) are not eligible for relocation expenses.

(a) Limited AOC: Division Only

The AOC may be limited to the division/office with the vacancy when the division/office is at or above its FSL and does not have overhire authority for the vacancy. Only FBI candidates assigned to the division with the vacancy will be considered. Even when divisions share a local commuting area, such as FBIHQ divisions or Newark/New York divisions, only candidates from the division with the vacancy will be considered. Division management has the option of further limiting the AOC to those division employees who work within the local commuting area of the vacancy. No relocation expenses will be paid by the FBI.

(b) Expanded AOC: FBI, other federal and/or all- source applicants

The AOC may be expanded when division/office is under its FSL or has overhire authority for the vacancy and recruiting within the division/office is unlikely to produce an adequate pool of candidates. The division/office has three options in defining an expanded AOC:

1. FBI employees only. This choice should be made when it is likely that recruiting among on-board FBI employees will produce an adequate pool of qualified candidates.
2. All federal candidates (FBI and other federal employees). This choice should be made when it is likely that recruiting among all federal employees will be necessary to produce an adequate pool of qualified candidates.
3. All sources: all federal (FBI and other federal employees) and nonfederal candidates. This choice should be made only when it is expected that recruiting among the general population will be necessary to produce an adequate pool of qualified candidates. Typically this will occur when the vacancy to be filled is in a highly specialized or competitive field.

The decision whether or not to pay relocation expenses will be authorized by the Personnel Officer based on the needs of the FBI, the adequacy of the candidate pool within the local commuting area, and the availability of transfer funds.

### **7-6.2.2 Vacancy Announcements (Formerly in 7-4.1.1.)**

(1) Vacancy announcements are the means by which potential applicants are notified of the position vacancy and may be in written or electronic format. These announcements must contain title, grade, series, and duties of the position; the location at which the position will serve; working hours; promotional opportunities; area of consideration; minimum qualification standards; written, performance or work simulation test or exercise to be administered; KSAOs that the applicant must respond to in the application; unusual working conditions; application process; including the opening and closing dates of the announcement; and an explicit statement regarding equal



SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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employment opportunity and that candidate(s) may request a reasonable accommodation due to physical and/or mental disability.

(2) The vacancy announcement must state whether or not relocation expenses will be paid by the FBI and any restrictions on payment (e.g., only those selectees who reside outside the local commuting area will be eligible for relocation expenses).

(3) The vacancy announcement must state if the position is a temporary or term position and, if so, the expected time limit (not-to-exceed date), and the provisions for return of the employee to a permanent position at the end of this assignment. If applicable, the announcement should also state that the position may be made permanent without further competition.

(4) If the AOC is expanded to include applicants outside of the FBI who are current employees of the federal government or former employees of the federal government with reinstatement eligibility, the vacancy announcement must have a statement requiring the applicant to submit a copy of his or her most current Notification of Personnel Action, SF-50, and a copy of his or her most current performance appraisal.

(5) If the AOC is expanded to include all-source applicants, the vacancy announcement must have a statement about veterans' preference. Veterans claiming preference must submit a copy of their Certificate of Release or Discharge from Active Duty, DD-214. Veterans on active duty at the time of application may submit a letter from his/her commanding officer or military personnel office stating his/her dates of service, rank, campaign badges or medals awarded, type of separation he/she will receive, and projected character of service (e.g., honorable, general). Veterans, spouses, widows, widowers, or mothers of veterans claiming 10-point preference must also, in addition to the DD-214, submit an Application for 10-point Veteran Preference, SF-15, and the documentation required by the form.

All-sources announcements must include a statement that current federal employees and former federal employees with reinstatement eligibility who wish to be considered as both federal and all-source applicants must indicate this on their applications.

(6) The standard period of time a vacancy announcement will be posted is ten (10) workdays; the minimum period is five (5) workdays. The appropriate length of time for the announcement to remain open is dependent on the likely size of the applicant pool and the urgency of the need to fill the vacancy. Hard-to-fill positions may be posted indefinitely with pre-established application cut-off periods. Approval of the Chief of the Staffing Unit must be obtained prior to posting a vacancy announcement that deviates from this policy. Closing dates for the submission of applications will be strictly followed.

(7) Vacancy announcements must be uploaded into the division's file in the FBI's Automated Case Support (ACS) system within one day of the opening date of the posting. Vacancy announcements for positions open to applicants outside the FBI (i.e., other federal and/or all-source applicants) must be posted on the OPM's website, USAJobs, by FBIHQ human resources personnel.

(8) To ensure that all applicants for employment and advancement receive fair and equitable consideration, it is important to consistently adhere to published requirements (e.g., minimum qualifications, KSAs, opening and closing dates). Changes made to significant portions of the

SENSITIVE

announcement after it has opened must be published in the form of an amended vacancy announcement.

(9) All applicants must meet specialized experience requirements within 30 days of the closing date of the announcement. Copies of relevant documents, such as SF-50s, DD-214s, college transcripts, performance appraisals, and/or any additional required documentation must be received in the Staffing Unit by the closing date of the announcement. (Official college transcripts may be required before final approval of selection.) Applications for which all required documentation is not received by the closing date of the announcement will not receive further consideration, except in unusual circumstances.

### **7-6.3 Measuring Rating Factors (See MAOP, Part 1, 7-6.4.)**

Qualified candidates are to be evaluated in accordance with their relative demonstration of possession of the KSAOs for a position. To determine the extent to which the candidates possess the KSAOs, the selection process uses a combination of a training and experience evaluation, a structured interview, and/or written, performance or work simulation tests or exercises. Unless specific measures have been approved and mandated for use by the Personnel Officer to fill a specific position, it is the responsibility of the Selecting Official to determine which measures will be appropriate for each selection by following the guidance in this plan. When federal and all-source candidates are being considered for a position, care must be taken to ensure that all are evaluated according to the same measures.

#### **7-6.3.1 Tests (Formerly 7-7.2.4.) (See also MAOP, Part 1, 7-4.3.)**

Only written, performance or work simulation tests or exercises previously approved by the Personnel Officer may be used as part of the selection procedures for a position. Approved tests include the following:

- (1) The official FBI typing performance test must be used to measure typing speed and accuracy for positions that require a qualified typist, including positions with parenthetical "Typing" or "Data Transcriber" in the official title.
- (2) The Police Officer Selection System must be used to measure specific KSAOs for the Police Officer position. (3) The Clerical Selection Battery (CSB) must be used to measure specific KSAOs of all-source candidates for specific clerical positions.
- (4) Language aptitude and/or ability tests must be used for the Language Specialist position(s).

As positions change in terms of duties and responsibilities or as studies are completed for existing positions, new assessment tools will be approved for use and appropriate publicity afforded. Once approved by the Personnel Officer and disseminated, the use of specific assessment tools is generally mandatory.

#### **7-6.3.2 Training and Experience (Formerly 7-7.2.1.)**

(1) The training and experience measure is a self-reported description of accomplishments relevant to KSAOs required for a job. Typically, the information provided by the candidate focuses on training, education and prior work experience.

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(2) To evaluate the information provided on the applications, a crediting plan must be developed before the position is posted. The crediting plan may be generic or job specific. The candidate must meet all the requirements for a level to receive the associated points on the generic crediting plan listed below:

**OUTSTANDING - 5 points**

Candidate has performed the duties of this position requiring this KSA (e.g., through temporary promotion or detail), or has had advanced education/training directly related to this KSA. Experience, education and training indicate he/she can perform the functions of this position requiring this KSA immediately, with only minimum indoctrination.

**ACCEPTABLE - 3 points**

Candidate has performed duties related to the duties of this position requiring this KSA or has had education/training in a field generally related to this KSA. Experience, education and training indicate he/she shows potential to perform the functions of this position requiring this KSA after acquiring additional formal education/training or more than six months of on-the-job experience.

**LIMITED - 1 point**

Candidate has performed duties generally related to the duties of this position requiring this KSA but evidence reflects this performance is at an apprentice/trainee level; education/training reflects the ability to learn aspects of this KSA. Experience, education and training indicate he/she would require extensive formal education/training or on-the-job experience to acquire full possession of this KSA.

**UNACCEPTABLE - 0 points**

Fails to meet the Limited level.

(3) A job specific crediting plan is accomplished by describing education, training and experience examples for each KSAO at different levels, i.e., Outstanding, Acceptable, Limited, and Unsatisfactory. For example, if a position requires that candidate(s) demonstrate an "ability to use regulatory material," the crediting plan might include general definitions for the levels of performance such as:

Outstanding - 5 points INTERPRETS regulatory material;

Acceptable - 3 points APPLIES regulatory material;

Limited - 1 point COLLECTS regulatory material; and

Unsatisfactory - 0 points DOES NOT USE regulatory material.

Each KSAO in the application is evaluated by comparing the past education, training, and experience of the candidate with the crediting plan and assigning a rating. A crediting plan ensures that each candidate is evaluated consistently against the same education, training and experience examples.

SENSITIVE

**7-6.3.3 Interview (Formerly 7-7.2.5.)**

(1) The interview measure is a structured means of orally collecting information concerning a candidate's possession of knowledge, skills, abilities or other characteristics needed for acceptable job performance. The interview focuses on what the candidate has done in the past that can be used to predict his or her future behavior. There are four general types of interview questions:

(a) TRAINING AND EDUCATION questions assess the KSAOs by probing an individual's training or educational background and are used primarily to solicit information regarding the relevance of the applicant's training or education to the position.

(b) JOB KNOWLEDGE questions focus on an individual's knowledge of one or more job-related areas. This type of question is most useful to assess the specific knowledge level that is required for the job, ensure the applicant understands and is knowledgeable about a specific topic, and to obtain information about an applicant's knowledge of current technology, state-of-the-art methods, etc.

(c) EXPERIENCE questions are asked to solicit KSAO information from the job experiences an individual has had.

(d) PERSONAL CHARACTERISTICS questions assess KSAOs, such as interpersonal skills, that do not fit in other categories such as interpersonal skills. These questions are tailored to solicit performances in work and nonwork situations to demonstrate examples of specific KSAOs.

(2) The interview must be structured in terms of the behaviors and responses to be observed, the evaluation standards to be applied, and the procedures for conducting the interview session. The interview should be structured so that information to be obtained is well defined. Interviewers must take special care to record responses in a consistent manner and not ask questions which violate equal employment opportunity laws or protections offered under the Rehabilitation Act and the Age Discrimination in Employment Act.

(3) Each interview question must be designed to obtain useful information to allow for a measurement of a specific KSAO required for selection. The questions should be geared to obtain the same depth, scope and kinds of information from each candidate. A crediting plan must be established for each interview question at different levels, i.e., Outstanding, Acceptable, and Limited. The crediting plan must be developed at the same time as the questions are developed and in advance of the actual interview and serves as a gauge by which a candidate is compared and evaluated. Each candidate must be evaluated on his/her responses to the interview questions. Additional follow-up questions may be asked until the interviewer(s) has obtained enough information to rate the response to the question.

(4) When an interview is part of the selection procedures, the top scorers from the training and evaluation and/or test measure(s) may be selected for interview. The interviewer, or each career board member, must record the responses to the questions and rate the response by using the standards previously developed for the position. Responses should be rated immediately following each interview. If the interview is conducted by the career board, the responses must be rated independently and then discussed to reach a consensus rating. If a consensus is not possible, the scores may be averaged to determine the candidate's final score for the interview. The career board members are responsible for recording their ratings and the reasons for same.

#### **7-6.4 Selection Process**

For some positions, e.g., Police Officer and Language Specialist, set procedures are specifically defined by the Personnel Officer and must be followed as published. For all other positions covered by this policy, the following steps are to be taken. At the first stage, applicants must be screened to determine if they meet minimum qualifications. Next the rating factors are evaluated through the selection tools described in MAOP, Part 1, 7-6.3. Candidates are then grouped according to the scores achieved (and in the case of all-source candidates, by veterans' preference category). A selection is made, and a request for approval of that selection is forwarded to the Personnel Officer. These stages are accomplished by a Career Board, Qualifications Review Board (QRB), or Selecting Official, depending on the position to be filled, as described below.

##### **7-6.4.1 Selecting Official (Formerly 7-7.1.2.)**

The Selecting Official is responsible for ensuring that the competitive process is conducted in accordance with merit principles. The Selecting Official is generally encouraged to use a career board and/or Qualifications Review Board to perform a part of the selection process, for the reasons described below, but may choose to complete the rating process personally where the circumstances warrant. However the process is completed, the selection recommendation must be made by the Selecting Official and then be reviewed and approved by the Personnel Officer.

##### **7-6.4.2 Career Boards and Qualifications Review Boards (Formerly in 7-7.1.1 and 7-7.1.3.)**

A career board and/or Qualifications Review Board (QRB) is a group of three to five individuals formed to evaluate and rate candidates' KSAOs. For most competitive selections, a career board or QRB provides credibility to the fairness and impartiality of the selection process. A career board provides a panel assessment of the candidates' overall qualifications, offering the Selecting Official the benefit of a group of subject matter experts; a QRB provides in-depth assessment of the technical qualifications of candidates for professional and/or technical positions. The Selecting Official may choose to use either, both, or neither, depending on the nature of the position being filled. Neither a career board nor a QRB is required for competitive actions if the Selecting Official can ensure fair and impartial selection decisions without same.

All career board and QRB deliberations must be recorded and maintained as part of the selection file. Someone trained in staffing procedures may serve as an advisor to the career board or QRB.

(1) CAREER BOARD: The Selecting Official is responsible for convening the members of the career board. This board is composed of experienced support and/or Special Agent personnel who are familiar with the qualifications required for the position. Career board members are to be selected carefully and trained in evaluation procedures. Every career board member and nonvoting observer should be at least one grade higher than the position unless it is documented by a signed statement from the individual that he/she will not be in competition for the position. In this case, the member can be the same grade. The career board should include minority representation, whenever possible, either as a voting member(s) or as a nonvoting observer(s). The Selecting Official must not be a voting member. In offices where circumstances may cause bias to be

introduced or perceived in the process, a career board composed of employees from other offices may be formed.

Prior to any career board deliberations of individual candidates, career board members must be familiar with the merit principles contained in this plan, the KSAOs of the position and how they are being measured, and the crediting plan and how it is to be applied in the specific evaluation. Once evaluations have started, no changes to the membership of the career board can be made, unless an exception is requested from and approved by the Staffing Unit, Administrative Services Division.

(2) **QUALIFICATIONS REVIEW BOARD (QRB):** A QRB evaluates only the technical qualifications of the candidates for professional and/or technical positions. A QRB is composed of individuals who are expert in, or have significant knowledge of, the discipline or occupational category of the position being filled. This is normally used for professional and/or technical positions. QRB members must be familiar with the qualifications required for the vacant position and the provisions of the Merit Promotion and Placement Plan. Members are to be at least one grade higher than the vacant position, unless it is documented that the member will not be in competition for the position, then he/she may be the same grade. QRB members are to be selected carefully and trained in evaluation procedures. The results of the QRB process are forwarded to the Selecting Official who may make a selection decision at that point or may convene a career board to complete the evaluation process if he/she determines that additional assessment is necessary.

#### **7-6.4.3 Selection of Candidate(s) (Formerly in 7-6.4.4, 7-6.4.5, and 7-7)**

(1) Following initial screening, all applications and answers to KSAs must be evaluated by using the crediting plan developed for the position. If this responsibility has been delegated to a career board or QRB, evaluations must be made independently by each member and then discussed at the career board/QRB meeting to reach a consensus rating. If a consensus is not possible, the scores may be averaged to determine the candidate's final score for the interview. When the vacant position(s) does not require KSAs, the selection process will be based on testing and interview scores.

(2) For federal candidates, the following procedures should be used to develop a group of best qualified candidates.

(a) When an interview is part of the selection procedures, the top scorers from the above measure(s) may be selected for interview. The interviewer, or each career board member, must record the responses to the questions and rate the response by using the standards previously developed for the position. Responses should be rated immediately following each interview. If the interview is conducted by the career board, the responses must be rated independently and then discussed to reach a consensus rating. If a consensus is not possible, the scores may be averaged to determine the candidate's final score for the interview. The career board members are responsible for recording their ratings and the reasons for same.

(b) A "best qualified" group of federal candidates is reached when all measures have been completed (i.e., training and experience evaluation and/or interview). Scores from each measure should be combined to obtain a final score. The "best qualified" group consists of those candidates

whose scores are significantly higher than the majority of the candidates, and who are, for all intents and purposes, equally well qualified.

(3) For all-source candidates, an All-Source Certificate is developed rather than a "best qualified" group. There are two options for establishing the Certificate:

(a) Conduct interviews of ALL minimally-qualified candidates so that the combined interview and KSA scores and veterans' preference category will be used to establish the All-Source Certificate;  
OR

(b) Select candidates based on KSA scores and veterans' preference category, with no interview (e.g., when the number of candidates makes interviewing all minimally qualified candidates unreasonable). When this option is chosen, the Selecting Official may then interview the three highest-ranked candidates (Rule of 3) to assist in making a selection decision, if desired.

(4) Only certified human resource personnel can adjudicate veterans' preference and construct an All-Source Certificate. The Selecting Official must advise the designated human resource representative of his/her preference from (3)(a) or (3)(b), above. The designated representative will then adjudicate veterans' preference and provide the selecting official with the top three candidates for selection (Rule of 3).

(a) Evaluation scores used to establish an All-Source Certificate (KSA or KSA/interview) must be converted to a 100-point scale.

(b) Candidates are placed on the All-Source Certificate according to their veterans' preference category and final scores, as specified in Title 5, Code of Federal Regulations (CFR), Part 302, Subpart C. Any deviation from the above procedures for all-source candidates must be approved by the Personnel Officer and documented in accordance with Title 5, CFR, Part 302.

(5) The Selecting Official may choose any candidate from the list of best qualified federal candidates, inasmuch as these candidates are determined to be, for all intents and purposes, equally well qualified or the Selecting Official may select from among the Rule of 3 (all-source candidates) in accordance with Title 5, CFR, Part 302.401. Neither the federal list nor the All-Source Certificate has preference; the Selecting Official may choose from either. If there are multiple vacancies, the Selecting Official may select from either or both lists.

#### **7-6.4.4 Revised and Moved to 7-6.4.3 (Formerly 7-8.)**

#### **7-6.4.5 Revised and Moved to 7-6.4.3 (Formerly 7-9.)**

#### **7-6.5 Notification of Results (Formerly 7-11.)**

(1) The Selecting Official has 45 days from the date the list(s) of minimally qualified candidates was issued to make a selection, unless an extension is requested from and approved by the Staffing Unit, Administrative Services Division.

(2) The vacancy announcement may be canceled at any time by the Selecting Official, who is then responsible for submitting appropriate documentation to the Personnel Officer as to the reason(s).

(3) Additional selections may be made from a properly established best qualified list or All-Source Certificate within 90 days of the date the original minimally qualified list was issued, provided the positions to be filled have the same title, series and grade, are in the same area of consideration as the position announced, and the qualification requirements are the same.

(4) Following selection of a candidate for a position and approval by the Personnel Officer, the results must be communicated by an official communication announcing the selection which is uploaded into the division's file in the FBI's Automated Case Support (ACS) system. A decision not to make a selection must be communicated through the same mechanism. Subject to the direction of the head of office, this information may also be posted on a centrally located office bulletin board.

(5) Any candidate shall, upon specific request, be advised whether he or she met the minimum qualification standards for the position. When not otherwise prohibited, the candidate may be provided with his/her total score on each measure but may not be informed of specific ratings or scores received by other candidates, or permitted to review the crediting plans, interview questions or any testing materials.

#### **7-6.6 Release of Candidates (Formerly 7-12.)**

(1) Any FBI candidate selected as a result of a competitive staffing action must be released from his/her current position on a timely basis. Personnel actions will be effective the date the employee reports to his/her new assignment except when the personnel action results in a change of pay, in which case the effective date must coincide with the beginning of a pay period.

(a) If the new assignment is within the selected candidate's local commuting area and includes a promotion, the candidate must report to his/her new assignment within two weeks following the approval of his/her selection by the Personnel Officer (or designee).

(b) If the new assignment is within the selected candidate's local commuting area and does not include a promotion, the candidate must report to his/her new assignment within 30 days following the approval of his/her selection by the Personnel Officer (or designee).

(c) If the new assignment requires that the candidate relocate to a different commuting area, the employee has 90 days in which to report to the new duty station from the date of his/her transfer letter. Where possible, the report date should coincide with the beginning of a pay period.

(d) Employees may be released to perform the duties of the new position prior to receiving official approval by the Personnel Officer; however, the selected individual must be advised that permanent assignment is contingent upon obtaining this final approval.

(e) Selecting Officials may need to coordinate a return of the employee for a minimal period after the action is effective to complete an unfinished project or other critical work.

(2) The official request for the release of an employee selected to fill a vacancy at FBIHQ and/or the selection of a candidate from outside the FBI will be made only by the Personnel Officer or his/her designated representative.



**7-6.7 Maintenance of Records and Privacy Safeguards (Formerly 7-13.1 and 7-13.2)  
(See MAOP, Part 1, 22-5.3 (5) and 22-5.6 (15)(d); Part 2, 2-4.5.23 (27).)**

Selection files must be maintained in such a manner that all steps of the staffing action can be reconstructed. Each field office and FBIHQ division will be responsible for the maintenance of its selection files, which must be secured in a location(s) with limited access. The location and eligibility for access is to be determined by the division/office head. Selection records must be safeguarded and released only to authorized persons, such as the head of office/division, EEO investigator, or Inspector. A release form must be completed indicating that the original selection file is being provided and must be returned to that location. The selection file may be destroyed five (5) years after Personnel Officer approval of the final selection by the Selecting Official, or after final adjudication of any litigation, whichever is later. Any electronic copies of the selection documentation that are created on electronic mail and word processing systems, and used solely to generate a recordkeeping copy for the actual selection file, may be destroyed within 60 days after the recordkeeping copy has been produced. All time limits for filing of a grievance, complaint, or appeal must have expired prior to destruction. Any selection file which is the subject of litigation will be retained for the purposes of litigation, regardless of the length of time. Contents of the selection file must include:

- (1) A copy of the vacancy announcement.
- (2) Names of all applicants and the applications received from each.
- (3) Names of candidates who met minimum qualifications.
- (4) Copies of all best-qualified lists and All-Source Certificates generated for the Selecting Official, including which candidates received veterans' preference points.
- (5) Results of any written, performance or work simulation test or exercise.
- (6) Training and experience crediting plan, signed evaluations, and the score given on each rating factor for each candidate.
- (7) If an interview is used, names of candidates who were selected for same.
- (8) Interview questions, crediting plan, notes of Selecting Official or career board members, signed evaluations, and the score given for each candidate.
- (9) Names, titles and grades of all individuals involved in evaluation of candidates' qualifications; information on any non-voting members/observers; and a statement from any member/observer who is the same grade as the vacancy that he/she will not compete for this position in the near future.
- (10) Any document formalizing selection (i.e., copy of SF-52 or other formal memoranda).
- (11) A copy of the communication that was uploaded into ACS announcing the selection results and copies, if any, of communications sent to advise those candidates not selected.
- (12) Recordings of all career board and Qualifications Review Board (QRB) deliberations, clearly labeled with the date, position, and vacancy number.

## **7-7 GRIEVANCE PROCEDURES (Formerly 7-14.) (See also MAOP, Part 1, 14-7.)**

(1) The FBI's policy is to administer a personnel program that promotes good employee/management relationships. The success of any organization depends on the confidence of its employees that their questions, concerns or dissatisfactions will receive a timely and constructive response, as well as fair and equal treatment. This section defines certain responsibilities regarding the grievance process with regard to actions covered by the Merit Promotion and Placement Plan and sets forth employee rights in that process.

(2) An employee who believes that merit principles as set forth in this plan have not been followed has a right to present a grievance to the appropriate management official(s) for prompt and equitable consideration, with freedom from restraint and without fear of reprisal, coercion, or interference. The employee should discuss with the Selecting Official any matter of concern or dissatisfaction regarding a particular selection action and should attempt to resolve the problem(s) prior to filing a grievance. This informal resolution step should be followed prior to submission of a grievance to the Personnel Officer.

(3) The Selecting Officials should ascertain all pertinent information bearing upon each grievance or potential grievance being brought to his/her attention.

(4) There are certain matters which are not appropriate for the grievance procedure. The following matters are EXCLUDED from this procedure:

(a) nonselection for promotion or reassignment from a group of candidates deemed best qualified in accordance with the procedures described within this plan;

(b) failure to receive a noncompetitive promotion;

(c) an action at the expiration of a temporary or time-limited promotion which returns an employee to his/her former position at the former grade, or to a different position of equivalent grade and pay, from which the employee was temporarily promoted; and

(d) an action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee, such as the assignment of an employee from one geographical location to another.

(5) A grievance concerning a particular act or occurrence should be presented in writing not later than 15 calendar days after the date of the act or occurrence, or not later than 15 calendar days after the date on which the employee learned of the act or occurrence. Within the FBI, such grievances are to be submitted only to the Personnel Officer. The Personnel Officer will determine the appropriate organizational level for resolution.

(6) Provisions for redress are also available through the Equal Employment Opportunity (EEO) complaint system for employees who believe they have been discriminated against on the basis of race, color, religion, sex, sexual orientation, parental status, national origin, age, physical or mental disability, or reprisal. However, the employee must contact an EEO Counselor within 45 calendar days of the action in question if he or she believes the action is a result of discrimination on any of the foregoing bases. Failure to contact an EEO Counselor within 45 calendar days of the alleged discriminatory action will result in forfeiture of the complainant's right to pursue a claim of discrimination.

### **7-7.1 Priority Consideration**

(1) Priority consideration will be given to employees who failed to receive proper consideration in a competitive action. If it is determined that an employee was improperly denied inclusion on a referral list of qualified candidates under the Merit Promotion and Placement Plan, or was not selected solely because of nonmerit factors, the employee will be afforded one priority consideration for the next appropriate vacancy. The "next appropriate" vacancy is defined as one which meets all of the following conditions:

- (a) A similar type of position in the same pay system as the position for which the candidate failed to receive proper consideration; and
- (b) A position for which the candidate had indicated interest; and
- (c) A position for which the candidate is highly qualified.

(2) Priority consideration is given in advance of the referral process and the employee is entitled to consideration but there is no "entitlement" to selection. Employees entitled to priority consideration should continue to apply for all positions for which they desire competitive consideration.

(3) Decisions to grant priority consideration must be approved by or originate with the Personnel Officer.

**7-7.1.1 Revised & Moved to 7-6.4.2**

**7-7.1.2 Deleted**

**7-7.1.3 Revised & Moved to 7-6.4.2**

**7-7.2 Deleted**

**7-7.2.1 Revised & Moved to 7-6.3.2**

**7-7.2.2 Deleted**

**7-7.2.3 Revised & Moved to 7-4.1**

**7-7.2.4 Revised - See 7-4.3 & 7-6.3.1**

**7-7.2.5 Revised & Moved to 7-6.3.3**

**7-8 REVISED & MOVED TO 7-6.4.4**

**7-9 REVISED & MOVED TO 7-6.4.5**

**7-10 REVISED & MOVED TO 7-4.4**

**7-10.1 Deleted**

**7-11 REVISED & MOVED TO 7-6.5**

**7-12 REVISED & MOVED TO 7-6.6**

**7-13 DELETED**

**7-13.1 Revised & Moved to 7-6.7**

**7-13.2 Moved to 7-6.7**

**7-14 REVISED & MOVED TO 7-7**

**7-15 DELETED**

**7-16 DELETED**

**7-16.1 Deleted**

**7-16.2 Deleted**

**7-16.3 Deleted**

**7-16.4 Deleted****7-17 DELETED****7-18 TERM PROMOTIONS FOR SUPPORT PERSONNEL**

At management discretion a vacant position may be filled by the term or temporary promotion of a qualified and eligible employee. A term promotion is a promotion of an employee to a higher grade level for a defined period of time to handle a specific assignment, project or duties and responsibilities which can be accomplished within that time frame. Competitive selection procedures must be employed to select an individual for a term promotion. When a position is filled by a term promotion, unless otherwise specified in the announcement which advertised the vacant position, the employee will be returned to his/her permanent grade at the conclusion of the term or, where circumstances warrant to a position above his/her permanent grade level for which he/she is qualified. The duration of a term promotion may be set by a division/office head with the concurrence of the Personnel Officer for any period of time not less than 120 days or more than three years' duration. A term promotion may be extended by the Personnel Officer in one-year increments, for a maximum period, to include extension(s), not to exceed five years.

**7-19 TEMPORARY PROMOTIONS FOR SUPPORT PERSONNEL**

(1) A temporary promotion is a nonpermanent promotion of an employee to a higher grade position for a specified period of time, not less than 60 days nor more than one year in duration. If the assignment and, therefore, the temporary promotion is expected to equal or exceed 120 days' duration, competitive selection procedures, consistent with the Merit Promotion and Placement Plan for Support and Service Personnel, must be employed. Any posting or advertisement of a temporary promotion must include a statement that a temporary promotion assignment may be ended at any time at the discretion of management. Unless otherwise specified in the announcement which advertised the vacant position, at the conclusion of the temporary promotion the employee must be returned to his/her permanent position or, where circumstances warrant, to a position at or above his/her permanent grade level for which he/she is qualified.

(2) The duration of a temporary promotion may be set by a division/office head with the concurrence of the Personnel Officer for a period of not less than 60 days. Temporary promotions may be extended by the Personnel Officer for an additional period(s) of 60- day increments. The maximum period of a temporary promotion, to include any period of extension(s), will not exceed one year.

**7-20 SUPPORT PERSONNEL ASSIGNMENTS TO NONFOREIGN DIVISIONS OUTSIDE THE CONTINENTAL UNITED STATES (CONUS)**

(1) Support vacancies at nonforeign divisions outside CONUS are filled as permanent assignments. To be eligible for authorized relocation expenses, the individual selected must agree to remain in the service of the government for a specified period of service not more than three (3) years from the effective date of transfer. If the individual fails to complete at least 12 months of the service agreement, he/she must repay the relocation expenses incurred to transfer the individual to the

nonforeign assignment. If the individual fails to complete the entire agreed-upon period of service, the individual is also not eligible for return transfer benefits.

(2) If an employee assigned to a nonforeign division desires to transfer to CONUS, the employee has two options:

(a) compete for a position, or

(b) pursue a transfer utilizing established transfer policy, as found in MAOP, Part 1, 11-17.

Transfers to CONUS will not be approved merely based on a request for transfer. If the employee pursues a no-cost transfer, travel and transportation expenses will be allowed, but may not exceed the amount which would have been allowed to return the employee to the old CONUS duty station.

## **7-21 SUPPORT PERSONNEL ASSIGNMENTS TO LEGAT OFFICES**

(1) Support vacancies in Legat offices are filled as temporary assignments, with no time limitation attached to the position or grade. Legat support employees may progress through the career ladder to the GS 10 level with permanent promotions.

(2) All support employees selected for a Legat position are required to sign a statement specifying their agreement to return to their prior position and grade upon completion of the Legat assignment, unless the employee has competed and been selected for another position. This agreement must be signed prior to reporting to the Legat assignment. Support employees reporting for a Legat position will have their previous position encumbered. The vacated position is obligated until the completion of the Legat assignment. This obligated position can only be filled on a temporary basis while the employee serves in the Legat assignment. Upon completion of a Legat assignment, the employee returns to the position and grade held in his/her previous office of assignment, unless the employee has competed and been selected for another position. If the grade the employee returns to is lower than the grade held in the Legat office, Highest Previous Rate (HPR) will be used to set pay.

Legat support employees are eligible to apply for all field office and FBIHQ vacancies.

## **7-22 INTELLIGENCE ANALYST INTERNAL VACANCY OFFER AND WITHDRAWAL POLICY**

(1) Withdrawing from Vacancies: Once a candidate has placed an application into the hiring pool for a job vacancy or canvass, the candidate has thirty (30) days from the closing date of the vacancy or canvass to withdraw from any job posting without a penalty.

After the 30-day period, if the candidate decides to withdraw, he/she will not be able to apply for future vacancies ([www.fbijobs.gov](http://www.fbijobs.gov) or internal canvasses) for 180 days. If the candidate has applied for more than one job vacancy or canvass at the time of withdrawal, he/she will only be withdrawn from the position specified, and **will not** be required to withdraw from all vacancies or canvasses for which they may be a candidate. If the candidate withdraws from more than one (1) vacancy or canvass after the 30-day period, the 180-day penalty will start from the date of the most recent withdrawal.

SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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A candidate may withdraw from positions by sending an electronic communication (EC) to the Unit Chief (UC), ICMS/IPRU stating the position name, location, and position number.

(2) Accepting/Declining Offers: If a candidate is selected for a position, the candidate has 48 hours to accept or decline the offer via e-mail format to the Staffing Unit, Division point of contact, and IPRU. If the candidate accepts the position, they will be removed from consideration for all other vacancies (locations). If the candidate declines the position, they are still eligible for any position for which they have previously applied and no selection has been made.

If the acceptance or declination of a position is not made within 48 hours, the offer will be rescinded and the candidate will be removed from consideration in other locations. The candidate will be barred from applying for a new position for 180 days.

If a candidate declines all positions he/she applied for, he/she will not be able to apply for future vacancies for one (1) year.

SENSITIVE

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ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

## | SECTION 8. |COMPENSATION|

\*\*EffDte: 01/27/1988 MCRT#: 0 Div: D3FD Cav: SecCls:

### | 8-1 AVAILABILITY PAY FOR CRIMINAL INVESTIGATORS |(See MAOP, Part 1, 20-28.)|

\*\*EffDte: 08/27/2003 MCRT#: 1293 Div: D3 Cav: SecCls:

#### | 8-1.1 |Authority

| Availability Pay is authorized by Section 5545a of Title  
| 5, United States Code and Part 550 of the Code of Federal  
| Regulations.|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

#### | 8-1.2 |Basic Requirements

| Each criminal investigator whose average of unscheduled  
| work hours is certified to be (or certified as expected to be) at  
| least two hours per regular workday is entitled to Availability Pay in  
| the amount of 25 percent of basic pay.|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

#### | 8-1.3 |Definitions

| (1) REGULAR WORKDAY is a day during the basic 40-hour  
| workweek on which a Special Agent (SA) performs AT LEAST FOUR HOURS of  
| work that are not:

- | (a) unscheduled work hours,
- | (b) approved training time,
- | (c) time spent traveling under official travel



| orders, or

| (d) hours of approved leave or excused absence,  
| including holidays.

| (2) SA, for the purpose of this instruction, refers to  
| any SA or Supervisory SA in Grades GS-10 through GS-15.

| (3) UNSCHEDULED WORK HOURS are hours not part of the 40-  
| hour basic workweek during which actual work is performed that has not  
| been scheduled in advance of the administrative workweek. To be  
| credited as unscheduled work hours, such hours must be in excess of  
| the employee's scheduled eight-hour workday or 40-hour administrative  
| workweek.|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

#### **| 8-1.3.1 |Deleted|**

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

#### **| 8-1.3.2 |Deleted|**

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

#### **| 8-1.3.3 |Deleted|**

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

#### **| 8-1.4 |Eligibility (See MAOP, Part I, 8-1.6.)**

| Within the FBI, Availability Pay applies to all FBI SAs,  
| i.e., employees whose positions are classified as Criminal  
| Investigator, GS-1811, except:

| (1) Members of the Senior Executive Service;

| (2) Part-time employees; and

| (3) New Agents who have not completed new Agents training  
| at the FBI Academy. Availability Pay for new Agents will begin on the  
| first day of the first pay period after completion of new Agents  
| training.|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

### 8-1.5 Certification

(1) New Agents - Within ten days of reporting to the first duty station, whether from the FBI Academy or upon reinstatement, a new Agent must sign an initial Availability Pay certification. This initial certification will remain in effect until the next annual certification cycle, at which time the new Agent will recertify and thereafter recertify on the annual cycle. The original AVP certification is to be maintained in a central file in the office. Since these certificates do not constitute permanent records, no serialization is necessary. (See MAOP, Part 1, 8-1.6.)

(2) All SAs - Each year, each SA will recertify that he or she has met and will continue to meet the minimum requirement for eligibility. The original certification will be maintained in the office. The Personnel Policy Unit (PPU), Administrative Services Division (ASD), should be notified by an electronic communication when the certification process is completed. Specific procedures for conducting the annual certifications will be distributed by separate instruction.

(3) Every effort should be made to have each employee sign the certification within the specified deadline. However, if an SA is unavailable to sign the required certification in the time specified because of work requirements, extended leave, etc., written notification must be sent by electronic communication to the Assistant Director, Administrative Services Division, Attn: PPU. As soon as the SA becomes available, the form must be signed and dated by the employee and his/her supervisor and PPU must be advised.

(4) Refusal by an SA to certify as to future availability, unless an exception is granted under MAOP, Part 1, 8-1.13, may result in disciplinary action based upon insubordination up to and including removal.

(5) Certifications will be kept on file in the employee's office one month after the next annual certification is completed.

(6) A new certification will NOT be required if an SA transfers to a different office or otherwise changes supervisors in the middle of a certification period. The certification is deemed to be valid for the entire certification period.

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

### 8-1.6 Payment of Availability Pay

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(1) All eligible SAs will receive Availability Pay in the amount of 25 percent of the employee's rate of basic pay (including any applicable special salary rate, locality pay, interim geographic adjustment for law enforcement officers, and retained pay). Availability Pay will be paid only for periods of time during which the SA receives basic pay.

(2) Availability Pay is paid for all unscheduled work in excess of eight hours in a workday.

(3) Availability Pay continues during paid periods of:

(a) excused absence (such as annual, sick, military leave, or court leave, "administrative" leave, and holidays);

(b) officially approved training, except for initial basic training normally given in the first year as an SA (see, Sections 8-1.4 and 8-1.5(1) above); and

(c) officially approved travel (such as travel for purposes of relocation, investigative assignments, and training); and

(d) temporary duty outside of the SA's official position description (such as details and TDY).

(4) Availability Pay is used to compute:

(a) severance pay;

(b) retirement deductions and benefits;

(c) life insurance premiums and benefits;

(d) Thrift Savings Plan contributions;

(e) workers' compensation benefits;

(f) advances in pay; and

(g) lump sum payments for accrued annual leave.

(5) Availability Pay is subject to the biweekly limitation on premium pay (the greater of 150 percent of the minimum rate payable to GS-15 or the rate payable for Level V of the Executive Schedule; Title, 5, USC, Section 5547(c)) and the aggregate limitation on pay -- an employee's annual pay including base pay, availability pay, night differential, overtime, bonuses, and awards -- may not exceed the annual rate of basic pay for Level I of the Executive Schedule; Title 5, USC, Section 5307 (a)(1).

(6) An SA who receives Availability Pay may also receive:

(a) Night differential for night work that is part of the employee's regularly scheduled workweek;

SENSITIVE

(b) Sunday pay for nonovertime hours not in excess of eight hours for each regularly scheduled tour of duty which begins or ends on Sunday;

(c) Holiday Pay;

(d) Scheduled overtime pay, once appropriately authorized.

(7) An SA who receives Availability Pay may NOT receive:

(a) overtime pay, night differential pay, compensatory time, or hazardous duty pay under Title 5, United States Code, Sections 5542, 5543, and 5545, for UNSCHEDULED work hours;

(b) overtime pay under the Fair Labor Standards Act (FLSA); or

(c) annual premium pay for administratively uncontrollable overtime (AUO) or regularly scheduled standby duty.

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

### **| 8-1.7 |Hours Creditable Towards the Annual Minimum Requirement**

| SAs will receive credit towards meeting the annual minimum  
| requirement of two hours per regular workday as follows:

| (1) All unscheduled hours actually worked before the  
| beginning or after the end of the regularly scheduled workday  
| (normally 8:15 a.m. to 5:00 p.m.).

| (2) All unscheduled hours actually worked on a day that  
| is the SA's regular day off (normally Saturday and Sunday);

| (3) Out-of-area travel time that meets the eligibility  
| requirements for overtime (or compensatory time) payment under Title  
| 5, USC, Section 5542 (b)(2) and Title, 5 C.F.R. 550.112(g) --  
| generally travel that results from an event that could not be  
| scheduled or controlled administratively by an agency of the Executive  
| Branch. Only the time the SA is actually engaged in travel is  
| creditable. Once the SA reaches the out-of-area destination  
| (including travel from the airport or other mode of public  
| transportation to the office, first work site, or hotel), any local  
| travel in that area will be credited in the same manner as local  
| travel is credited at the permanent duty station. (See 8-1.8.)|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

**| 8-1.7.1 | Deleted|**

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**| 8-1.7.6 | Deleted|**

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

**| 8-1.8 | Hours Not Creditable Towards the Annual Minimum Requirement**

| SAs will NOT receive credit towards meeting the annual  
| minimum requirement under the following circumstances:

| (1) Time commuting to and from the place of business,  
| even if the SA is driving a government vehicle.

| (2) Travel time that does not meet the eligibility  
| requirements for overtime (or compensatory time) payment under  
| Title 5, USC Section 5542 (b)(2) and 5 C.F.R. 550.112 (g) (see  
| 8-1.7(3) above.)|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

### **| 8-1.9    Computation of Annual Minimum Hours Requirement**

|            To qualify for Availability Pay, an SA must work an annual  
| average of a minimum of two hours of unscheduled work per regular  
| workday. The annual average is computed as follows:

|            
$$\frac{\text{TOTAL\_NUMBER\_OF\_UNSCHEDULED\_WORK\_HOURS\_}}{\text{Total Number of Regular Workdays}} \quad \begin{array}{l} \text{greater than} \\ \text{or equal to} \end{array} \quad 2.0$$

|            For example, an SA performs a total of 620 hours of  
| unscheduled work in an annual period. In the same period, the SA  
| works a total of 200 regular workdays (i.e., days in which at least  
| four hours of regularly scheduled work was performed, excluding leave,  
| excused absence, approved training, holidays, and approved travel).  
| 620 divided by 200 equals 3.1. The SA performed an annual average of  
| 3.1 hours of unscheduled work per day, thus exceeding the minimum  
| requirement for the payment of Availability Pay. |

\*\*EffDte: 04/02/1996 MCRT#: 525    Div: D3            Cav:            SecCls:

### **| 8-1.10    Recording Unscheduled Work Hours**

|            UNSCHEDULED WORK will be recorded on the Attendance  
| Register (FD-420 or FD-420a for SAs who TURK) and in the  
| Administrative Time Capture System as hours worked, i.e., showing  
| sign-in and sign-out times and the number of minutes of  
| unscheduled work under the "AVP" column on the FD-420 or FD-420a.  
| (This procedure is the same as that formerly used to record AUO.) |

\*\*EffDte: 04/02/1996 MCRT#: 525    Div: D3            Cav:            SecCls:

### **8-1.11    Failure to Meet the Annual Minimum Unscheduled Work Requirement**

(1) FBIHQ will periodically review the unscheduled work hours of each SA to determine whether he/she will be able to meet the requirement for an annual average of two hours' unscheduled work per regular workday. If, at the annual certification or at a time between certifications, it becomes evident that an SA will not be able to perform a sufficient number of unscheduled work hours to meet the requisite annual average, immediate action will be taken to decertify the SA and to suspend Availability Pay. In addition to decertification, the supervisor will review the situation to determine whether or not the shortfall has been caused by the SA's misconduct. If the shortfall is the result of the SA's misconduct, such as

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

insubordination in refusing to work the previously certified hours, an adverse action may be initiated under Part 1, Section 13 of the Manual of Administrative Operations and Procedures (MAOP).

(a) PREFERENCE ELIGIBLE - Title 5, USC, Section 5545a(e)(20) provides that involuntary reduction in pay resulting from a denial of certification shall be a reduction in pay for purposes of Title 5, USC, Section 7512(4) pertaining to adverse actions. In addition to the procedural protections described for nonpreference eligible employees below, preference eligible employees are entitled to the procedures and Merit System Protection Board (MSPB) appellate rights delineated in Part 1, Section 13-10, of the MAOP with respect to the imposition of adverse actions such as reduction in pay.

(b) NONPREFERENCE ELIGIBLE - An SA who is not preference eligible who is to be decertified for failure to meet eligibility requirements for Availability Pay will receive the procedural protections applicable to a reduction in pay pursuant to Part 1, Sections 13-13 and 14-4.2, of the MAOP. If only decertification is proposed (that is, no additional adverse action is anticipated), the Deputy Assistant Director - Personnel Officer, | Administrative Services|Division, or his or her designee, may determine that decertification is appropriate and may establish the duration of the decertification. If adverse action in addition to decertification is appropriate, the same authority who imposes the adverse action will determine the duration of decertification. Availability Pay will be suspended beginning the first day of the first pay period beginning after the date of decertification. | The|SA may appeal this determination to the Assistant Director, | Administrative Services|Division, within 30 calendar days after the effective date of the decertification. The appeal should include specific information regarding the reasons why the unscheduled work was not performed and should explain how the SA will be able to meet the requirement by the end of the certification period. (See MAOP, Part 1, 8-1.12.1.)

(2) Failure to perform the required hours of unscheduled work may result in decertification and suspension of Availability Pay alone or in decertification plus adverse action based on insubordination, inattention to duty, or other misconduct. The duration of decertification may be from one pay period to one year, depending on the circumstances and degree of the unscheduled work hour deficit. The penalties applicable to misconduct such as insubordination and inattention to duty are prescribed in Part 1, 13-13, of the MAOP.

(3) The length of an employee's suspension from receipt of Availability Pay is an administrative determination at the discretion of FBI management. It will be dependent upon a variety of factors to include: the number of unscheduled work hours the SA failed to perform during his or her period of certification; circumstances contributing to that deficit of unscheduled work; the SA's past record of performing unscheduled work; and other mitigating circumstances that may be present. In situations in which an SA has been previously decertified and/or disciplined for failure to perform unscheduled duty, progressively more stringent disciplinary measures

SENSITIVE

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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may be employed. (NOTE: If an SA is a preference eligible veteran, he or she will be afforded the procedural protections attending that status.)

(4) The Administrative Services Division will issue an SF-50, Notification of Personnel Action, documenting a suspension (involuntary temporary termination based on misconduct) or discontinuance (voluntary temporary termination based on personal or family hardship) of Availability Pay. The SF-50 will include the reason for the suspension or discontinuance, the effective date for cessation of Availability Pay, and the date the suspension or discontinuance ends.

(5) Suspension of Availability Pay does not relieve an SA of the requirement to perform unscheduled work during the period of such suspension.

(6) When Availability Pay is suspended as a result of an SA's failure to perform an annual average of two hours or more of unscheduled work per regular workday, one determinant of the length of the period during which Availability Pay will be suspended is the number of hours of unscheduled duty which the SA failed to perform during the previous period of certification. To achieve eligibility for recertification, an SA will be required to complete his or her period of suspension AND satisfy the requirements set forth in (a) and (b) below--

(a) SATISFACTION OF DEFICIT: A period of suspended Availability Pay must continue until the SA has performed the amount of unscheduled work which he or she failed to perform during the previous certification period. However, the period of suspension may exceed the period required to make up for the deficit.

EXAMPLE 1: An SA worked 200 regular workdays during the previous certification period, but performed only 300 hours of unscheduled work, for an annual average of 1.5 hours of unscheduled duty per regular workday (300 divided by 200 = 1.5). Because the SA had been previously certified as eligible for Availability Pay, he or she received Availability Pay throughout the certification period, despite the fact that he or she failed to satisfy the unscheduled work requirement. The SA would have had to perform an additional 100 hours of unscheduled duty during the certification period to satisfy the requirement to perform an annual average of two hours of unscheduled work per regular workday. (200 regular workdays x two hours of unscheduled duty per regular workday = 400 hours of unscheduled duty; 400 hours of unscheduled work required - 300 hours of unscheduled duty actually worked = a deficit of 100 hours of unscheduled duty.) In this case, the period of suspended Availability Pay MUST continue until the SA has performed at least 100 hours of unscheduled duty during such period.

(b) SATISFACTION OF TWO-HOUR AVERAGE OF UNSCHEDULED DUTY PER REGULAR WORKDAY: An SA who has been suspended from receipt of Availability Pay must perform an average of two hours of unscheduled duty per regular workday during the period of his or her suspension to be recertified as eligible to once again receive such

SENSITIVE



pay. ALL UNSCHEDULED WORK performed during the period of suspended Availability Pay will be considered in determining whether the two-hour per-day average has been achieved.

EXAMPLE 2: An SA was suspended from receipt of Availability Pay based upon a deficit of 100 hours during 200 regular workdays, having averaged 1.5 hours of unscheduled work per regular workday. Within 50 regular workdays after the beginning of the suspended Availability Pay, the SA has performed a total of 100 hours of unscheduled work. He or she has thus satisfied the deficit requirement. Once the SA's period of suspended Availability Pay has run and the SA has satisfied the two-hour average requirement, the SA will be eligible for recertification and resumption of Availability Pay.

EXAMPLE 3: An SA with a deficit of 100 hours of unscheduled work during a certification period is suspended from receipt of Availability Pay for a period of 30 days, which includes 22 regular workdays. During the 30-day suspension, the SA performs 75 hours of unscheduled work. Although at the completion of the initial period of suspension the SA has satisfied the requirement to perform an average of two hours of unscheduled duty per regular workday, he or she has not satisfied the requirement to perform an amount of unscheduled duty equal to or greater than his or her prior deficit. Consequently, he or she will not be eligible for recertification and resumption of Availability Pay until he or she satisfies that deficit by performing an additional 25 hours of unscheduled work.

(c) Failure to perform unscheduled work during the period of suspension from receipt of Availability Pay as required above may result in further disciplinary action.

(7) At the completion of the period of suspension, a review will be made to ensure that the SA has met the requirements for recertification and resumption of Availability Pay. When the SA has been determined to be so eligible, the SA and his or her supervisor must again certify that the SA will perform an annual average of two hours of unscheduled work per regular workday in accordance with the certification procedures required by applicable instructions.

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

## **| 8-1.12 Suspension of Availability Pay|**

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

### **| 8-1.12.1 Suspension for Health or Physical Reasons**

| (1) If an SA is unable to perform unscheduled work for an  
| extended period of time for physical or health reasons, and he or she  
| declines to request voluntary discontinuance of Availability Pay (see

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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| MAOP, Part I, 8-1.13), payment may be suspended by the Deputy  
| Assistant Director-Personnel Officer, upon written request by the  
| division/office head, until the SA's physical or health problems have  
| improved to where unscheduled work may be resumed. Such suspensions  
| are considered to be involuntary reductions in pay and adverse action  
| procedures must be followed. (See MAOP, Part I, 8-1.11, paragraphs  
| (1)(a) and (b) above.)

| (2) Workdays in which Availability Pay has been suspended  
| under this section will be excluded from the computation of the  
| minimum hours requirement.

| (3) The Deputy Assistant Director-Personnel Officer must  
| be informed in writing when the SA is again available to perform  
| unscheduled work and Availability Pay is to be resumed.|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

### | **8-1.12.2 Suspension for Alcohol-Related Misconduct (See MAOP, Part I, 13-13.)**

| (1) Whenever an SA is suspended from operating a  
| government motor vehicle as a result of alcohol-related misconduct and  
| following a determination of such misconduct by the Bureau, he/she  
| will not be considered eligible to earn premium compensation, such as  
| Sunday pay, holiday pay, night differential, and Availability Pay.  
| Prior to discontinuing eligibility for Availability Pay, the employee  
| will be afforded appropriate adverse action proceedings. (See MAOP,  
| Part I, 1-3.1 and 1-30.3.)

| (2) As the suspension of an SA's entitlement to earn  
| Availability Pay compensation is an adverse personnel action, it is  
| dependent upon completion of adverse action procedures set forth in  
| MAOP, Part I, 13-14. These procedures are designed to afford  
| employees due process as well as procedural entitlements which arise  
| from an employee's personnel status. For example, a preference  
| eligible veteran has specific procedural entitlements which are set  
| forth in MAOP, Part I, 13-10.|

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

### **8-1.13 Discontinuance of Availability Pay (See MAOP, Part 1, 8-1.5 & 8-1.12.1.)**

The statute establishing Availability Pay and the  
implementing OPM regulations make payment mandatory to all criminal  
investigators (i.e., SAs), except under certain limited circumstances.  
The rationale for this policy is that the basic nature of a criminal  
investigator's work requires considerable amounts of unscheduled work,  
often worked at the discretion of the individual without prior  
approval of a supervisor. Since payment of Availability Pay is

SENSITIVE

mandatory, an SA may not voluntarily decline to perform the required unscheduled work, except as provided below.

(1) If, for a specified period of time, an SA believes he or she will not be able to meet the eligibility requirements for Availability Pay because of PERSONAL OR FAMILY HARDSHIP, he or she may submit a written request to the division/office head requesting temporary discontinuance of Availability Pay, clearly stating the nature of the hardship that prevents him or her from performing the required amount of unscheduled work and the specific period of time the hardship is expected to last. The statement should further note that the SA understands that Availability Pay will be discontinued immediately but that this does not relieve the SA of the obligation to perform unscheduled work as required by the SA's assignment and/or his or her supervisor. Insubordination by refusing to perform necessary unscheduled work may result in appropriate disciplinary action.

(2) The division/office head, or his or her designee, will approve or disapprove the request in writing, to include the reasons for the disapproval, as appropriate. The SA may request reconsideration of a negative determination by the Deputy Assistant Director - Personnel Officer, Administrative Services Division, within 15 calendar days of the date the request was denied.

(3) Upon approval of a request to temporarily discontinue Availability Pay based on hardship, the division/office head must provide written notification to the Assistant Director, Administrative Services Division, Attn: Personnel Policy Unit, including the nature of the hardship, the date the Availability Pay should be terminated (ordinarily at the beginning of a pay period), and the date the hardship is expected to end.

(4) If an SA is granted a discontinuation of Availability Pay based on hardship, he or she and his/her supervisor may at any time thereafter certify his or her availability, at which time Availability Pay will commence. Notification to reinstitute Availability Pay must be sent to the Administrative Services Division immediately. If, at the completion of the approved period of discontinuance, a hardship still exists, the SA may request an extension for another specified period, following the procedures outlined in paragraphs (1) through (3) above.

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

## **8-2 OTHER TYPES OF PREMIUM PAY**

Premium compensation on an annual basis for Availability Pay (AVP) is in lieu of all other types of premium pay except for scheduled overtime approved by the Executive Assistant Director for Administration or higher-level FBI official, night and Sunday work, and holiday duty under certain conditions. By law and

supplemental regulations, Agents receiving premium overtime compensation (AVP) are precluded from being granted compensatory leave.

\*\*EffDte: 05/31/2002 MCRT#: 1200 Div: D3                      Cav:                      SecCls:

## **8-2.1      Overtime Pay and Compensatory Time: Fair Labor Standards Act (FLSA) or Title 5, Code of Federal Regulations**

(1) Authority: This manual citation serves as a guide to employees, managers, and supervisors regarding the approval and earning of overtime and compensatory time within the FBI. Regulatory authority regarding overtime and compensatory time is contained in Title 5, Code of Federal Regulations (5 CFR), Part 550 for FLSA exempt employees and Part 551 for FLSA nonexempt employees. Case law, Comptroller General decisions, and direction provided by the Office of Personnel Management offer supplemental information and interpretation of the overtime and compensatory time provisions contained in 5 CFR.

(2) Determination of Exempt or Nonexempt:

(a) Employees are exempt or nonexempt from coverage under the FLSA based on the primary duties of their positions. FLSA designations of exempt or nonexempt determine the amount and/or type of overtime compensation paid to employees for work in excess of eight hours in a day (with the exception of employees assigned to alternative work schedules who have regularly scheduled shifts in excess of eight (8) hours in a day) or 40 hours in a week.

(b) Exemption Categories: The following four categories define the nature of work considered exempt from the FLSA. The nature of the work then determines the positions and employees exempt from the FLSA.

1. Executive: Positions such as supervisors, foremen, or managers at any organizational level that have authority to recommend or suggest most types of personnel actions such as selections, promotions, and performance ratings; exercise discretion and independent judgment in areas like work planning, organization, and assignment; and devote at least 80 percent of time in a workweek to such functions.

2. Administrative: Positions that affect the formulation or execution of management programs or policies; or involve management or business functions supporting services of substantial importance to the organization. Work is intellectual and varied in nature or of a specialized or technical nature that requires considerable special training, experience, and knowledge. Discretion and independent judgment are exercised in the performance of work and supervision is general in nature. Such work is performed for at least 80 percent of time in a workweek. Administrative positions are generally exempt at grades GS-9 and above.

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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3. Professional: Positions that require education and training that meet the requirements for a bachelor's or higher degree with major study in or pertinent to the specialized field of work performed. Work performed is intellectual and varied in nature and performed under general supervision. Professional positions are generally exempt at grades GS-9 and above.

4. Foreign Exemption Criteria: Applies to permanent positions stationed in foreign locations.

(c) Federal Wage System (FWS) employees are generally nonexempt with the exception of those meeting the executive exemption category in (b) 1. above.

(d) Special Agent (SA) employees are exempt from the FLSA. (Also refer to Part 1, 8-2.1.1, of this manual for additional procedures relevant to requesting, approving, scheduling, and paying of overtime for SAs.)

(e) Employees' FLSA status may be determined by referring to the Standard Form 50-B, Notification of Personnel Action, item 35. Employees may also check at the top of their Attendance Registers to determine exempt or nonexempt status.

(3) Payment for Overtime Worked:

(a) FLSA Exempt: Overtime pay for employees whose rate of basic pay exceeds GS-10, step 1, will be the greater of (1) one and one-half (1.5) times the minimum hourly rate of basic pay for grade-10 (i.e., GS-10, step 1), including any applicable special salary rate, locality rate of pay, or special pay adjustment for law enforcement officers, or (2) the employee's own hourly rate of basic pay, including any applicable special salary rate, locality rate of pay, or special pay adjustment for law enforcement officers. Exempt employees will be paid in 15-minute increments. However, exempt employees may at their own volition decide to work additional hours without payment for such overtime.

(b) FLSA Nonexempt: Overtime is paid at one and one-half times employees' hourly regular rates of pay, including locality-based comparability pay. Nonexempt employees must be paid for all time worked whether that work has been approved or "suffered and permitted." Suffered and permitted means work performed by employees for the benefit of the FBI, whether requested or not, provided the employees' supervisors knew or had reason to believe that the work was being performed and had an opportunity to prevent the work from being performed.

(4) Time in a Travel Status: When possible, travel should be scheduled within employees' regularly scheduled administrative workweeks. Otherwise, there are specific criteria governing payment of overtime to employees in travel status.

(a) FLSA Exempt: Only compensated if travel is within employees' regularly scheduled administrative workweeks and working

SENSITIVE

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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hours. Exempt employees may also be compensated for travel if it involves the performance of actual work while traveling (such as accompanying a prisoner), is incident to travel that involves the performance of work while traveling (such as mail couriers driving vehicles), is carried out under such arduous and unusual conditions that the travel is inseparable from work (such as travel by unusual modes of transportation, travel over harsh terrain, or the like), or results from an event which could not be scheduled or controlled administratively by the government (such as training provided by a private vendor for individuals inside and outside the government). These exceptions are very narrowly construed and will rarely apply to FBI employees.

(b) FLSA Nonexempt: In addition to travel provisions for exempt employees, nonexempt employees are compensated if travel falls within their regular working hours (on regular workdays or regular days off), employees are required to drive a vehicle or perform other work while traveling, employees are required to travel as passengers on one-day assignments away from their official duty stations, or employees are required to travel as passengers on an overnight assignment away from their official duty stations during hours on nonworkdays that correspond to their regular working hours.

(c) Home-to-Work Commute: For both exempt and nonexempt employees, normal travel to and from work is not compensable. In addition, when employees travel directly from home to a temporary duty location, the time employees would have spent in normal travel from home to their official duty stations is deducted from any overtime that is paid for travel purposes. Regulations permit establishment of a radius of not greater than 50 miles to determine whether employees' travel is within or outside employees' official duty stations for determining entitlement to overtime pay.

(d) Time Waiting for Common Carriers: Time waiting for transportation with common carriers (such as airlines, trains, and buses) is generally not compensable for either exempt or nonexempt employees unless such time occurs during employees' regular working hours.

(5) Time Spent in Training or Attending a Lecture, Meeting, or Conference:

(a) FLSA Exempt: Overtime compensation for time spent for the above purposes is generally not permissible. Availability Pay for SAs will continue during periods of FBI sanctioned training except for New Agent Training.

(b) FLSA Nonexempt: Overtime compensation for time spent in apprenticeship or other entry level training is not permissible. Other training including attendance at lectures, meetings, or conferences in which employees are directed to participate by the FBI and where the purpose of such training is to improve employees' performance of the duties and responsibilities in their current positions may be compensable as overtime when accomplished outside the employees' regularly scheduled administrative workweeks.

SENSITIVE

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(c) Scheduling Training: Where feasible, government-sponsored training should be scheduled to allow for travel during employees' regular workweeks. Agencies, however, have discretionary authority to determine when it is impractical to schedule training to meet such requirements and, thus, require travel outside employees' regular workweeks.

(6) Call-back Overtime Work: For both FLSA exempt and nonexempt employees, irregular or occasional overtime work performed by employees on days when work was not scheduled or for which employees are required to return to their place of employment will be compensated for a minimum of two (2) hours of such overtime work. This does not apply to exempt employees who voluntarily decide to work outside their regularly scheduled workweeks.

(7) Compensatory Time Off in Lieu of Overtime Pay:

(a) FLSA Exempt: Employees whose rates of basic pay, including locality-based pay adjustments, exceed GS-10, step 10, may be compensated for overtime work with an equivalent amount of compensatory time off. Otherwise, the FBI may grant compensatory time off in lieu of overtime pay only if requested in writing by exempt employees. If compensatory time off is not used within the time limit fixed by the FBI, the employees' entitlement to the compensatory time off or overtime pay is forfeited unless failure to take the compensatory time off is due to an exigency of the service beyond employees' control and employees' time off was officially cancelled in writing.

(b) FLSA Nonexempt: Nonexempt employees may be paid for overtime work with compensatory time off but only if requested in writing by employees. Supervisors may never directly or indirectly intimidate, threaten, or coerce nonexempt employees to accept compensatory time off in lieu of pay for overtime hours worked. If compensatory time off is not used within the time limit fixed by the FBI, employees must be paid at the overtime rate in effect when the compensatory time was earned.

(c) Form FD-813, Compensatory Time Request: This form may be used for the purposes of requesting and approving the earning of compensatory time.

(d) Other Information on Compensatory Time: The FBI's LEAVE POLICY MANUAL should be consulted for other information relevant to the approval and use of compensatory time including hours, if any, which may be carried over at the end of the leave year. Supplemental information concerning the earning and use of compensatory time may be provided when necessary to cover emergency or other special situations.

(8) Approval to Work Overtime: All overtime work is to be approved and scheduled in writing by supervisors and managers granted such authority. Division and office heads may delegate the authority to approve support employees' overtime work to supervisors and managers, as desired, in consonance with policies of their divisions

SENSITIVE

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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and offices. Overtime for SAs must be approved by the Executive Assistant Director for Administration or higher-level FBI official (refer to Part 1, 8-2.1.1, of this manual).

(9) Responsibilities: Managers and supervisors are expected to judiciously monitor the approval and use of overtime (including compensatory time off) and to be aware of the basic rules governing overtime work and compensation for overtime work within the federal government.

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### **| 8-2.1.1 Scheduled Overtime (SOT) for Law Enforcement Officers (Special Agents (SAs)) |(See MAOP, Part 1, 8-2.1.)|**

(1) SAs qualifying for overtime are compensated at the greater of one and one-half times the basic hourly rate for grade GS-10, Step 1, including any locality-based comparability pay, or the hourly rate of base pay, including any locality-based comparability pay, of the employee. All overtime for the FBI's SAs must be approved in advance, through the appropriate chain of command, by the Executive Assistant Director for Administration or higher-level FBI official, scheduled in writing and communicated to the affected employee(s) in advance of the administrative workweek in which the overtime is to be performed.

(2) Each SOT request must be submitted in writing, through the chain of command, to the Executive Assistant Director for Administration or higher-level FBI official, for approval as follows:

(a) Must be approved by the appropriate ADIC(s), SAC(s), office heads and the cognizant FBIHQ divisions |(Counterintelligence Division, Criminal Investigative Division, Laboratory Division, or other substantive FBIHQ division).|

(b) Must be reviewed by the Finance Division (FD) to determine the financial impact before transmittal to the Executive Assistant Director for Administration or higher-level FBI official for final approval.

(c) Must contain specific circumstances which require performance and payment of SOT.

(d) Must contain an explanation of why the use of unscheduled work compensated by Availability Pay (AVP) and/or increased staffing to cover the required work assignment is insufficient.

#### **(3) Financial Issues**

(a) Impact: Sufficient detail must be provided in a request to enable the FD to develop an estimate of the cost of the

SENSITIVE



SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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SOT. To develop such an estimate, the FD must have the number of SAs, the grades of the personnel to be assigned, the duty station of record for the personnel to be scheduled/assigned, and the expected duration of the assignment. (Note: Personnel on Temporary Duty are compensated for overtime purposes based upon their duty station of record, not their temporary assignment.)

(b) Biweekly limitation on earnings: SAs approved for receipt of SOT are subject to the biweekly limitation on receipt of premium pay. Earnings which are comprised of basic pay, plus premium pay (AVP, SOT, Night Differential, Sunday Pay, and Holiday Pay) are limited to the biweekly limitation of premium pay. For SAs, the biweekly limitation is the lesser of 150 percent of the rate for GS-15, Step 1 (including locality pay) or the rate of Executive Level V.

(c) Method of computation: The overtime hourly rate for SOT, applicable to SAs, is the greater of one and one-half times the hourly rate for GS-10, Step 1 (including locality pay) or the employee's regular hourly rate (including locality pay).

(d) Role of the FD: FD must provide the financial impact of any proposed use of SOT to the Executive Assistant Director for Administration or higher-level official prior to his/her review of the request.

(4) Factors to be satisfied before approval of SOT:

(a) A substantial number of SAs are to be scheduled.

(b) A written schedule must be formulated and presented to the affected employee(s) in advance of the administrative workweek. An administrative workweek for most SAs begins on Sunday at 12:01 a.m. and runs through midnight on the following Saturday. Thus, the schedule must be established, and communicated in writing to affected SAs, prior to midnight on Saturday, at the beginning of the workweek. OTHERWISE, SA PERSONNEL WOULD NOT BE ELIGIBLE FOR COMPENSATION FOR ANY APPROVED SOT PERFORMED IN THE FOLLOWING SEVEN-DAY PERIOD.

(c) By statute, the first two hours of extra duty performed by an SA on any REGULAR WORKDAY on which he/she has been scheduled for SOT are credited as time which must be compensated by Availability Pay (AVP) rather than SOT.

SAs must be scheduled for more than 10 hours per regular workday (i.e., eight hours regular duty and two hours AVP). SAs routinely work a five-day workweek. Each of the five days is considered a REGULAR workday. The two remaining days of the week are considered REGULAR DAYS OFF (RDOs). SOT worked by an SA on an RDO is treated differently for compensation purposes than SOT performed on a REGULAR workday.

EXAMPLE A: An SA is scheduled on a regular workday from 8:15 a.m. to 5:00 p.m. The SA is also scheduled for four hours of SOT. The SOT was approved by the Executive Assistant

SENSITIVE

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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| Director for Administration or higher-level official, | scheduled  
| in writing, and presented to the employee in advance of the  
| administrative workweek. Therefore, the SA is scheduled for a total  
| of 12 hours (including 45 minutes for a meal break). Since work was  
| performed on a regular workday, the SA will be paid for eight hours at  
| his/her regular rate of compensation. In addition, the SA will be  
| credited for the four hours of SOT as follows: two hours of AVP, to  
| fulfill the daily AVP requirement, and two hours of overtime.

EXAMPLE B: An SA is scheduled in advance of the  
| administrative workweek to perform a 12-hour shift on Saturday; SOT  
| has been approved by the | Executive Assistant Director for  
| Administration or higher-level official, | the schedule written, and  
| presented to the employee, in advance of the administrative workweek.  
| However, Saturday is NOT a regular workday for the SA. The SA  
| will then be credited with 12 hours of SOT for the shift worked on  
| that Saturday. The first two hours of extra duty on that Saturday  
| will NOT be treated as AVP work hours, because the hours do not  
| occur on the SA's regular workday.

EXAMPLE C: An SA's administrative workweek begins  
| on Sunday and ends the following Saturday. The SA is instructed on  
| Monday to perform four hours of additional work on Tuesday of the  
| same workweek. Tuesday is one of the SA's regular workdays, and the  
| SA works from 7:15 a.m. to 8:00 p.m. to cover the four hours. As the  
| SA was not scheduled for the additional hours in advance of the  
| administrative workweek, the SA will not receive any SOT compensation.  
| Instead, the entire period of extra duty on Tuesday will be credited  
| as AVP hours.

(5) SOT may be considered in circumstances in which there  
| is an expectation that the emergency requirement can reasonably be  
| expected to extend for two weeks or more.

(6) Events in which SOT is authorized should be relatively  
| rare and limited to those situations in which:

(a) It is not practicable to use sufficient  
| investigative resources to fulfill the requirement without the use of  
| SOT.

(b) It is imperative that there is a rapid or  
| otherwise positive resolution to the event because of its notoriety or  
| impact upon the public.

(c) In most instances, the investigation involves an  
| immediate or impending threat to life or property or national security  
| (e.g., bombings, hostage or siege situations).

(7) Example: A major case has received approval for SOT  
| through the chain of command from the | Executive Assistant Director for  
| Administration or higher-level FBI official | on Thursday,  
| August | 22, 2002. | The first regular administrative workweek, after  
| approval of SOT for which work can be scheduled in advance began on  
| Sunday, August | 25, 2002. | In accordance with FBI policy, SA John Doe  
| was provided the following written work schedule on Saturday, August

SENSITIVE

| 24, 2002.] Note that the schedule includes a 45-minute meal break each day.

DAY	DATE	SCHEDULE
Sunday	August 25, 2002	Off Duty
Monday	August 26, 2002	6 a.m. to 6:45 p.m.
Tuesday	August 27, 2002	8 a.m. to 6:45 p.m.
Wednesday	August 28, 2002	6 a.m. to 8:45 p.m.
Thursday	August 29, 2002	8 a.m. to 6:45 p.m.
Friday	August 30, 2002	6 a.m. to 8:45 p.m.
Saturday	August 31, 2002	6 a.m. to 8:45 p.m.

The actual hours worked by SA John Doe and the accurate recording of AVP and SOT are shown below. Note: Time and attendance personnel entering time capture information must be provided written work schedules by appropriate supervisory personnel for all SAs claiming SOT to ensure that records for these SAs clearly state whether AVP or SOT is claimed.

DAY	DATE	HOURS WORKED	TOTAL HOURS	OVERTIME
Sun.	Aug. 25, 2002	Off Duty	0	0
Mon.	Aug. 26, 2002	6 a.m. to 6:45 p.m.	12 (2 AVP)	2
Tues.	Aug. 27, 2002	7 a.m. to 6:45 p.m.	11 (3 AVP)	0*
Wed.	Aug. 28, 2002	6 a.m. to 8:45 p.m.	14 (2 AVP)	4
Thurs.	Aug. 29, 2002	8 a.m. to 6:45 p.m.	10 (2 AVP)	0
Fri.	Aug. 30, 2002	6 a.m. to 8:45 p.m.	14 (2 AVP)	4
Sat.	Aug. 31, 2002	6 a.m. to 8:45 p.m.	14	14

| \*Note: On Tuesday, August 27, 2002, the SA was scheduled to work from 8 a.m. to 6:45 p.m. but reported for duty at 7 a.m. Since the additional one hour was not scheduled in advance, the unscheduled hour cannot be claimed as overtime. The hour may be added to the two hours of AVP for a total of three hours' AVP.

#### (8) Use and Maintenance of Written Schedules

| After SOT has been approved by the Executive Assistant  
| Director for Administration or higher-level official, schedules  
| prepared in writing and presented to affected employees, the  
| written schedule(s) must also accompany pertinent time-and-attendance  
| records so that regular hours, hours credited as AVP and hours  
| credited as SOT may be verified and accounted for by appropriate time-  
| and-attendance personnel. These written schedules should also be  
| maintained by time-and-attendance personnel at the employees'  
| permanent duty stations.

#### (9) Discontinuance of SOT

Overtime pay will cease the day that appropriate Bureau management determine that the circumstances that caused the need for overtime no longer exist or when it becomes practicable to use investigative resources without the use of SOT.

\*\*EffDte: 05/31/2002 MCRT#: 1200 Div: D3

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SecCls:

### **| 8-2.1.2 Fair Labor Standards Act (FLSA) Claims Procedures**

|           An employee may file a claim with the FBI or Office of  
| Personnel Management (OPM) at any time challenging the correctness of  
| his or her FLSA exemption status determination. An employee may also  
| file an FLSA claim concerning his or her entitlement to overtime pay  
| for work performed under the FLSA; however, time limits apply. All  
| FLSA claims filed on or after June 30, 1994, are subject to a two-year  
| statute of limitations (three years for willful violations, see  
| definition below).

#### **|           (1) Definitions:**

|           (a) Claim: Means a written allegation from a current  
| or former employee concerning his or her FLSA exemption status  
| determination or entitlement to overtime pay for work performed under  
| FLSA.

|           (b) Claim period: Means the time during which the  
| cause or basis for the claim occurred.

|           (c) Claimant: Means a current or former employee who  
| files an FLSA claim.

|           (d) Preserve the claim period: Means to establish the  
| period of possible entitlement to back pay by filing a written claim  
| with either the FBI or the OPM.

|           (e) Statute of limitations: Means the time frame  
| within which an FLSA pay claim must be filed, starting from the date  
| the right accrued.

|           (f) Willful violation: Means a violation in  
| circumstances where the FBI knew that its conduct was prohibited by  
| the FLSA or showed reckless disregard of the requirements of the FLSA.

#### **|           (2) Preserving the Claim Period**

|           The claimant or his or her representative may preserve  
| the claim by submitting a written claim to the Position Management  
| Unit (PMU), Administrative Services Division (ASD), FBIHQ, during the  
| claim period. The date the PMU receives the claim is the date that  
| determines the period of possible entitlement to back pay. The PMU  
| will provide written acknowledgment of receipt of the claim. All  
| decisions will be approved by the Personnel Officer, Personnel  
| Management Branch, ASD, and sent to the employee or the employee's  
| representative.

#### **|           (3) Designating a Representative**

|           A claimant may designate a representative to assist him  
| or her in preparing or presenting a claim. The claimant must  
| designate the representative in writing. A representative may not  
| participate in FBI interviews unless specifically requested to do so  
| by the FBI. The FBI may disallow an employee's representative who is  
| a federal employee in any of the following circumstances:

|           (a) When the individual's activities as a  
| representative would cause a conflict of interest or position;

|           (b) When the designated representative cannot be  
| released from his or her official duties because of the priority needs  
| of the FBI; or

|           (c) When the release of the designated representative  
| would give rise to unreasonable costs to the FBI.

|           (4) Information that must be included in a claim

|           (a) Employee's representative, if any;

|           (b) A description of the nature of the claim and the  
| specific issues or incidents giving rise to the claim, including the  
| time period covered by the claim;

|           (c) Evidence which supports the claim;

|           (d) The remedy sought by the employee;

|           (e) A statement from the employee that he or she has  
| or has not filed an action in an appropriate United States court; and

|           (f) Any other information that the employee believes  
| the ASD should consider.

| The claimant or the claimant's designated representative must provide  
| any additional information requested by the ASD within 15 workdays  
| after the request is made. The disclosure of information by an  
| employee who files a claim is voluntary. However, the ASD may not be  
| able to render a decision without the requested information. In such

| case, the claim will be cancelled without further action being taken  
| by the ASD.

|           (5) Claim Confidentiality

|           If the claimant wishes the claim to be treated  
| confidentially, the claim must specifically state that the identity of  
| the claimant not be revealed. Witnesses or other sources may also  
| request confidentiality. Every effort will be made to maintain  
| confidentiality. If the ASD is unable to obtain sufficient  
| information to render a decision and preserve the requested  
| confidentiality, the ASD will notify the claimant that the claim will  
| be cancelled with no further action by the ASD unless the claimant  
| voluntarily provides written authorization for his or her name to be  
| revealed.

|           (6)   The Claims Process (Internal FBI)

|                   The type of claim filed will dictate the decision-  
| making process as noted below. See item (7) for information regarding  
| filing a claim directly with the OPM.

|                   (a)   If an employee is challenging the correctness of  
| his or her exemption status and/or entitlement to overtime pay and the  
| employee is currently exempt:

| Step 1: PMU conducts the initial review.

| Step 2: If PMU disagrees with the employee, then a written  
| recommendation is forwarded to the Personnel Officer, PMB, ASD, for a  
| final decision. Go to step 6.

| Step 3: If PMU agrees with the employee's claim, then a written  
| recommendation is forwarded to the Personnel Officer, PMB, ASD, for a  
| final decision.

| Step 4: The final decision is forwarded to STAFU for processing of  
| the action.

| Step 5: The STAFU will forward a copy of the decision to Finance  
| Division for determination of back pay entitlement.

| Step 6: A written decision is forwarded to the employee or his or her  
| representative.

|                   (b)   If an employee is challenging the correctness of  
| his or her exemption status and/or entitlement to overtime pay and the  
| employee is currently nonexempt:

| Step 1: PMU conducts the initial review.

| Step 2: If PMU disagrees with the employee, then a written  
| recommendation is forwarded to the Personnel Officer, PMB, ASD, for a  
| final decision. Go to step 6.

| Step 3: If PMU agrees with the employee's claim, then a written  
| recommendation is forwarded to the Personnel Officer, PMB, ASD, for a  
| final decision.

| Step 4: The final decision is forwarded to STAFU for processing of  
| the action.

| Step 5: The STAFU will forward a copy of the decision to the Finance  
| Division, along with a request for waiver of overpayment.

| Step 6: A written decision is forwarded to the employee or his or her  
| representative.

|           (7)   Filing a Claim Directly with the Office of Personnel  
| Management (OPM)

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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| An employee may also file a claim with the OPM during the claim  
| period. However, an employee cannot file a claim simultaneously with  
| the FBI and OPM. An employee also has the right to bring an action in  
| an appropriate United States court. Filing a claim with the FBI or  
| with OPM does not satisfy the statute of limitations governing FLSA  
| claims filed in court. The FBI will not decide an FLSA claim that is  
| in litigation.

| It is a matter of personal discretion as to whether an employee files  
| a claim with the FBI first and then the OPM. A claimant who receives  
| an unfavorable determination from the FBI may still file the claim  
| with the OPM. However, a claimant may not file the claim with the FBI  
| after an unfavorable decision from the OPM. An OPM decision on a  
| claim is final and is not subject to further administrative review.|

\*\*EffDte: 05/31/2002 MCRT#: 1200 Div: D3 Cav: SecCls:

## **8-2.2 Night Differential Pay**

If any of the regularly scheduled basic workweek falls  
between 6:00 p.m. and 6:00 a.m., the employee will be eligible for  
such hours not in excess of eight hours for night differential pay  
which is at the rate of 10 percent of the basic hourly rate, including  
any applicable locality-based comparability payment of the individual.  
To qualify for night differential pay, the work must be duly  
authorized in advance and scheduled to recur on successive days or  
after specified intervals such as one designated day over a period of  
weeks. Night differential pay may be claimed when an employee is  
substituting for another employee on leave who was regularly scheduled  
to work during the regularly scheduled night differential period.  
(Refer to Part 1, 8-6, of this manual regarding Wage Board employees.

\*\*EffDte: 10/31/2000 MCRT#: 1034 Div: D3 Cav: SecCls:

## **8-2.3 Sunday Differential Pay**

| An employee is eligible for Sunday differential pay if the  
| regularly scheduled basic workweek includes Sunday as one of the  
| official five workdays. Compensation will be at the rate of 25  
| percent of the basic hourly rate, including any locality-based  
| comparability payment of the individual, not in excess of eight hours  
| for the tour of duty.

\*\*EffDte: 12/04/1997 MCRT#: 785 Div: D3FD Cav: SecCls:

SENSITIVE

## 8-2.4    Holiday Pay

|            An|employee|may also receive additional compensation if  
| assigned to duty on an official holiday, which falls within the  
| |employee's|basic administrative workweek, at the rate of|the basic  
| hourly rate, including any applicable locality-based comparability  
| payment of the individual. Employees|on call or on standby on a  
| holiday would not receive holiday pay unless actually called in to  
| work and then only for work performed during their official working  
| hours. An|employee|who is assigned or ordered to duty on a holiday is  
| entitled to receive at least two hours of holiday pay but not more  
| than eight hours of such compensation. No new permanent odd-hour  
| shifts which would involve premium compensation should be set up or  
| holiday pay claimed without advance FBIHQ approval. Should an  
| emergency situation arise requiring prompt assignment of|employees|on  
| a holiday, the SAC has the authority to utilize the necessary  
| personnel and in these cases, because it is an emergency situation,  
| the|employees|working will receive holiday pay up to eight hours even  
| if the hours worked fall outside of their normal working hours. (See  
| Part II, 1-2.4.4, of this manual, for listing of legal holidays.)

\*\*EffDte: 10/19/1993 MCRT#: 122    Div: D3            Cav:            SecCls:

## 8-3       EMERGENCY DUTY IN EXCESS OF REGULAR WORKDAY

|            Where necessary for Agent to work through all or most of  
| night because of emergency, division head may administratively change  
| Agent's official workday. Division head should judiciously decide  
| each case in light of Bureau's interest compared with Agent's physical  
| well-being. However, in administering this, each day from 12 midnight  
| must be considered as a unit for purposes of computing regular  
| eight-hour shift and overtime. Any exceptions must be approved by  
| FBIHQ.

| |The following examples illustrate scheduling of SAs for emergency  
| duty.

|            (1) |An SA whose regular hours are 8:15 a.m. to 5:00 p.m.,  
| Monday through Friday, reports for duty at 7:00 a.m. on that day and  
| because of emergency duty, works straight through (except for normal  
| meal breaks) until 8:00 a.m. the next day. The SA may be considered  
| as having worked the regular shift from midnight to 8:00 a.m. on the  
| second day and, therefore, will not be required to work regular hours  
| (8:15 a.m. to 5:00 p.m.) on the second day. Any additional time  
| worked during the course of the two days, may be claimed as  
| Availability Pay (AVP). However, the extra duty was not approved as  
| scheduled overtime and may not be claimed for overtime pay purposes.|

|            (2) |An SA whose regular work hours are 8:15 a.m. to 5:00  
| p.m., Monday through Friday, reports for duty at 7:15 a.m. one day;  
| quits work at 6:00 p.m. on the same day. The SA then returns to duty



SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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| at 11:00 p.m. because of emergency duty; works through to 5:00 a.m.  
| the next day; takes a break for sleep; returns to work at 1:00 p.m.  
| and works through until 6:00 p.m. The first day of work will be  
| computed as follows: Regular duty from 8:15 a.m. to 5:00 p.m. and  
| three hours of AVP (7:15 to 8:15 a.m., 5:00 to 6:00 p.m. and 11:00 to  
| 12:00 p.m.). On the second day, the SA may be credited with five  
| hours of regular time from 12:01 a.m. to 5:00 a.m. and three  
| additional hours of regular time from 1:00 to 4:00 p.m. for a regular  
| shift of eight hours. The additional time on the second day may be  
| counted as AVP but not as scheduled overtime as overtime was not  
| approved.  
|

\*\*EffDte: 01/21/1999 MCRT#: 847 Div: D3 Cav: SecCls:

## 8-4 WORKLOAD

Division head has continuing responsibility to insure equitable sharing of workload by Agents. FBIHQ insists that all division heads carry out this obligation completely and regularly.

\*\*EffDte: 01/27/1988 MCRT#: 0 Div: D3 Cav: SecCls:

## 8-5 SPECIAL AGENT WEEKEND DUTY ASSIGNMENTS

SACs have the discretion to utilize Agents or qualified support personnel for duty during regular office hours on nonworkdays. When an Agent comes up for such duty assignment, the workweek is to be administratively changed, to allow the individual to have another day off to replace the normal day off of either Saturday or Sunday, as the case may be. In the case of the Saturday duty assignment, the workweek of the Agent, for that particular week, is to be Tuesday through Saturday with normal days off in that week of Sunday and Monday. In the case of Sunday duty Agents, the workweek for that particular week will be Sunday through Thursday, with normal days off of Friday and Saturday. Should any of these official hours fall between 6:00 p.m. and 6:00 a.m. the individual will be entitled to related night differential pay, and if on Sunday to not over eight hours of Sunday differential pay. No new work shifts involving such additional premium pay are to be established without prior FBIHQ approval. Duty schedules should be established well in advance, in order that individuals concerned may be aware of their responsibilities, and make any necessary adjustments. Such weekend duty assignments are to be rotated among the Agent staff of the office.

\*\*EffDte: 01/27/1988 MCRT#: 0 Div: D3 Cav: SecCls:

SENSITIVE

## **8-6 WAGE BOARD EMPLOYEES (See MAOP, Part 1, 8-2.2, 20-7.1.)**

Wage Board employees do not come under the Compensation Act; therefore, the following regulations governing Wage Board employees must be borne in mind:

| (1) |Deleted|

| (2) |Deleted|

(3) All work in excess of eight hours per day or 40 hours per week must be compensated for at one and one-half times the regular rate. An exception is permitted under the Federal Employees Flexible and Compressed Work Schedules Act of 1982. See MAOP, Part 1, 20-7.1 & 20-7.2, Flexible and Alternate Work Schedules (AWS), and Part 2, 1-2.4.2.

(4) An SF-52 should be submitted to FBIHQ whenever an employee changes shifts so that appropriate salary adjustments can be made. The following items should be completed:

(a) Part A Items 1, 3, 5, and 6

(b) Part B Items 1, 2, 4, 14, and 22

(c) Part F advise work hours, days and total hours employee will be working

(5) Wage Board employees are entitled to night differential of 7 1/2 percent for regularly scheduled nonovertime work when the majority of their work hours occurs between 3 p.m. and midnight; or 10 percent if the majority of their work hours occurs between 11 p.m. and 8 a.m. The night differential is paid for the entire shift when the majority of hours, meaning a number of whole hours greater than one-half (including meal breaks), falls within the specified periods.

(6) Deleted

\*\*EffDte: 05/31/2002 MCRT#: 1200 Div: D3

Cav:

SecCls:

## **8-7 HAZARDOUS DUTY PAY (ELECTRONICS TECHNICIAN)**

Electronics Technician (ET) employees who are required to perform hazardous duties or duties involving physical hardship as indicated in Title 5, Code of Federal Regulations (CFR), Part 550, Subpart I, Appendix A, and as set forth below, are entitled to additional compensation. Those duties are:

(1) Exposure to Hazardous Weather or Terrain

(a) Work in rough and remote terrain. When working on cliffs, narrow ledges, or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.

(b) Traveling under hazardous conditions.

1. When travel over secondary or unimproved roads to isolated mountaintop installations is required at night, or under adverse weather conditions (such as snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snow slides.

2. When travel in the wintertime, either on foot or by means of vehicle, over secondary or unimproved roads or snow trails, in sparsely settled or isolated areas to isolated installations is required when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 10 feet.

3. When work or travel in sparsely settled or isolated areas results in exposure to temperatures and/or wind velocity shown to be of considerable danger or very great danger (see Windchill Chart, Title 5, CFR, Part 550, Subpart I, Appendix A-1), and shelter (other than temporary shelter) or assistance is not readily available.

(2) Height Work

Working on any structure of at least 50 feet above the base level, ground, deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding guards or other suitable protective facilities are not used, or if performed under adverse conditions, such as snow, sleet, ice on walking surfaces, darkness, lightning, steady rain, or high wind velocity.

It is generally expected that above duties under (1) and (2) will be performed only by the more experienced ETs and only on an irregular or intermittent basis. The rate of compensation is 25 percent of base pay for all hours in a pay status on the day in which the duties are performed.

| The SAC must notify FBI Headquarters|ET Program Manager's Office|of  
| hazardous duties performed, by|electronic communication (EC). EC|is  
| to include information relative to: the nature of the work performed  
| and how this work meets Title 5, CFR, Part 550, Subpart I, Appendix A  
| criteria; reason(s) why work could not be delayed until more favorable  
| conditions existed; and the employee's pay and duty status for the day  
| in which the work was performed (tour-of-duty, overtime, leave-  
| without-pay, hazardous-duty time, etc.). If it is determined that the  
| ETs are performing hazardous duties that are not contained in Appendix  
| A, efforts should be made to include these activities in the  
| Appendix, pursuant to Title 5, CFR, Section 550.903(b).

\*\*EffDte: 12/16/2002 MCRT#: 1249 Div: D3

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SecCls:

## **8-8 WITHIN-GRADE INCREASES (WIGI)**

A WIGI is a one-step increase within a salary grade and is based on length of service and performance at an acceptable level of competence. Within the FBI, the "acceptable level of competence" requires performance rated at the Meets Expectations level as set forth in a performance plan. A Quality Step Increase (QSI) may be considered and awarded in recognition of sustained performance which substantially exceeds normal requirements and gives promise of continuing at that same high level.

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

### **8-8.1 Waiting Period**

(1) The waiting period for employees in steps one - three of a grade is 52 calendar weeks; for those in steps four - six, 104 weeks; and for those in steps seven - nine, 156 weeks.

(2) Quality step increases do not change the date for consideration for the next regular WIGI increase except in those cases where the quality increase places the employee in Step 4 (where the waiting period changes to two years) or Step 7 (where the waiting period changes to three years). In these instances, the employee must serve an additional year before becoming eligible to be considered for a WIGI. However, employee must receive an overall rating of Meets Expectations before he/she may be considered for a quality step increase. (See MAOP, Part 1, 5-14 (4).)

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

### **8-8.2 Effect of Leave Without Pay (LWOP)**

If more than ten days of LWOP for each year of the waiting period are used, the effective date of the WIGI is delayed for the amount of time which exceeds the ten days. For example, if 15 days of LWOP are taken when the pertinent waiting period is one year, the WIGI would be delayed for one pay period because of the five days taken in excess of the maximum allowable ten days.

\*\*EffDte: 02/28/1991 MCRT#: 0 Div: D3 Cav: SecCls:

### 8-8.3 Effective Date

WIGIs are effective at the beginning of the next pay period following completion of the required waiting period providing employee's performance is at an acceptable level of competence.

\*\*EffDte: 02/28/1991 MCRT#: 0 Div: D3 Cav: SecCls:

### 8-8.4 Performance Requirements

(1) To be entitled to a WIGI, an employee's performance must be at an acceptable level of competence (ALOC) and performance appraisal is the basis for determining if an employee is performing at an ALOC. In the absence of unusual circumstances, employees must achieve the Meets Expectations level to be performing at an ALOC.

| (2) |The rating of record used as the basis for an ALOC  
| determination for a WIGI must have been assigned no earlier than the  
| most recently completed appraisal period.|

(3) An employee whose overall performance during the waiting period is at the Does Not Meet Expectations level is not performing at an ALOC.

(4) If the level of an employee's most recent appraisal does not support the rating official's decision to grant or withhold a WIGI, he/she must submit a current Performance Appraisal Report to justify granting or withholding the WIGI to the Performance, Recognition and Awards Unit, Administrative Services Division.

(5) If at any time during the employee's waiting period it becomes evident that his/her performance is below the Meets Expectations level, the rating official must advise the employee that, in the absence of performance improvement, his/her WIGI may be denied and that he/she may be in jeopardy of reassignment, reduction in grade or removal. (See MAOP, Part 1, 5-4.7 for details regarding consequences of performance rated below the Meets Expectations level.)

\*\*EffDte: 08/01/2003 MCRT#: 1294 Div: D3 Cav: SecCls:

### 8-8.5 Notice of ALOC Determination

| (1) Approximately|90 days|before the completion of the  
| waiting period, the head of the office will receive|a listing of  
| employees who are|eligible for WIGI consideration|to be disseminated  
| to the appropriate supervisors. If an employee on the list is  
| performing at the Meets Expectations level, no action will be

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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| necessary on the part of the employee's supervisor. However, if an  
| employee is performing at the Does Not Meet Expectations level, the  
| Performance, Recognition and Awards Unit should be notified. A  
| representative from the Performance, Recognition and Awards Unit will  
| offer the supervisor advice and assistance as needed.|

(2) Positive determinations are confirmed in writing when the employee receives his/her Standard Form 50-B, Notification of Personnel Action, regarding the granting of his/her WIGI.

(3) If a negative determination is reached based on failure to meet the performance appraisal criteria, the employee is informed of this by a written communication from the Personnel Officer advising of the denial of the WIGI, the reason for the negative determination and his/her right to request reconsideration of the determination.

\*\*EffDte: 02/14/2003 MCRT#: 1258 Div: D3

Cav:

SecCls:

### **8-8.6 Reconsideration of a Negative Determination (See MAOP, Part 1, 14-6.)**

(1) An employee may request reconsideration of the Bureau's action by doing so in writing within 15 calendar days after receiving the denial notification. If the denial is|sustained,| employee may, within|30|calendar days after being so notified, appeal in writing to the Merit Systems Protection Board|(MSPB).| The appropriate address will be furnished to the employee in the letter |sustaining|the denial. |An employee can only appeal to the MSPB if he/she requests internal reconsideration of the WIGI denial first.|

(2) FBIHQ, upon receipt of a reconsideration request, will establish a reconsideration file and proceed with the reconsideration in accordance with 5 CFR 531.410 and Bureau policy.

(3) The division head or SAC may reconsider a WIGI at any time after the denial; however, barring any such recommendation, a new ALOC determination must be made within 52 calendar weeks of the end of the waiting period to which the negative determination applied. |An appraisal at the Meets Expectations level constitutes|demonstrated sustained performance at an|ALOC. The performance appraisal will not automatically generate a WIGI; therefore, the rating official must submit a written recommendation to grant the WIGI based on the appraisal at the Meets Expectations level. However, if the performance is still at the Does Not Meet Expectations level, the rating official must submit a written recommendation to deny the WIGI based on the appraisal at the Does Not Meet Expectations level.|

\*\*EffDte: 02/14/2003 MCRT#: 1258 Div: D3

Cav:

SecCls:

SENSITIVE

### **8-8.7 Step Increases for Federal Wage System (FWS) Employees**

(1) The waiting periods for advancement to the second, third, fourth and fifth rates are 26 calendar weeks for creditable service in rate one, 78 weeks of creditable service in rate two, and 104 weeks of creditable service in each of steps three and four. Lithographic employees have only three steps in each grade with waiting periods as indicated for step two and step three.

(2) If more than five days of LWOP are used in the waiting period for step two, 15 days for step three, or 20 days for steps four or five, the effective date of the increase is delayed for the amount of time which exceeds the specific number of days.

(3) Performance requirements, ALOC determinations and reconsiderations of negative determinations apply to FWS employees as well as GS employees.

(4) FWS employees are not eligible for quality increases regardless of their satisfaction of the performance appraisal requirement.

\*\*EffDte: 08/29/1990 MCRT#: 0      Div: D3      Cav:      SecCls:

### **8-9 APPLICATION OF THE HIGHEST PREVIOUS RATE (HPR) RULE SETTING PAY RATES FOR EMPLOYEES REQUESTING A CHANGE TO A LOWER GRADE (I.E., DEMOTION) FOR PERSONAL BENEFIT OR CONVENIENCE, AND FOR EMPLOYEES BEING PROMOTED, REASSIGNED, OR REEMPLOYED (See MAOP, Part 1, 3-1.1(3).)**

HPR is the highest rate of basic pay previously paid to an individual while employed in a position in a branch of the federal government (executive, legislative, or judicial); a government corporation, as defined in Title 5, United States Code, Chapter 1, Section 103; the United States Postal Service or the Postal Rate Commission; or the government of the District of Columbia (if appointed prior to October 1, 1987) without regard to whether the position was subject to the General Schedule.

When an employee is demoted at the employee's request for personal benefit or convenience, promoted, reassigned, reemployed, or transferred (i.e., from agency to agency), federal regulations permit the FBI to fix pay at any rate of the new grade which does not exceed the employee's HPR. The HPR will be applied by the FBI unless an employee is otherwise entitled to a higher rate of pay, such as under the promotion or grade- and pay-retention provisions of Title 5, Code of Federal Regulations (5 CFR). In the context of the HPR, "rate" refers to an employee's highest grade and step and the salary associated with that grade and step at the time it was earned. The following information will be used when establishing the HPR and setting pay.

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(1) VOLUNTARY DEMOTIONS REQUESTED BY CURRENT FBI  
EMPLOYEES AND PROVISIONS FOR NEW HIRES WITH PREVIOUS FEDERAL  
SERVICE

(a) HPR may be based on a regular tour of duty at any rate of basic pay received by an employee while serving under an appointment not limited to 90 days or less, or for a continuous period of not less than 90 days under one or more appointments without a break in service.

(b) When the HPR falls between two steps of a grade, the salary is set at the higher step.

(c) Pay may be set pursuant to HPR no higher than the maximum step of the grade.

(2) TEMPORARY PROMOTIONS

The HPR may not be based upon a rate of pay received in a position to which the employee was temporarily promoted for less than one year, except upon permanent placement in a position at the same or higher grade. (5 CFR Section 531.203(d)(2)(ii) and Section 532.405(d))

(3) APPLICATION TO SUBSEQUENT PERSONNEL ACTIONS

(a) After the initial pay-setting action, the HPR will continue to be credited on all subsequent personnel actions, such as promotions, until reached or exceeded (up to the maximum step of each new grade). Thereafter, normal procedures for calculating promotions would be followed (i.e., the promotion must be equivalent to at least a two-step increase in pay).

(b) When pay falls between two steps of the new grade, the higher step is used.

(4) DEMOTIONS FOR CAUSE

Demotion for personal cause is defined as a "reduction in grade based on the conduct, character, or unacceptable performance of an employee" (5 CFR Section 536.102).

(a) Initial Pay Setting Action: When an employee is demoted for cause, pay is calculated as though an employee had never been promoted from the grade to which the employee is being demoted. If pay falls between two steps of the new grade, the lower step is used.

(b) Promotions after Demotion for Cause: When and if an employee is again promoted, the employee's HPR is applied until reached or exceeded. When the HPR falls between two steps of the new grade, pay is set at the higher step.

(c) Pay may be set no higher than the maximum step of the new grade.

SENSITIVE



(5) OTHER ITEMS

(a) Applicability: The HPR policy applies to movement to or within General Schedule (GS) and Federal Wage System (FWS) positions.

(b) Appointments as Experts or Consultants: Pay earned under an appointment as an expert or consultant may not be credited for purposes of the HPR, in accordance with 5 CFR Section 531.203(d)(2)(i).

(c) Crediting Previous Federal Service: To the extent allowed by 5 CFR Section 531.202, Section 531.203, and Section 532.405.

(d) FBIHQ Supervisory Special Agents (SSAs): An FBIHQ GS-15 SSA who voluntarily requests assignment to a grade GS-14 field SSA position to qualify for further advancement as part of the Executive Development and Selection Program (EDSP) may receive the greater of pay retention or the HPR. If pay retention applies, the SSA will be entitled to one-half of any general increase in the GS until the basic salary established for GS-14, step 10 equals or exceeds the SSA's retained rate of pay, at which time pay retention terminates. If the HPR applies and pay would fall between two steps, pay will be set at the higher step. (See MAOP, Part 1, 3-1.1(3), and MIOG, Part 1, 67-6.8.)

(e) Support Employees Returning from Legal Attache (LEGAT) Assignments: If an employee serves in a LEGAT position for the full term and received a promotion that lasted for one year or longer, then HPR may be used to set pay. If the returning employee takes a position that is in a lower grade than that held before going to the LEGAT position, then either pay retention for the salary of the pre-LEGAT position or HPR from the LEGAT position will be used to set pay--the employee will receive whichever is greater. For example, if the employee leaves a grade GS-7 position to go to a LEGAT, is promoted to grade GS-9 in the LEGAT office, and returns to a grade GS-6 position in a field office, that employee's pay in the grade GS-6 position will be set using either pay retention for the grade GS-7 position or HPR for the grade GS-9 position (if that grade was held for at least one year), depending on which one will result in the higher pay.

(f) Leave Without Pay (LWOP): Time in a LWOP status will be credited as time in the current grade unless the LWOP resulted from one or more suspensions. The amount of time suspended would be added to the eligibility time for consideration of the HPR.

(g) Locality Pay Differentials: HPR determinations are made using base pay only. A locality pay differential may not be used to establish the HPR. Thus, a change in the local pay area does not affect the determination of the HPR.

(h) Other Federal Agency Pay Systems: Salary

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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received under other federal pay systems such as broad banding may be credited as the HPR on a case-by-case basis. The Staffing Unit (STAFU), Administrative Services Division (ASD), FBIHQ, will determine whether a pay policy for these other systems provides GS equivalencies for the pay system in question.

(i) Request for Exception to HPR: At the time of selection, salary will be set at the HPR unless the EDSP or STAFU, ASD, FBIHQ, is advised to the contrary by the head of the division/office to which the employee is being assigned. If set at a rate other than the HPR, the salary determination will be made in consultation with the EDSP or STAFU and the head of the division/office where the employee is being assigned; this decision, and the reason for same, will be documented in writing via a communication from the receiving office to the Personnel Officer, Attention: STAFU, ASD, FBIHQ. The STAFU will coordinate processing of these requests with the EDSP when warranted, and the employee will be advised of the reason why a rate less than the HPR is being offered via a formal communication from the STAFU. The salary must be established before the employee's entry on duty or movement to a different position.

(j) Special Rate of Basic Pay: HPR may be based on a special rate of pay under certain conditions cited in 5 CFR (e.g., pursuant to 5 CFR Section 531.203(d)(2)(vii)). HPR may not, however, be based on a special rate unless "(A) The special rate of pay is the employee's current rate of basic pay; and (B) An agency official specifically designated to make such determinations finds that the need for the services of the employee, and his or her contribution to the program of the agency, will be greater in the position to which he or she is being reassigned. Such determinations shall be made on a case-by-case basis, and in each case the agency shall make a written record of its positive determination to use the special rate as an employee's highest previous rate."

Concerning item (B), the FBI official designated to make the determination is the Personnel Officer or his/her designee. A communication requesting this determination must be submitted to the Personnel Officer, Attention: STAFU, ASD, FBIHQ, by the affected employee's office to establish an employee's pay based upon his/her HPR following the termination of a special rate of basic pay.

(k) Title Five Exemption Authority (TFXA): Special procedures may exist where HPR would be credited differently for employees and positions covered by the exemption authority. For an explanation of those special procedures, see TFXA operating guidelines.

(l) Retroactive Application: Because the personnel actions involved are generally discretionary, there is a statutory prohibition on applying this policy retroactively.

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3

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SecCls:

SENSITIVE

**| 8-9.1 | Deleted|**

\*\*EffDte: 06/10/1994 MCRT#: 260 Div: D3 Cav: SecCls:

**| 8-9.2 | Deleted|**

\*\*EffDte: 06/10/1994 MCRT#: 260 Div: D3 Cav: SecCls:

**| 8-10 | DELETED|**

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

**8-11 PROMOTIONAL ALLOWANCES**

|

\*\*EffDte: 10/19/1995 MCRT#: 465 Div: D3 Cav: SecCls:

**8-11.1 Pay Computations**

(1) When an employee is promoted from one general schedule (GS) grade to another, the pay is set at a rate in the higher grade that will pay at least the equivalent of a two-step increase in the grade from which promoted.

(2) If an employee is promoted from one grade of the merit pay system (MPS) to a higher MPS grade, the employee will receive a rate of pay in the new grade that exceeds his/her salary in the lower grade by 6 percent.

(3) An employee being promoted from one Federal Wage System (FWS) grade to a higher FWS grade will receive a rate of pay in the higher grade that will pay at least the equivalent of a one-step increase in the grade from which promoted.

(4) In general, when FWS employees are moved to jobs in the GS, they may be paid any GS pay step up to the next highest pay step above the rate they were making as an FWS employee.

| (5) When a vacant position is filled by the temporary  
| assignment of a qualified employee at the same or higher grade level,  
| there will be no effect upon that employee's permanent grade or pay  
| status. |

\*\*EffDte: 04/04/1996 MCRT#: 528 Div: D3 Cav: SecCls:

## 8-12 COST-OF-LIVING ALLOWANCE/POST DIFFERENTIAL

(1) General Schedule employees in Alaska, Hawaii, Puerto Rico, Virgin Islands and Guam can receive a cost-of-living allowance (COLA) at a rate established by the Office of Personnel Management. Rates range from 5 percent to 25 percent and are subject to increase/decrease based on annual comparative surveys between the nonforeign area and Washington, D.C., area. Employees must meet certain eligibility requirements prior to receiving an allowance. For example, in a given allowance area employees having purchasing privileges in commissary and exchange facilities as a result of current federal employment or living in housing rented from a federal agency as a result of current federal employment may not be eligible to receive a COLA or may receive a lower rate. Employees have the option of not using commissary and exchange facilities and/or government housing in order to receive a full COLA.

(2) Post Differential (PD) is authorized to employees assigned to the Island of Saipan (Northern Mariana Islands) and Guam, in consideration of the difference of environment when compared to that of the States. PD is paid only to employees hired off-island as it is specifically designed as an incentive to induce needed categories of employees who would not otherwise be interested in relocating to the differential area.

| (3) | Post Differential pay may also be approved by the  
| Department of State for employees serving on temporary duty (TDY)  
| assignments which involve major investigations. However, employees  
| are not entitled to this post differential until their 43rd day of  
| assignment in the TDY location and only after approval is granted by  
| the Department of State. |

| (4) | Pay resulting from the payment of a COLA or a PD, or  
| both, may not exceed 25 percent of the rate of basic pay. An employee  
| eligible for a COLA is entitled to receive the full allowance  
| established for the nonforeign area, first. If the COLA does not  
| amount to 25 percent the employee may also be paid as much of the PD  
| as will not cause the total additional pay to exceed 25 percent of  
| basic pay. PD is subject to federal tax, whereas COLA is not.

\*\*EffDte: 01/21/1999 MCRT#: 847 Div: D3 Cav: SecCls:

## 8-13 DANGER PAY

\*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3 Cav: SecCls:

### **| 8-13.1 Authority**

|           Public Law 107-273 provides that the Secretary of State may  
| not deny a request by the FBI to authorize a danger pay allowance  
| under Title 5, United States Code, Section 5928 for any FBI employee.|

    \*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3           Cav:           SecCls:

### **| 8-13.2 Basic Requirements**

|           (1) Danger pay allowances may be granted because of civil  
| insurrection, civil war, terrorism, or wartime conditions which  
| threaten physical harm or imminent danger to the health and/or well-  
| being of employees.

|           (2) They are paid in the amount of 15, 20, or 25 percent of  
| basic pay for FBI employees assigned on a temporary or long-term basis  
| to certain foreign posts.

|           (3) Danger pay may not exceed 25 percent of basic pay  
| including post differential pay.|

    \*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3           Cav:           SecCls:

### **| 8-13.3 Recommendation Process**

|           (1) Requests for the establishment, adjustment or  
| abolishment of danger pay may be submitted, in EC format, by LEGATS or  
| FBI components with lead investigative responsibilities to the Office  
| of International Operations (OIO) or may originate within that Office.

|           (2) Sufficient information regarding the danger posed by  
| the assignment to a specific post must be submitted with the request.|

    \*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3           Cav:           SecCls:

### **| 8-13.4 Composition of the Danger Pay Advisory Board (DPAB)**

|           (1) When a request is received, the OIO will convene a DPAB  
| chaired by the Special Agent in Charge, OIO (nonvoting member).

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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| (2) The Assistant Directors (ADs) of the Counterterrorism,  
| Counterintelligence, Criminal Investigative, Finance, and  
| Administrative Services Divisions will serve as members of this Board,  
| with the ADs of Finance and Administrative Services Divisions serving  
| as nonvoting members.

| (3) All three voting members must vote on each danger pay  
| determination but designees may act on behalf of a voting or nonvoting  
| member.

| (4) The ADs of Finance and Administrative Services  
| Divisions shall ensure that danger pay allowances recommended by the  
| DPAB are consistent with policy.

\*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3 Cav: SecCls:

### | 8-13.5 Deliberations

| (1) Danger pay allowances and rates will be based on the  
| level of risk at foreign locations as determined by the DPAB.

| (2) Countries at war will be considered for the highest  
| allowances while countries where nonessential personnel and dependents  
| are present will be considered for lesser amounts.

\*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3 Cav: SecCls:

### | 8-13.6 Recommendation to the Director

| (1) The DPAB will recommend to the Director, in writing,  
| the establishment, modification, or abolishment of danger pay  
| allowances for FBI employees assigned to foreign posts (both long-term  
| and temporary duty assignments.)

| (2) Estimated costs, developed by the OIO in conjunction  
| with Finance Division, will be included with the recommendation to the  
| Director.

\*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3 Cav: SecCls:

### | 8-13.7 Effective Date

| New or modified danger pay allowances are effective on the  
| date the Director or the Deputy Director approved the request.

SENSITIVE

\*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3                      Cav:                      SecCls:

### **| 8-13.8    Communication of Danger Pay Changes**

|                      (1)    The Director will advise the Secretary of State when  
| authorizing danger pay in new locations.

|                      (2)    The Human Resources Officer will notify FBI offices of  
| new or modified danger pay allowances.|

\*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3                      Cav:                      SecCls:

### **| 8-13.9    Procedures to Arrange Payment**

|                      (1)    Offices must prepare an EC to Administrative Services  
| Division, Attention:    Staffing Unit, Room 6094, requesting danger pay  
| for an employee.

|                      (2)    In the EC, provide the name of the employee, social  
| security number, danger pay location, and dates of service in that  
| location.

|                      (3)    Staffing Unit will coordinate payments with the Payroll  
| Administration and Processing Unit, Finance Division.|

\*\*EffDte: 08/07/2003 MCRT#: 1292 Div: D3                      Cav:                      SecCls:

### **| 8-14|       INTEREST ON BACK PAY |(FORMERLY 8-13)|**

                    (1)    Public Law 100-202 provides for the payment of interest on back pay awards and also applies whenever an unjustified or unwarranted personnel action results in the withdrawal, reduction, or denial of pay, allowances, and differentials. A particular money amount is not withdrawn from an employee until the actual pay date on which the employee would have received it if the unjustified or unwarranted personnel action had not occurred. If the back pay payment is issued within 30 days of the actual pay date, no interest is paid. The term "unjustified or unwarranted personnel action" includes both personnel and pay actions, as well as the omission or failure to take an action or confer a benefit. For example, if through an administrative error, an employee fails to receive a within-grade increase after it has been approved by an authorized official, the employee is entitled to receive back pay and interest. Interest begins to accrue on the effective date of the withdrawal (pay

SENSITIVE

Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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date of the action) if the back pay is not paid within the allotted 30 days from the appropriate pay date of the action. The back pay due will be paid before the interest is calculated; however, the interest will continue to accrue until the interest accrual ends (within 30 days of the interest payment). The interest paid is based on rates established by the Secretary of the Treasury as the Interest Overpayment Rate and is compounded daily.

(2) The Internal Revenue Service has issued the following opinion on the tax treatment of interest on back pay: Interest payments are not wages for federal income tax or the Federal Insurance Contributions Act (FICA) purposes, nor are they subject to withholding of FICA tax. Therefore, the interest payment will not be included on the Wage and Tax Statement (Form W-2). A Form 1099-INT will be issued to employees receiving interest payments of \$600 or more. A notice will be supplied to each employee receiving interest payments for use in filing the payment on their annual federal income tax return.

\*\*EffDte: 01/21/1999 MCRT#: 847 Div: D3 Cav: SecCls:

## **8-15 SALARY ADVANCES FOR NEWLY HIRED EMPLOYEES (FORMERLY 8-14)**

The Federal Employees Pay Comparability Act of 1990 (FEPCA) established the authority to grant payment of salary advances covering no more than two pay periods to newly hired employees only after specific criteria have been met.

(1) Newly hired support employees GS-10 and above - The agency is required to provide written information concerning the amount of the advance, all repayment options and recovery methods before the salary advance is granted. In addition, the employee must sign an agreement to repay the advance. An advance application will be forwarded to each eligible support employee along with their appointment letter. If a salary advance is desired, the employee will complete the application and return it to the Payroll Administration and Processing Unit (PAPU), Finance Division, for a determination of the maximum amount that can be advanced and the repayment agreement. After receipt of the signed agreement, the salary advance will be issued to the employee after they enter on duty (EOD) but before they receive their first regular salary payment. The salary advance will be repaid through payroll deduction over 13 biweekly pay periods. The employee may repay all or part of the balance at any time.

(2) Newly hired support employees Grades GS-9 and below can be advanced one salary payment in the amount of \$300. The salary advance will be repaid through payroll deduction in the amount of \$25 each pay period until repaid. The first payment will begin with the first full pay period after the employee enters on duty. An employee will not be required to sign a repayment agreement. The salary advance request will be entered into the Bureau Personnel Management System during the first week of employment for newly hired field office support employees. The salary advance request for Headquarters

SENSITIVE



| divisions will be handled by|PAPU|personnel from the EOD class listings.

(3) The unpaid balance of the salary advance at the time of separation will be recovered by salary offset or become a debt owed to the government.

\*\*EffDte: 11/15/2001 MCRT#: 1155 Div: D3FD Cav: SecCls:

## **| 8-16 |DELETED|**

\*\*EffDte: 11/15/2001 MCRT#: 1155 Div: D3FD Cav: SecCls:

## **| |8-17 STUDENT LOAN REPAYMENTS FOR RECRUITMENT/RETENTION PURPOSES|**

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3 Cav: SecCls:

### **| |8-17.1 Authority**

| Title 5, United States Code (USC), Section 5379, and 5 Code of Federal Regulations, Part 537, authorize repayment of certain federally insured student loans to assist agencies when trying to attract individuals to the federal service or to retain highly qualified employees.|

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3 Cav: SecCls:

### **8-17.2 Basic Requirements**

(1) The FBI may repay all or part of an employee's outstanding student loan (excluding late fees) up to|\$10,000|per calendar year (and a total of|\$60,000|per employee).

(2) This authority applies to all permanent, including part-time, employees; term employees with at least three years left on their appointments; temporary employees serving on appointments leading to conversion to term or permanent appointments; and all applicants for such positions.

(3) Repayments are limited to the indebtedness outstanding at the time the employee enters into the service agreement and may be made only on federally insured student loans that are NOT currently in

default. The level of academic degree earned or even the lack of a degree is not an eligibility factor.

\*\*EffDte: 02/04/2005 MCRT#: 1370 Div: D3                      Cav:                      SecCls:

### **| 8-17.3 Recommendation Process**

|                      (1) Recommendations to approve repayment of a loan should  
| be made at the lowest appropriate supervisory or managerial level, but  
| must generally be made by an official who is at a higher level than  
| the employee who will receive the repayment benefit. All  
| recommendations for payment should be submitted through the  
| supervisory chain, including the division or office head, for input  
| before submission to the approving official.

|                      (2) Recommendations for both recruitment and retention  
| purposes must include:

|                      (a) an explanation of the difficulty the Bureau would  
| face, in the absence of loan repayment, in filling the position with a  
| highly qualified employee or retaining the highly qualified employee;

|                      (b) the criteria used to determine the amount and  
| timing of repayment;

|                      (c) an explanation of the extent to which other  
| available recruitment/retention incentives were considered or offered;  
| and

|                      (d) verification, from the lending institution, of the  
| outstanding loan balance; status of the loan, i.e., whether or not the  
| loan is in default; and the lending institution's account number.

|                      (3) Recommendations for retention repayments must  
| additionally include:

|                      (a) a description of the employee's high or unique  
| qualifications or the special need for the employee's services;

|                      (b) the determination that the employee would be  
| likely to leave for employment outside the federal service absent the  
| loan repayment; and

|                      (c) a description of the extent to which the  
| employee's departure would affect the FBI's ability to carry out an  
| activity or perform a function that is deemed essential to its  
| mission.|

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3                      Cav:                      SecCls:

## **| 8-17.4 Approval Process**

|           (1) Generally, the Personnel Officer, Personnel Management  
| Branch, Administrative Services Division (ASD), will approve  
| recommendations for repayment of federally insured student loans for  
| nonattorney FBI applicants and employees.

|           (a) the approving official must be at a higher level  
| than both the applicant/employee seeking repayment and the  
| recommending official. If either of these are at the Deputy Assistant  
| Director level or above, the approving official will be the Assistant  
| Director, ASD, or such higher level official as is necessary to  
| satisfy this requirement.

|           (b) the approval authority for FBI attorney applicants  
| and employees will generally be the General Counsel.

|           (2) All requests for repayment of student loans will be  
| reviewed by the Finance Division (FD), prior to approval, to ensure  
| availability of funds.

|           (3) The approving official will ensure that the  
| applicant/employee selection process for loan repayment benefits is  
| consistent with the merit system principles in Title 5, USC, Section  
| 2301, and will consider the need to maintain a balanced workforce in  
| which women and members of racial and ethnic minority groups are  
| appropriately represented.

|           (4) A determination made for recruitment purposes must be  
| approved before the employee enters on duty in the position.

|           (5) When determining whether a student loan should be  
| repaid, and the amount and timing of any such repayment, the approving  
| official will consider the information submitted by the recommending  
| official and the following factors, as applicable:

|           (a) the applicant's/employee's qualifications;

|           (b) funds available (or expected to be available) for  
| repayment;

|           (c) the minimum repayment needed to ensure the  
| acquisition or retention of the employee's services;

|           (d) the success of recent efforts to recruit  
| candidates with qualifications similar to those possessed by the  
| applicant/employee or for similar positions;

|           (e) the availability in the labor market of candidates  
| for employment who, with minimal training or disruption of mission  
| accomplishment, can perform the full range of duties and  
| responsibilities of the position;

|           (f) the relative advantages and disadvantages (for  
| both the FBI and the applicant/employee) of repaying student loans

| rather than any other recruitment or retention incentive; and

|                   (g) the applicant's/employee's preferences with

| respect to whether the payments should be spread out over more than

| one tax year.|

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3                   Cav:                   SecCls:

## **| 8-17.5 Notification Procedures**

|                   (1) The approving official will notify the

| applicant/employee and recommending office in writing whether the

| request for repayment has been approved. If the repayment is

| approved, this written notification will include the service agreement

| for the applicant's/employee's signature.

|                   (2) If additional loan repayment is recommended, after the

| agreed period of service is completed, the employee and the office

| will be notified whether or not the recommendation is approved, but

| another service agreement is not required.|

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3                   Cav:                   SecCls:

## **| 8-17.6 Service Agreement**

|                   (1) The applicant/employee and the approving official must

| enter into the service agreement which must, by federal law, provide

| for not less than three years of service.

|                   (2) The student loan service agreement will run

| concurrently with a service agreement required for other purposes,

| such as for a recruitment or relocation bonus.

|                   (3) The three-year period of service begins on the date of

| the first payment.|

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3                   Cav:                   SecCls:

## **| 8-17.7 Payment Procedures**

|                   (1) Upon approval of the request to repay an

| applicant's/employee's student loan, the FD will process the payment

| in a lump-sum amount. The lump-sum payment, after applicable taxes

| are deducted, will be issued to the lending institution through

| electronic funds transfer.

|           (2) The FBI is required to apply the following on any loan  
| repayment:

|           (a) pay the employer's share of social security and  
| Medicare taxes;

|           (b) withhold and pay appropriate federal, state, and  
| local income tax withholding; and

|           (c) withhold and pay the employee's share of social  
| security and Medicare taxes.|

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3           Cav:           SecCls:

## | **8-17.8 Repayment Requirements**

|           (1) An employee who moves from the FBI to another DOJ  
| component during the term of the agreement will cease to be eligible  
| for loan repayments but will not be required to reimburse the FBI for  
| loan repayments already made. The gaining component may enter into a  
| new loan repayment agreement with the employee.

|           (2) If an employee voluntarily separates from the DOJ,  
| transfers to another federal agency, or is involuntarily separated  
| because of performance or misconduct before completing the agreed  
| period of service, the employee must reimburse the FBI for all  
| repayment benefits received.

|           (3) In such a case, the Payroll Administration and  
| Processing Unit (PAPU), FD, must be notified immediately that the  
| employee is separating. The PAPU, FD, will contact the employee to  
| arrange repayment.

|           (4) If the employee does not repay these benefits  
| voluntarily, the PAPU, FD, will initiate recovery of the student loan  
| repayment through administrative offset. If offset is initiated, the  
| employee will be entitled to a hearing (this may be a "paper hearing"  
| or an oral hearing depending on the circumstances). The right of  
| recovery of an employee's debt may be waived in whole or in part if a  
| determination is made that recovery would be against equity and good  
| conscience or against the public interest.

|           (5) Any amount repaid, or recovered, from an employee will  
| be credited to the appropriation account from which the loan repayment  
| was originally paid. Any amount so credited will be merged with other  
| sums in that account and will be available for the same purposes and  
| period, and subject to the same limitations (if any), as the sums with  
| which merged.|

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3           Cav:           SecCls:

## **| 8-17.9 Documentation Requirement**

|           Written documentation for each determination to repay a  
| student loan will be maintained in the Staffing Unit, ASD. Since the  
| completed service agreement will be filed in the employee's Official  
| Personnel File, a copy of the completed service agreement will be  
| maintained in the Staffing Unit. This documentation will be available  
| for review by the DOJ or Office of Personnel Management. |

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3           Cav:           SecCls:

## **| 8-17.10 Annual Report**

|           (1) The Staffing Unit, ASD, will prepare an annual report  
| to the DOJ on the FBI's use of the repayment authority. The reports  
| will be submitted to the Director, Personnel Staff, Justice Management  
| Division, DOJ, no later than November 15th of each year, covering the  
| preceding fiscal year.

|           (2) This report must include the following:

|               (a) a narrative discussion of the situations for which  
| repayments were made;

|               (b) the effectiveness of the repayment authority; and

|               (c) any recommendations for improving the use of the  
| authority in terms of both regulatory change and Department  
| requirements and flexibilities.

|           (3) The annual report will also include, for each employee  
| who received repayment benefits during the preceding fiscal year, the  
| following information:

|               (a) whether the repayment was for purposes of  
| recruitment or retention;

|               (b) amount repaid during the fiscal year (before  
| withholding);

|               (c) amounts to be repaid in future fiscal years  
| (before withholding);

|               (d) employee's position title, job series, pay plan,  
| grade, and geographical area (city and state, or country); and

|               (e) length of the service agreement. |

\*\*EffDte: 05/29/2002 MCRT#: 1198 Div: D3           Cav:           SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

## SECTION 9. LEAVE

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D3      Cav:      SecCls:

### 9-1 LEAVE

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In April, 1987, a new manual, LEAVE/TIME AND ATTENDANCE (T & A) was prepared to incorporate and update the bulk of FBI leave policy contained in this section of MAOP and the Time and Attendance Workguide, as well as other time and attendance instructions.

In October, 1993, the LEAVE/TIME AND ATTENDANCE MANUAL was updated, retitled the LEAVE ADMINISTRATION GUIDE, and distributed. | Subsequent revisions in the guide have occurred with the most current | edition now entitled the LEAVE POLICY MANUAL, with a revision date of | September, 1999. |

Please refer to the index of this manual and the LEAVE | POLICY MANUAL | for information regarding leave matters relating to | military and other types of leave situations. |

\*\*EffDte: 10/31/2000 MCRT#: 1034 Div: D3      Cav:      SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*



## SECTION 10. MILITARY AND VETERANS MATTERS

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D3      Cav:      SecCls:

### | 10-1 INTRODUCTION |(See MIOG, Part 1, 67-3.9.)|

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Federal law confers certain rights upon ex-military personnel involving preference in appointment and retention, and in regard to adverse personnel actions; as well as reinstatement rights in their jobs following military service. The sources of the rights as to appointment, retention, and adverse actions are the Veterans' Preference Act of 1944, as amended, and the Veterans Readjustment Benefits Act of 1966. The source of the job reinstatement rights is the Military Selective Service Act of 1967. Any question relating to an interpretation of the statutes or to the status or rights of veterans or ex-military personnel should be referred to FBIHQ.

\*\*EffDte: 09/16/1999 MCRT#: 919      Div: D3      Cav:      SecCls:

### 10-2 VETERANS' COUNSELOR

| Bureau's Personnel|Division|has a veterans' counselor's office where ex-military personnel and employees facing military service may receive specialized advice on their problems.

\*\*EffDte: 04/21/1994 MCRT#: 226      Div: D3      Cav:      SecCls:

### | 10-3 APPOINTMENT |(See MIOG, Part 1, 67-9.7.16.)|

Veterans are entitled to have five points added to their scores in examinations for government jobs, or ten points if they are disabled, provided they first make a passing grade in the examinations. Certain close relatives of veterans sometimes can qualify for the ten-point preference in the veteran's stead. The type of preference that is to be afforded veterans or close relative of veterans is determined by FBIHQ in accordance with federal regulations. In general, veterans' preference entitles an applicant

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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to preferential appointive consideration, whether or not a numerical rating is given. For details as to how Bureau applicant registers are maintained so as to assure the granting of appropriate veterans' preference, see MIOG, Part 1, Section 67-2.6.

\*\*EffDte: 09/16/1999 MCRT#: 919 Div: D3 Cav: SecCls:

## **10-4 RETENTION**

A reinstated (ex-military) employee with mandatory restoration rights has an absolute right to retention in employee's job for six months or one year (except in case of a discharge for cause). Whether the period is six months or one year depends on the facts of employee's case. Veterans also have certain special rights in any reduction in force.

\*\*EffDte: 02/28/1978 MCRT#: 0 Div: D3 Cav: SecCls:

## **10-5 EMPLOYEES ENTERING MILITARY SERVICE**

\*\*EffDte: 02/28/1978 MCRT#: 0 Div: D3 Cav: SecCls:

### **10-5.1 Exit Interview**

All employees leaving for military service are to be interviewed by the veterans' counselor or certain other supervisory personnel at FBIHQ or by SAC in field whether or not they possess mandatory military reinstatement rights. Bureau's continuing interest in them is to be pointed out. It is to be made clear to them whether or not they possess reinstatement rights. FD-333 should be executed on those interviewed and forwarded to FBIHQ, along with letter of resignation and exit interview, when latter documents are required.

Whether employees possess reinstatement rights depends on the nature of their appointment in Bureau. If it is a permanent or temporary indefinite appointment, they have such rights and if otherwise they do not. Almost all Bureau employees possess either permanent or temporary indefinite appointments.

\*\*EffDte: 02/28/1978 MCRT#: 0 Div: D3 Cav: SecCls:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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## **10-5.2 Disposition of Government Property and Personnel File**

Field personnel file should be retained in field office. Government property should be collected by the SAC or FBIHQ supervisor at time the separation or furlough commences. For those departing on military furlough, FBIHQ supervisor should see that property is secured and returned to Property Procurement and Management Section of the Finance Division where it will be retained and may be reissued upon employee's return to duty. In field, property should be retained in field office and reissued upon employee's return to duty.

\*\*EffDte: 03/07/1994 MCRT#: 208 Div: FD Cav: SecCls:

## **10-5.3 Separation**

(1) An employee leaving to enter military service for more than three months' military duty submits a resignation. The reinstatement rights for such an employee are the same as those of an employee placed on military furlough. (See 10-5.4.)

(2) Employee should be given a copy of Form FD-183 (Reemployment Rights Following Military Service) during the interview recorded on FD-333. In that interview employee should be advised to forward evidence of employee's entrance into military service. A letter to FBIHQ giving date active military duty began and employee's military address will suffice except in those cases in which an employee, whether permanent or temporary indefinite, is entering on active duty as a result of membership in a reserve component, including National Guard. Employees who qualify are entitled to military leave for active duty or engaging in field or coast defense training. This military leave accrues for an employee in addition to annual leave at time rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. That is, up to 15 days of accrued, unused military leave may be carried over into the succeeding fiscal year for use during that year. No more than 15 days of accrued, unused military leave may be carried over into any fiscal year. Active reserve duty (including National Guard) must have been ordered prior to employee's ceasing active duty in Bureau for employee to qualify for payment, and must be supported by a copy of orders for such active duty. In addition, FBIHQ must be in receipt of a statement from former employee's military commanding officer certifying to completion of 15 days or less of active duty, depending on amount of military leave to which employee is entitled. As soon as certification is received, payment will be made.

\*\*EffDte: 01/15/1982 MCRT#: 0 Div: Cav: SecCls:

**SENSITIVE**

#### **| 10-5.4    Furlough |(See MAOP, Part 1, 10-5.5.2(5); MIOG, Part 1, 67-3.9.)|**

An employee with reinstatement rights leaving for three months or less of service may be placed on military furlough. Material contained in item 10-5.3, above, also applies to employee.

Only difference in this case is that employee does not resign, but instead directs a communication to employee's division head setting out employee's military service plans and requesting military furlough of specific duration.

\*\*EffDte: 09/16/1999 MCRT#: 919    Div: D3                    Cav:                    SecCls:

#### **10-5.5    Reinstatement**

\*\*EffDte: 01/15/1982 MCRT#: 0            Div: D3                    Cav:                    SecCls:

##### **10-5.5.1    Requirements for Reinstatement**

|            (1) |Subject to the conditions as set forth below, if|an employee had a permanent or temporary indefinite appointment and leaves|the|Bureau to enter military service of the United States and so enters without undue delay, remaining in service for a period not exceeding four years (exclusive of any involuntary extension), or in some cases, as long as five years (plus additional service imposed pursuant to law) employee has a right to be restored in the position he/she left or one like it, unless such position is held by an employee with greater rights, or if employee should incur a disabling physical condition during his/her military service, in a position as nearly similar to employee's former one as employee's physical condition permits. Employee is entitled to within-grade raises and to receive consideration for promotion in his/her absence to any vacancies for which qualified. In some cases an employee can serve in the military as much as five years (plus additional service imposed pursuant to law) and still retain his/her reinstatement rights. In each case in which service exceeds four years, circumstances will determine whether employee still possesses such rights.

(2) To be entitled to reemployment rights, an employee

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| must complete his/her military service honorably and receive a  
| certificate to that effect, be|qualified|to perform the duties  
| of|his/her|former position|(or an equivalent one),|and apply for  
| reinstatement within the prescribed period. |If an employee is not  
| physically qualified to perform the duties of the former position by  
| reason of a disability sustained during military service, that  
| employee has a right to be placed in another position for which he/she  
| is qualified that will provide the employee with the same seniority,  
| status, and pay, or the nearest approximation consistent with the  
| circumstances in each case.|

| (3) |To be qualified for employment he/she must have a top  
| secret clearance since all positions within the FBI are at the  
| special-sensitive level. A security clearance is a necessary  
| qualification for reemployment and that it may be necessary to conduct  
| an updated background investigation which will serve as a basis for  
| determining whether the veteran who is applying for reinstatement  
| should be granted a security clearance.|

| (4) | Enlistee must apply for reinstatement rights within  
| 90 days after military separation unless he/she is hospitalized at  
| separation, in which case reinstatement rights are extended for period  
| of hospitalization but not to exceed one year, plus 90 days.

| (5) | An employee who went into service as a reservist or  
| National Guardsman for an initial period of three to six months'  
| active duty for training must apply within 31 days after separation  
| unless hospitalized, in which case employee must apply within 31 days  
| after discharge from hospitalization incident to that active duty for  
| training or one year after release from that training, whichever is  
| earlier. In certain exceptional cases involving initial period of  
| active duty for training of less than three months, employee may also  
| have 31 days after release from active duty to exercise reinstatement  
| rights. Employee will be appropriately notified at time he/she  
| leaves. If employee's service as a reservist or National Guardsman is  
| for active duty for an indefinite period, exceeding six months,  
| employee has a period of 90 days to apply for reinstatement.

\*\*EffDte: 09/26/1994 MCRT#: 307 Div: D3 Cav: SecCls:

### **10-5.5.2 Procedures for Reinstatement**

| (1) A veteran ex-employee with reinstatement rights at  
| FBIHQ who calls at a field office to arrange for return to duty should  
| be advised that his/her request will be transmitted immediately to  
| FBIHQ and FBIHQ will then get in touch with him/her. Office should  
| notify FBIHQ of the matter by Form FD-435. Form FD-435 should, if  
| possible, include date employee desires to|return; place,|and type of  
| separation; rank, social security and/or serial number, and branch of  
| service; whether on interview employee admitted incurring disciplinary  
| measures or physical disabilities in military service; whether on

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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interview employee admitted employee or any relatives have been in difficulty with civil authorities since employee left Bureau. Pertinent details should be included. An executed Form FD-224 and, if available, a copy of the honorable separation should be attached to Form FD-435. If, having no copy of employee's military separation physical examination report, employee requests the office to arrange a reinstatement physical examination, office should make necessary arrangements. A physical examination report must be submitted, but this can follow employee's reinstatement. |(See (4) and (5).)|

(2) Appropriate leads to check his/her military service record should be set out immediately. If employee's discharge was recent, the records are probably at the military installation where

employee was discharged. Otherwise, refer to MIOG, Part II, Section 19, for location of military records. Appropriate intelligence agency should also be requested to check records applicable.

(3) If the veteran ex-employee with reinstatement rights appears at the same field office where he/she formerly served to arrange for restoration to duty there,|office|should send Form FD-435 to FBIHQ containing the same information described in 10-5.5.2 (1), above, indicating what steps are being taken to complete reinstatement procedure, such as arranging for a physical examination, checking military records, etc. Form FD-435 should also state grade and position in which it is recommended employee be reinstated.

If there is any question as to whether employee meets reinstatement requirements, employee should be advised office will resolve it by contacting FBIHQ and employee will be informed of the decision.

(4) If the veteran ex-employee requests reinstatement at a different field office than the one to which employee has reported for information and guidance, FBIHQ should be informed by Form FD-435 containing the same kind of information indicated in 10-5.5.2 (1), above. FBIHQ will take appropriate action. It should be noted Bureau policy is to reinstate employee in the office he/she left to enter military service.

(5) Employees who were placed on military furlough (10-5.4 above) can return to work as soon after their military duty is over as they wish; the normal restoration processing can be completed subsequently. FBIHQ must be advised of results of interview outlined in 10-5.5.2 (1) above. FD-224, a copy of employee's honorable separation, and physical examination report must be forwarded as soon as possible. FBIHQ must be separately advised upon return to duty. Usual entry-on-duty forms are not necessary and Government property should be immediately reissued to employee.

(6) Any veteran ex-employee who resigned from Bureau to enter military service and subsequently returns to duty must execute usual entry-on-duty forms, including statement of Federal Service Form, FD-195. Such forms should be forwarded to FBIHQ immediately to facilitate placing employee on payroll. As explained above, they are not necessary in military furlough cases, as furloughed employees were never removed from our rolls.

**SENSITIVE**

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**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(7) If any veteran ex-employee orally advises that he/she does not desire to exercise reinstatement rights or does not desire to return to duty from military furlough, this waiver should be secured from employee in writing.

\*\*EffDte: 09/26/1994 MCRT#: 307 Div: D3 Cav: SecCls:

### **10-5.5.3 Rejectees**

In order for an employee to exercise reinstatement rights who has such rights and is rejected for military service, employee must, according to law, report back for work at beginning of his/her next regularly scheduled working period after expiration of last calendar day necessary to travel from place of rejection to place of employment following employee's rejection or within a reasonable time thereafter if delayed return is due to factors beyond employee's control. Failure to so report shall make employee subject to administrative action as an unauthorized absentee. Rejectees reporting back for work should be interviewed and reason for rejection determined. Advise FBIHQ and check appropriate military service installation where rejected to confirm reason for rejection and advise FBIHQ of results. Should any employee delay his/her return so that employee would be considered an unauthorized absentee, submit employee's explanation for delay, along with your recommendation as to any administrative action.

\*\*EffDte: 01/22/1991 MCRT#: 0 Div: D3 Cav: SecCls:

## **| 10-6 ADVERSE PERSONNEL ACTIONS|(See MAOP, Part I, 10-7.)|**

| In general, no veteran who|is "preference eligible"  
| and|who has|completed one year of current continuous service in the  
| same or similar positions within an agency|may be discharged,  
| suspended for more than 14 days, or involuntarily reduced in|grade or  
| pay|without being given 30|days' advance|written notice  
| stating|specific reasons for the proposed action. A|further  
| discussion of this matter,|including the meaning of the term  
| "preference eligible,"|is found in|MAOP,|Part I,|13-10.|

\*\*EffDte: 12/01/1994 MCRT#: 353 Div: D3OP Cav: SecCls:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**| 10-7 EXCEPTIONS TO ELIGIBILITY FOR PREFERENCE RIGHTS**

| If a preference-eligible employee has not completed one  
| year of current continuous service in the same or similar positions  
| within the agency, the employee does not possess rights mentioned in  
| 10-6 above. None of the benefits of the Veterans Readjustment  
| Benefits Act of 1966, Cold War GI Bill, accrue to employees who served  
| under Title 10, United States Code (USC), Section 511(d), in the  
| National Guard or Reserve (so called six-monthers). Preference  
| claimed on the basis of a service connected disability requires  
| appropriate official proof. |(See MAOP, Part I, 13-10.)|

\*\*EffDte: 12/01/1994 MCRT#: 353 Div: D3OP Cav: SecCls:

**10-8 ADVANCEMENT**

As already mentioned above, a permanent or temporary indefinite employee must be considered for promotion during employee's absence in military service. It is not mandatory that employee be promoted but only that employee be considered. If employee is not promoted, Bureau's policy is to accelerate employee's progress as much as possible, consistent with its vacancies and employee's qualifications, upon employee's return.

\*\*EffDte: 11/25/1987 MCRT#: 0 Div: D3 Cav: SecCls:

**10-9 MILITARY LEAVE**

(1) A support employee, veteran or not, who is a member of a reserve component of Armed Forces (including National Guard) is entitled to military leave for active duty or engaging in field or coast defense training. This military leave accrues for an employee in addition to annual leave at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. That is, up to 15 days of accrued, unused military leave may be carried over into any fiscal year. Employee can also be granted up to 22 workdays of military leave per calendar year for Federal or state duty performed to provide military aid for enforcement of the law; the coverage of this provision includes the District of Columbia National Guard. Military pay received for this kind of duty is deducted from federal civilian salary for same period. Therefore, upon return to work employee must submit a certified

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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statement showing amount (other than a travel, transportation, or per diem allowance) employee received for military service so that employee's salary may be reduced accordingly. District of Columbia National Guardsmen may be granted additional military leave with pay for parades, encampments, and certain other duty ordered by commanding general.

(2) Part-time career employees may be granted military leave.

(3) Members of Reserve Officers Training Corps (ROTC) are not eligible for military leave with pay for training purposes but may be granted annual leave or leave without pay. (See the LEAVE | POLICY MANUAL.)

\*\*EffDte: 10/31/2000 MCRT#: 1034 Div: D3 Cav: SecCls:

## **10-10 OTHER RIGHTS**

(1) There are certain other rights employees may have based upon their military service. Examples are home loan guaranty provisions of Servicemen's Readjustment Act of 1944 (GI Bill) and under Korea GI Bill. Under Veterans Readjustment Benefits Act of 1966, Cold War GI Bill, term "veteran" is not always defined same way for each benefit, but generally means an individual with more than 180 days of active military duty, any part of which occurred after 1-31-55. Definition excludes those whose service was in National Guard or military reserve programs under Title 10, USC, Section 511 (d), entailing six months or less of active duty for training within a total six-year reserve commitment. The 1966 act provides such benefits as education aid, home loan guaranty, medical care, and veterans' preference.

(2) Above rights are type administered primarily by Department of Veterans Affairs which has local offices throughout Nation.

\*\*EffDte: 09/26/1989 MCRT#: 0 Div: D3 Cav: SecCls:

## **10-11 MILITARY RESERVE MATTERS (See MAOP, Part 1, 1-17.)**

(1) The Bureau maintains records on employees who are members of military reserve (including National Guard) units. Information as to any change in reserve status of an employee must be promptly forwarded to FBIHQ. A change in reserve status includes such matters as being discharged from a reserve unit, being promoted, or

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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being transferred from the Ready Reserve to the Standby Reserve. Form FD-295 is to be used for this purpose and should be sent to FBIHQ by routing slip. In addition, routing slips should be used to keep FBIHQ advised of any pending action, such as intended contacts with reserve units for information. Routing slips should be marked for attention of the Administrative Services Division. Whenever a member of the Standby Reserve is to be ordered involuntarily to active duty in time of war or national emergency declared by the Congress or whenever otherwise authorized by law, the reservist would be ordered by his/her branch of the Armed Forces to report to his/her unit for duty. Should any Agent or key support personnel be so ordered as a member of the Standby Reserve, FBIHQ is to be immediately advised so appropriate employment data may be furnished.

(2) Special Agents occupy Key Federal Employee positions and may not belong to the Ready Reserve. However, Agents are permitted to belong to the Standby Reserve. As a condition of employment, new Agents who are members of the Ready Reserve must either transfer to the Standby Reserve or separate entirely from military reserve. Thereafter, Agents may not rejoin Ready Reserve units. Agents should also keep in mind that Individual Mobilization Augmentee (IMA) billets and all National Guard billets (including inactive National Guard billets) are Ready Reserve positions for which Agents are ineligible.

(a) Agents who are members of the Standby Reserve may volunteer for active duty for training (ADT) and be granted Military Leave. Any Agent in the Standby Reserve who seeks to volunteer for ADT during duty time or inactive duty training (i.e., weekend drills) during off-duty time must submit a request for approval to his/her SAC or division head at least 30 days in advance. Such a request may be disapproved if, in the view of the SAC or division head, granting the request would unreasonably and adversely affect Bureau operations. A denial of a request for reserve training participation may be appealed to the Deputy Director.

(b) Employees approved for ADT are entitled to up to 15 calendar days of Military Leave per year (but no more than 30 days of accrued Military Leave) while continuously receiving FBI pay. All documentation of Military Leave, including copies of orders and certification showing dates of duty actually performed, must be completed and submitted to the Payroll Administration and Processing Unit, Finance Division. Failure to submit proper documentation will result in all absences from work for ADT being charged to Annual Leave or Leave Without Pay.

\*\*EffDte: 10/31/2000 MCRT#: 1034 Div: D3

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\*\*\*\*\* END OF REPORT \*\*\*\*\*

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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## SECTION 11. TRANSFERS

### 11-1 GENERAL INSTRUCTIONS (See Legal Attache Manual, Section 3.)

- (1) All personnel should be cautioned that they are not, under any circumstances, to discuss transfers of other employees with unauthorized individuals, such as realtors or employees of moving companies. To do so will subject employees to severe administrative action and possible criminal liability under the Privacy Act of 1974.
- (2) Agents under transfer are to be relieved of assignments so that the transfer may be expedited.
- (3) All Agents must report to their new office of assignment within 90 days of the date of the official letter of transfer.
- (4) Effective date of employee's assignment at new duty station is the date of arrival at the new office.
- (5) Requests for delays in reporting to a new office of assignment must be submitted to the Bureau with full justification and may be submitted on a UACB basis. These requests are reviewed individually and coordinated with the pertinent field offices and/or FBIHQ divisions.
- (6) Do not incur transfer-related expenses prior to receipt of the letter of transfer.
- (7) Employees being transferred to any point within the United States should advise the Postal Service that change of residence is the result of an official Government transfer. All classes of mail for employee and immediate family residing with employee will be forwarded free of charge.
- (8) Those offices receiving cost-of-living (COL) allowances must immediately advise the date the employee departs since the COL is removed upon departure. Failure to advise FBIHQ on a timely basis will result in an overpayment that the employee must refund.
- (9) For policy concerning Agents who have completed a language school or who have passed a Bureau language examination, refer to Part I, Section 22, and Part II, Section 1-1.9, of this manual for additional instructions.

#### 11-1.1 Use of SF-52 (Request for Personnel Action)

- (1) The field office the employee is transferring into must submit an SF-52 to the Bureau showing the arrival date of employee.
- (2) The following items must be executed on the SF-52 for Arrival Notices.
  - (a) Part A, Item 1 (Relocation)
  - (b) Part A, Items 3, 5, and 6
  - (c) Part B, Items 1, 2, 4, 14, 15, 16, 18, and 22

SENSITIVE

(3) Deleted

(4) Deleted

### **11-1.2 Use of FD-655 (Routing of Earnings and Leave Record)**

(1) The four-part FD-655 should be completed by each employee receiving a permanent transfer and any employee assigned to an extended temporary duty when special handling of his/her Earnings and Leave Record is required.

(2) The original of the FD-655 should be submitted to FBIHQ, Attention: Accounting Section, Payroll Administration and Processing Unit, to arrive no later than the Thursday prior to the date of the first Earnings and Leave Record to be sent to the employee's new office of assignment or temporary duty point. Part two should be retained by the submitting office; part three should be forwarded to the new office of assignment; and part four should be retained by the employee for his/her personal records.

(3) Should the information on the initial FD-655 change, a new FD-655 should be executed, the AMENDED block checked, and forwarded immediately to FBIHQ.

### **11-1.3 Personnel File and Bureau Property (See Legal Attache Manual, Part 1, 4-3.)**

(1) The following items should be sent to the new office by the SAC or division head of the old office: An employee's previously submitted Confidential Financial Disclosure Reports (OGE-450) and/or Conflict of Interest Certifications, personnel file,

Employee Medical File System (EMFS) subfile, Employee Security subfile, field firearms training record (FD-40), health report card, if any, electrocardiogram tracings, and report of medical history (SF- 93). Medical documents generated prior to the establishment of the EMFS subfile should be contained in the personnel file. (See MAOP, Part 1, 24-11.) Cover letter, Records Transferred of Personnel Transferred Form (FD-109), should be used to forward files. Send Form FD-475 (Physical Examination Card) if used for record purposes. Files are to be forwarded by the first workday following employee's departure on transfer. (See MAOP, Part 1, 20-4.1 (1).)

(2) Prior to departure date, employee's property must be inventoried by item and serial number to ensure property charged to an employee on the Bureau Personnel Management System, Issued Personal Property System, coincides with property in employee's possession. FBIHQ employees under transfer should contact the Property Management Unit, Property Procurement and Management Section, Finance Division.

### **11-1.4 Travel Time and Annual Leave**

(1) Employees under official transfer at the government's convenience are allowed travel time required for direct distance travel between transfer points based on mode of travel.

(2) Annual leave to be taken in addition to travel time may be approved by the SAC or division head of the former office. (See MAOP, Part 2, 6-2.4.3.)

## **11-2 SPECIAL AGENT TRANSFER POLICY**

(1) The Director of the FBI maintains the authority to transfer any FBI employee when it is in the best interest of the United States government. All Special Agents (SAs) are subject to transfer at any time to meet the organizational and program needs of the FBI. FBI SAs accept the possibility of transfer as a condition of their employment. SAs may be transferred where and when the needs of

the FBI may dictate. In this regard the overall needs of the Bureau, to include the assurance that investigatory experience levels are appropriately represented in all field offices, along with budgetary considerations, take precedence. The personal needs and preferences of the Agents are considered wherever possible in carrying out the transfer policy.

(2) In general, transfers will be made to field offices that are below their authorized Funded Staffing Level (FSL) or have a critical specialty need. The Administrative Services Division will determine whether vacancies in field offices will be filled through first office, rotationals, or Personnel Resource List (PRL) transfers to maintain an adequate combination of various investigative experience levels in a particular field office.

### **11-2.1 First Office Transfers**

When an Agent successfully completes new Agents' training at the FBI Academy, Quantico, Virginia, he/she will be assigned to one of the Bureau's field offices based on the current staffing and/or critical specialty needs. New Agents will be permitted to make known their preference for assignment and consideration will be given to their desires; however, assignment will be based upon the staffing needs of the Bureau. An Agent can generally expect to remain in his/her first office of assignment for a minimum of four years.

### **11-2.2 Rotational Transfers**

Effective July 1, 1996, the policy governing routine rotational transfers (including the provision for requesting accelerated rotational transfers) was eliminated. In its place, nonvoluntary rotational transfers (NVRT) and voluntary rotational transfers (VRT) were implemented. The policy governing NVRTs and VRTs is set forth below in 11-2.3 and 11-2.4.

### **11-2.3 Nonvoluntary Rotational Transfers (NVRT) (See 11-2.2.)**

(1) New Agent assignments and Personnel Resource List (PRL) transfers remain the primary means of addressing the FBI's staffing needs. NVRTs will be considered only when a determination is made that all other transfer options have been explored unsuccessfully. Agents will be subject to NVRTs once they have completed four years in the field as Agents. Agents will be chosen for NVRTs by examining the pool of eligible Agents and selecting the most junior Agent, based on the date the individual entered on duty as an Agent.

(2) Deleted

(3) An Agent whose current assignment is the result of the Agent's one PRL transfer will generally not be subject to an NVRT.

**11-2.4 Voluntary Rotational Transfers (VRT) (See 11-2.2.)**

(1) The Administrative Services Division (ASD) will designate a hard-to-staff office with an exigent need for Agent personnel as a recipient of VRTs. This designation will typically be made for offices with a limited number of Agents listed on their PRLs. ASD will periodically issue a fieldwide communication seeking volunteers for assignment to the designated office. Agents may also volunteer independent of the canvass at any time. A list of Agents volunteering for assignment will be maintained and utilized by ASD. The continued use of a particular VRT list will be determined by ASD based upon existing staffing needs and budgetary considerations. The VRT will not be utilized until all qualified Agents on the standing PRL for that office have been canvassed.

(2) An Agent will generally be eligible for a VRT after completing four years in the Agent's current office of assignment. An Agent will be ineligible for a VRT if the Agent has consummated a cost transfer within the past year.

(3) Agents who have previously received a PRL are eligible for a VRT transfer provided they meet the basic qualifications.

(4) All Agents must achieve a rating of "Meets Expectations" on their most recent performance appraisal to be considered for a VRT.

(5) If an Agent is censured and currently on probation, that Agent will not be eligible for VRT consideration. In situations involving any disciplinary matter where administrative action may be warranted, an evaluation will be made on a case-by-case basis to determine if the circumstances warrant exclusion from consideration for a transfer.

**11-2.5 Direct Placements**

Direct placement is the nonvoluntary transfer or relocation of a Special Agent from one division/office to another to meet the needs of the Bureau, including, but not limited to, transfers to address administrative, inspection, or conduct issues. On April 16, 2002, Director Mueller approved a decision memorandum titled "DELEGATIONS OF AUTHORITY IN THE FBI." At the time the memorandum was approved, the FBI was in transition, and the Deputy Director position was vacant. The delegation of authority for direct placements was given to the Executive Assistant Director (EAD) - Administration, in consultation with the EAD or SAC/ADIC of the affected parties. With the Deputy Director position occupied, the delegated authority for direct placements will once again rest with the Deputy Director.

In some instances, the direct placement transfer involves the promotion of an Agent to a higher grade position. While competing for a position through established EDSP protocol is preferred, there will be limited instances whereby the Director must direct place an Agent into a position for operational necessity.

Per the approval of Deputy Director Bruce J. Gebhardt, the Deputy Director will have the authority and responsibility for making the final determination on direct placement transfers resulting from administrative, inspection, or conduct issues. The Director will authorize all direct placement transfers involving the promotion of Special Agents.

**11-2.6 Lateral Transfers**

Lateral transfers between FBIHQ divisions will be allowed with appropriate justification and the consent of both division heads when the transfer is based on operational necessity, as opposed to personal convenience. All lateral transfers between FBIHQ divisions will be considered no-cost transfers, and Supervisory Special Agents transferred as a result of lateral transfers will be expected to remain in those positions for nine months before applying for other positions.

**11-3 SPECIAL AGENT PERSONNEL RESOURCE LIST TRANSFERS (PRL)**

(1) The PRL system was established to provide a means for Agents to document a preferred office of assignment. Agents may also designate their Resident Agency(s) (RA) of preference when designating their PRL.

(2) Preferred locations an Agent indicates on the PRL should not be confused with locations indicated on the intraoffice RA PRL. See MAOP, Part 1, 11-3.9, for more information on the intraoffice RA PRL.

(3) A PRL transfer is NOT a system of reward nor is it a guarantee. It is, however, a means by which the personnel resource needs of the Bureau may be effectively addressed while satisfying the preferences of employees. This system is based generally upon seniority, consistent with the needs of the Bureau and budgetary considerations. Agents will be limited to one PRL transfer during their career (with limited exceptions such as those Agents who received a PRL transfer from a then-Top-12 office to another Top-12 office prior to June 9, 1987; and Agents receiving PRL transfers to Anchorage, Honolulu, New York, or San Juan, all of whom may be eligible for a second PRL transfer, see MAOP, Part 1, 11-3.6 and 11-3.8).

(4) The published PRL will be made available to each Special Agent in Charge (SAC) and Assistant Director at the conclusion of the open seasons in January and July of each year for inspection by all employees. During the open season the existing PRL printout will be utilized until the revised list is published. The PRL will include the specific RAs of preference, if any; the certified specialties which qualify the Agent for transfer consideration; and identify those Agents who qualify for an EOD enhancement based on service in Los Angeles or New York. These printouts should be reviewed by Agent personnel for accuracy.

(5) In designating a PRL preference, it is suggested that Agents consult with their family members and others who will be affected by the transfer. Only those Agents who are considered ranked and appear on the current PRL at the time of the PRL selection process will be considered for PRL transfer. PRLs will include Agent managers, who although not ranked, prefer to maintain their name on the list for possible future PRL consideration. As in the past, Agent managers will not be considered for a PRL transfer unless they have removed themselves from the EDSP by EC, as outlined in the MAOP, Part 1, 11-7.

(6) All employees must achieve a rating of "Meets Expectations" on their most recent performance appraisal to be considered for a PRL transfer.

(7) If an Agent is censured and placed on probation, that Agent will not be eligible for a PRL transfer as long as that Agent is on probation. In aggravated situations involving any disciplinary matter where administrative action is warranted, an evaluation will be made on a case-by-case basis

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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to determine if the circumstances warrant exclusion from consideration for a PRL transfer. (See MAOP, Part 1, 13-14.3.)

(8) Agents passed over for a PRL transfer due to a documented need, such as involvement in an undercover operation or other specialized needs requiring that the Agent remain in a current assignment, will be afforded the first PRL transfer into that office following completion of that assignment regardless of standing on the PRL.

(9) An Agent will generally be eligible for a PRL transfer after completing four years in the Agent's current office of assignment. An Agent will be ineligible for a PRL transfer if the Agent has consummated a cost transfer within the past year.

(10) Agents eligible for retirement and considered for a PRL transfer must have the capability of performing at least one year of service in the requested office before being mandatorily obliged to retire, or to complete any contractual agreement signed in connection with the transfer.

(11) Agents who have consummated a cost transfer must remain in the service of the government for one year following the effective date of the transfer. Agents who terminate their government employment prior to the expiration of the one-year period are obligated to refund to the government all costs incurred in connection with the transfer.

(12) Agents who are incapacitated and/or are classified under the Medical Profile System, are evaluated on an individual basis to determine the feasibility of receiving a PRL transfer.

(13) Bureau staffing needs remain the paramount consideration for transfers. Specialized requirements, unique Agent skills and/or qualifications, which are not readily available elsewhere in the Bureau, are also recognized as matters which must take precedence when such needs exist. PRL transfers made out of order and other deviations from regular rotational programs resulting from these unique requirements are recorded in the appropriate FBIHQ files, approved by the Personnel Officer, Administrative Services Division, and, when necessary, by the Assistant Director(s) of the appropriate FBIHQ division(s).

(14) Deleted

### **11-3.1 Requesting a PRL Transfer**

(1) All Agents are required to maintain a preference on the PRL and may change their preference during the open season months of January and July. Prior to the printing of the PRL, following open season, the Transfer Unit will examine the PRL to ensure all Agents have a preference listed. Those Agents not specifying a preference on the PRL will have their current location entered as their preference.

(2) The FD-314 form will be used for designating or modifying a PRL preference. All PRL changes will be effected electronically by designated FBIHQ or field division front office personnel with access to the Bureau Personnel Management System (BPMS).

(3) An Agent must designate one field division of preference on the PRL by submission of an FD-314. The Agent may elect to indicate the Agent's own field division. The preferred location(s) within that division may be specified by the Agent, who may choose any combination of headquarters city (HQC) and/or resident agencies (RAs). The Agent may elect to specify RAs only,

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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excluding HQC. If qualified for transfer, the Agent will be considered for transfer to the division designated by the Agent and, in no priority order, the locations within that division which have been specified.

(4) The locations specified by the Agent will appear next to the Agent's name on the printed PRL. If specifying HQC, the letters "HQC" will appear. A three-letter abbreviation will appear for each RA selected and if all RAs were selected, "ALL" will appear. The FD-314 MUST BE SIGNED by the Agent before entry in BPMS by designated FBIHQ or field division front office personnel. The original form should be placed in the Agent's personnel file.

**11-3.2 Identifying an Experienced Agent for Transfer (See MAOP, Part 1, 11-11.)**

(1) When an experienced Agent is required to fill a vacancy in a particular location (HQC or RA), the Transfer Unit will first examine the PRL and offer the transfer to the most senior eligible Agent specifying the location of the vacancy.

(2) If the Agent declines the transfer, the Transfer Unit will not consider the Agent for another PRL transfer for two years. (See paragraph (7) below.) The Transfer Unit will then repeat the above procedure, advancing down the PRL to the next most senior eligible Agent specifying the location, until an Agent accepts the transfer or the Transfer Unit reaches the end of the PRL.

(3) If the Transfer Unit reaches the end of the PRL and all eligible Agents who indicated the location decline the transfer, or if there are no eligible Agents specifying the location, the Transfer Unit will prepare a Bureauwide canvass seeking volunteers. Of the Agents responding to the canvass, the most senior eligible Agent will be transferred, providing there are no specialty back-fill issues.

(4) If no Agents respond to the canvass, the Transfer Unit will offer the transfer to all remaining eligible Agents on the PRL who listed the division with the vacancy, but did not list the specific location of the vacancy, with the understanding that the Agent would not be considered to have used the Agent's one PRL transfer. There will be no penalty for declining the transfer. The most senior Agent who accepts the offer will be transferred, providing there are no specialty back-fill issues. After five years in the assignment, upon request, the Agent will be offered an intraoffice transfer to a location the Agent has specified on the PRL, contingent on a staffing need and available funding. This second transfer will be considered the Agent's one PRL transfer.

(5) If an Agent still has not been identified for voluntary transfer, the Transfer Unit will examine all eligible Agents on the PRL who listed the division with the vacancy and the most junior eligible Agent will receive a nonvoluntary rotational transfer (NVRT) to the location of the vacancy. The Agent transferred would not be considered to have used the Agent's one PRL transfer. After five years in the assignment, upon request, the Agent will be offered an intraoffice transfer to a location the Agent has specified on the PRL, contingent on a staffing need and available funding. This second transfer will be considered the Agent's one PRL transfer.

(6) If an Agent still has not been identified for transfer, the Transfer Unit will examine all Agents on the PRL who listed another location as close as possible to the location of the vacancy and the most junior eligible Agent will receive a NVRT to the location of the vacancy. The Agent transferred would not be considered to have used the Agent's one PRL transfer. After five years in

SENSITIVE

the assignment, upon request, the Agent will be offered a transfer to a location the Agent has specified on the PRL, contingent on a staffing need and available funding. This second transfer will be considered the Agent's one PRL transfer.

(7) The two-year penalty for declining a PRL transfer will be effective the date the Agent declines the transfer. The date the penalty expires will be printed on subsequent PRLs under the column, "PRL PENALTY."

### **11-3.3 24-Hour Requirement**

(1) Agents will generally receive notification of an offer for a PRL from the Transfer Unit through their designated front office representative. Agents must affirmatively respond within 24 hours, excluding weekends and holidays, of receiving an offer for a PRL to remain eligible for the transfer and avoid a two-year penalty.

(2) It is incumbent upon each front office to maintain a record to verify the time and date of notice to the Agent and the time and date of response to the Transfer Unit. The Transfer Unit will maintain a similar record.

(3) Deleted

### **11-3.4 Withdrawal of an Agent's Name From the PRL**

(1) Withdrawal of an Agent's name from the PRL will not be allowed, as all Agents are required to maintain a preference on the PRL. Agents may, however, specify their own field division as their preference.

(2) Deleted

(3) Deleted

(4) Deleted

### **11-3.5 PRL Transfer Cancellation**

(1) If, at any time after the Transfer Unit is verbally notified of an Agent accepting a PRL transfer, the Agent changes their decision to accept the transfer, the Agent will not be obligated to transfer. The Agent will then be ineligible for another PRL transfer for four years and responsible for any expenses associated with the transfer. The four-year penalty for declining a PRL transfer, after it was accepted, will be effective the date the Agent declines the transfer. The date the penalty expires will be printed on subsequent PRLs under the column, "PRL PENALTY."

(2) Deleted

### **11-3.6 PRL Transfer Policy - New York, Los Angeles and San Francisco Divisions (Formerly 11-3.1) (See 11-3.)**

(1) Agents assigned to the New York, Los Angeles, or San Francisco Division are eligible to receive an "add-on" to their EOD when determining standing on the PRL. The add-on is not a formal EOD adjustment. The Agents will receive a three-year add-on after serving five continuous years in their division and an additional two-year add-on, resulting in a total five-year add-on, after

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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serving ten continuous years in their division. For example, after serving five continuous years in the New York Division (NY), an Agent who entered on duty in 1996 will be considered as having entered on duty in 1993 when determining standing on the PRL. An Agent who has earned the add-on and transfers from the division loses the add-on, with the exception of an Agent who receives a nonvoluntary rotational transfer (NVRT) from the division; that Agent retains the add-on until the Agent transfers once more.

(2) An Agent qualified for the three- or five-year add-on will have the number 3 or 5 appear next to the Agent's name on the published PRL.

(3) Agents who receive an Office of Preference (OP) or Personnel Resource List (PRL) transfer to NY are eligible for a second PRL transfer subsequent to serving five continuous years in NY. This policy applies only to those Agents who received OP/PRL transfers to NY before January 1, 1994, and those Agents who received PRL transfer orders to NY dated between April 15, 1997, and April 15, 2002. Eligibility for a second PRL transfer will only be extended to qualified Agents while they are assigned to NY. An Agent who accrues eligibility for a second PRL transfer and is thereafter transferred from NY loses their eligibility for a second PRL transfer upon leaving NY.

### **11-3.7 Hardship Resident Agencies (RAs)**

#### **(1) San Antonio Division - Rio Grande Valley Resident Agencies (RGVRAs)**

(a) After serving five continuous years in the Brownsville, Del Rio, Laredo or McAllen RAs, Agents will be considered for an intraoffice cost transfer within the San Antonio Division based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, San Antonio. This will be accomplished by submitting an EC from the SAC, San Antonio to the Administrative Services Division no sooner than 90 days prior to the Agent's five-year anniversary date or at any time thereafter. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary.

(b) After serving five continuous years in one of the above RAs, Agents not choosing to transfer to San Antonio Headquarters City or another RA within the division, will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by the Administrative Services Division based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished by submitting an EC from the SAC, San Antonio to the Administrative Services Division no sooner than 90 days prior to their five-year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary. Agents will not be permitted to officially depart San Antonio under transfer until having reached their five-year anniversary.

(c) This policy does not preclude an Agent from being granted an EDSP, PRL or rotational transfer, if eligible, in conformance with existing policy.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(d) Agents who were assigned to the Laredo and Del Rio RAs prior to April 22, 1997, are eligible for transfer consideration upon completion of their three-year commitment pursuant to previous policy governing assignments to these hardship RAs. In those instances, Agents interested in a transfer to San Antonio Headquarters City or another San Antonio RA will be transferred pursuant to existing staffing needs, available transfer funding, and the concurrence of SAC, San Antonio.

(e) Agents who were assigned to one of the four RGVRAAs prior to April 22, 1997, may take advantage of this new policy upon the anticipated completion of five continuous years in one of these RAs. An EC should be prepared as outlined in paragraphs (a) or (b) above.

(f) The benefits referred to in (a) and (b) above do not apply to RGVRA Agents whose transfer orders were dated after August 6, 2001.

(2) San Diego Division - El Centro Resident Agency (RA)

At anytime after serving three continuous years in the El Centro RA, Agents will be considered for an intraoffice cost transfer to San Diego Headquarters City based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, San Diego. This will be accomplished by submitting an EC from the SAC, San Diego to the Administrative Services Division no sooner than 90 days prior to the Agent's three-year anniversary date. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary or at any time thereafter. This benefit does not apply to El Centro RA Agents whose transfer orders were dated after August 6, 2001.

(3) Albuquerque and Phoenix Divisions - Gallup Resident Agency (RA)

At anytime after serving three continuous years in the Gallup RA (GRA), Agents will be considered for an intraoffice cost transfer WITHIN THEIR RESPECTIVE DIVISION based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, Albuquerque (AQ) and Phoenix (PX). This will be accomplished by submitting an EC from the SAC to the Administrative Services Division (ASD) no sooner than 90 days prior to the Agent's three-year anniversary date. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary. This benefit does not apply to GRA Agents whose transfer orders were dated after August 6, 2001.

SAs assigned to the GRA after August 6, 2001, will be required to serve a minimum of three continuous years and will thereafter qualify for a rotational or Personnel Resource List (PRL) transfer under the following policy:

(a) THREE-YEAR POLICY: An Agent electing to serve only three continuous years in the GRA will be able to select his/her next office of assignment from five offices identified by ASD. These offices will be identified based upon field office staffing needs. If one of the identified offices is the Agent's designated PRL, the Agent will be charged their one-time PRL.

(b) FOUR-YEAR POLICY: Agents electing to serve four continuous years in the GRA will have the opportunity to select from one of the two following transfer options: (1) select an office of assignment from seven offices identified by ASD based upon field office staffing needs, OR (2) request an intradivisional transfer. If one of the identified offices is the Agent's designated PRL, the

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

Agent will be charged their one-time PRL. The intradivisional transfer will be dependent on the SAC's concurrence and field office staffing needs.

(c) FIVE-YEAR POLICY: Upon completion of five continuous years in the GRA, Agents will receive a transfer to their listed PRL regardless of prior assignment or field office staffing levels. The Agent's RAs of preference, if any, will also be considered with the concurrence of the affected SAC and based upon existing staffing needs.

Alternatively, Agents who have served at least five continuous years in the GRA and have not previously received a PRL, will be afforded, upon their request, a one-time opportunity to select from one of the two following transfer options: (1) select an office of assignment from seven offices identified by ASD based upon field office staffing needs OR (2) request an intradivisional transfer. If one of the identified offices is the Agent's designated PRL, the Agent will be charged their one-time PRL. The intradivisional transfer will be dependent on the SAC's concurrence and field office staffing needs. In the event an Agent declines a transfer offer pursuant to this aspect of the five-year policy, he/she remains eligible for a PRL transfer as set forth in this section.

It is incumbent upon the SACs in AQ and PX to advise ASD, FBIHQ, by official communication approximately 90 days prior to the completion of an Agent's current tour in the GRA if an Agent does not wish to renew his/her assignment. At that time, ASD will provide the Agent with a list of available offices from which to make a selection for transfer. Upon selection of an office under the three- or four-year policy, or a PRL under the five-year policy, transfer orders will be issued and received by the AQ and/or PX Division 60 days prior to the Agent's anniversary date in the GRA. Agents accepting a transfer under the three-, four-, or five-year policy will not be permitted to depart the GRA until the required term of assignment is completed.

In addition, Agents who receive a transfer from the GRA will generally be required to remain in their new assignment for a minimum of four years before being considered eligible for another cost transfer.

The above transfer policy for Agents assigned to the GRA will be retroactive to August 1, 2001. This date represents the date when the "hardship" office designation was eliminated, pursuant to the following reference electronic communications (66-HQ-A1240026-TF, serial number 1358, and 66-HQ-A1240026-TF, serial number 1367). Agents currently assigned to the GRA, who arrived in the GRA prior to this date, will be subject to the GRA transfer policy effective at the time of their assignment.

(4) Minneapolis Division - Minot, Pierre and Aberdeen Resident Agencies (RAs)

(a) After serving five continuous years in the Minot, Pierre, or Aberdeen RAs, Agents will be considered for an intraoffice cost transfer within the Minneapolis Division based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, Minneapolis. This will be accomplished by submitting an EC from the SAC, Minneapolis to the Administrative Services Division no sooner than 90 days prior to the Agent's five-year anniversary date or at any time thereafter. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(b) After serving five continuous years in one of the above RAs, Agents not choosing to transfer to Minneapolis Headquarters or another RA within the division, will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by the Administrative Services Division based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished by submitting an EC from the SAC, Minneapolis to the Administrative Services Division no sooner than 90 days prior to their five-year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary. Agents will not be permitted to officially depart Minneapolis under transfer until having reached their five-year anniversary.

(c) This policy does not preclude an Agent from being granted an Executive Development and Selection Program (EDSP), Personnel Resource List (PRL) or rotational transfer, if eligible, in conformance with existing policy.

(d) Agents who were assigned to one of these RAs prior to the implementation of this policy may nevertheless take advantage of this new policy upon the anticipated completion of five continuous years in one of these RAs. An EC should be prepared as outlined above in paragraphs (a) or (b).

(e) The benefits referred to in (a) and (b) above do not apply to Minneapolis Agents whose transfer orders were dated after August 6, 2001.

### **11-3.8 Transfer Policy - Nonconus Offices (Formerly 11-3.2.) (See 11-3.)**

(1) SAN JUAN OFFICE (See MAOP, Part 1, 3-2.19.)

(a) SA staffing and specialty needs of the San Juan Office will be addressed by rotational and PRL transfers, as well as fieldwide canvasses for volunteers (generally, first office Agents will not be assigned to the San Juan Office).

(b) SAs assigned to San Juan will be required to serve a minimum of three continuous years and will thereafter qualify for rotational or PRL transfer under the following policy. Agents who elect to remain in San Juan must extend for one-year increments and advise FBIHQ, through the SAC, three months prior to their anniversary date.

1. THREE-YEAR POLICY: An Agent electing to serve only three continuous years in San Juan will be able to select his/her next office of assignment from five offices identified by the Administrative Services Division (ASD). These offices will be identified based upon field office staffing needs.

2. FOUR-YEAR POLICY: Agents electing to serve four continuous years in San Juan will be able to select from seven offices identified by ASD.

3. FIVE-YEAR POLICY: Upon completion of five continuous years in San Juan, and achieving a rating of "Meets Expectations" on the most recent performance appraisal, Agents will receive a transfer to their LISTED PRL irrespective of prior assignment or field office staffing levels. The

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

Agent's RAs of preference, if any, will also be considered with the concurrence of the affected SAC, based upon existing staffing needs.

Alternatively, Agents who have served at least five continuous years in San Juan and who have not previously received a PRL transfer, will be afforded upon their request a ONE-TIME opportunity for a transfer to one of seven offices selected by ASD. In the event an Agent declines a transfer offer pursuant to this aspect of the Five-Year Policy, he/she remains eligible for a PRL transfer as set forth in this section.

(c) Notwithstanding San Juan policy set forth above, any Agent who accrues SUFFICIENT SENIORITY for a PRL transfer to his/her office of choice while assigned to San Juan will be considered eligible for same, provided the Agent has been assigned to San Juan for a minimum of ONE year and was transferred to San Juan on or BEFORE December 4, 1996. Agents transferred to San Juan AFTER December 4, 1996, who accrue sufficient seniority for a PRL transfer to their office of choice while assigned to San Juan will be considered eligible for same, provided the Agent has been assigned to San Juan for a minimum of THREE years. This conforms with the standing requirement that all Agents transferred to San Juan must agree to serve a minimum of three years. Orders will be issued as soon as possible by ASD for Agents in San Juan who qualify for a PRL transfer under this provision.

(d) It is incumbent upon the SAC, San Juan, to advise ASD, FBIHQ, by official communication approximately 90 days prior to the completion of an Agent's current tour if an Agent does not wish to renew his/her assignment. At that time, ASD will provide the Agent a list of available offices from which to make a selection for transfer. Upon selection of an office under the three- or four-year policy, or a PRL under the five-year policy, transfer orders will be issued and received by San Juan 60 days prior to the Agent's San Juan anniversary date. Agents accepting a transfer under the three-, four-, or five-year policy will not be permitted to depart San Juan until the required term of assignment is completed.

(e) Agents who receive a PRL transfer to San Juan Headquarters City will be required to remain in this assignment for a minimum of five years prior to being considered for a second PRL transfer.

(f) Once official transfer orders are issued, there will be no cancellations or attempts to enhance selection of assignment.

(g) Agents assigned to San Juan, who were transferred under the previous policy may elect to remain within the guidelines of that transfer policy.

## (2) ANCHORAGE AND HONOLULU OFFICES

(a) After serving five continuous years in the Anchorage or Honolulu Divisions, Agents who received a PRL transfer are eligible for a second PRL transfer, consistent with their seniority ranking and existing staffing needs.

(b) After serving five continuous years in the Anchorage or Honolulu Divisions, first office Agents will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

This will be accomplished by submitting an EC from the SAC, Anchorage or Honolulu to ASD no sooner than 90 days prior to their five-year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's five-year anniversary. Agents will not be permitted to officially depart either division under transfer until having reached their five-year anniversary.

(c) This policy does not preclude an Agent from being granted an EDSP, PRL or rotational transfer, if eligible, in conformance with existing policy.

**(3) SAIPAN AND GUAM RESIDENT AGENCIES - HONOLULU DIVISION**

(a) After serving three continuous years in the Saipan or Guam Resident Agencies (RAs), first office Agents will be considered, either on this anniversary date or at any time thereafter, for an intraoffice cost transfer to Honolulu Headquarters City based upon existing staffing needs, available transfer funding, and the concurrence of the SAC, Honolulu. This will be accomplished by submitting an EC from the SAC, Honolulu to ASD no sooner than 90 days prior to the Agent's three-year anniversary date or at any time thereafter. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary. First office Agents who choose to transfer to Honolulu Headquarters City pursuant to this policy will be required to remain in that assignment for five years.

(b) After serving three continuous years in one of the above RAs, first office Agents not choosing to transfer to Honolulu Headquarters City, will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of three offices selected by ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished by submitting an EC from the SAC, Honolulu to ASD no sooner than 90 days prior to their three- year anniversary date or at any time thereafter. The EC should contain a statement regarding the Agent's investigative background and specialties. At that time, the Agent will be provided a list by the Transfer Unit of available offices from which to make a selection for transfer. Transfer orders will be issued no sooner than 60 days prior to the Agent's three-year anniversary. Agents will not be permitted to officially depart these RAs under transfer until having reached their three-year anniversary.

(c) After serving five continuous years in one of the above RAs, first office Agents will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to one of five offices selected by the ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the Agent's PRL; however, selections will be based strictly on FBI staffing needs. This will be accomplished as set forth above in subsection (b).

(d) None of the transfer options set forth in subsections (a), (b), or (c) above, will be considered PRL transfers.

(e) After serving three continuous years in one of the above RAs pursuant to a PRL transfer, Agents will be afforded a ONE- TIME opportunity, either on this anniversary date or at any time thereafter,

**SENSITIVE**



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

for transfer to one of three offices selected by ASD based upon existing staffing needs and available transfer funding. Every effort will be made to provide a choice of offices located within the region of the country selected by the Agent; however, selections will be based strictly on FBI staffing needs. This will be accomplished as set forth above in subsection (b).

(f) After serving three continuous years in one of the above RAs pursuant to a specialty transfer, Agents will be afforded a ONE-TIME opportunity, either on this anniversary date or at any time thereafter, for transfer to Honolulu Headquarters City OR to one of five offices selected by ASD based upon existing staffing needs and available transfer funding. Agents opting to transfer to Honolulu Headquarters City will be expected to remain in that assignment for five years prior to partaking in incentives received by Honolulu Headquarters City personnel. If the latter option is elected, every effort will be made to provide a choice of offices located within the region of the country selected by the Agent; however, selections will be based strictly on FBI staffing needs. This will be accomplished as set forth above in subsection (a) or (b) dependent upon which option is elected.

### **11-3.9 Transfer Policy - Resident Agency Staffing (See 11-3.)**

(1) The intraoffice RA PRL was established, separate from the PRL, as a means for Agents to express a desire to transfer to another location within their own field division. The preferred location on the intraoffice RA PRL may be submitted, in writing, to the division head three times per year, during the months of February, June, and October. The designated front office personnel will then enter the preferences into the Bureau Personnel Management System. Selection for transfer will be based on a field division career board recommendation to the division head, who will make the final decision. See MAOP, Part 1, 11-3 (2), for more information.

(2) Division heads may staff RAs located less than 50 miles from the division's Headquarters City with on-board Headquarters City SAs at their discretion. The selection of SAs for intraoffice transfers to these RAs must be based upon a field office career board recommendation to the division head, who will make the final selection (see MAOP, Part 1, 3-3.1). Selections must be made in accordance with the division's computerized intraoffice RA PRL unless the reasons for a deviation are documented and consistent with business necessity. Such transfers will ordinarily be no-cost and the affected SA will NOT be paid travel and transportation expenses and applicable allowances. The Transfer Unit, Administrative Services Division, must be advised of these transfers through the submission of an FD-407 at least 30 days in advance of the effective date of the transfer so that transfer orders may be prepared.

(3) As an alternative, division heads may request staffing for RAs located less than 50 miles from the division's Headquarters City through a PRL, first office Agent or specialty (see MAOP, Part 1, 11-11) transfer. Such requests should be made pursuant to the division's "Annual Field Office Report." In the event a critical staffing need develops at other times during the year, a request for staffing may be made through the submission of an interim EC directed to the Transfer Unit, Administrative Services Division, Room 6313, FBIHQ.

(4) Division heads must request approval from the Administrative Services Division in staffing RAs located 50 miles or more from the division's Headquarters City. Such requests should be made pursuant to the division's "Annual Field Office Report" or through the submission of an interim EC

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

directed to the Transfer Unit in the event of a critical staffing need. Requests for staffing of RAs located 50 miles or more from the division's Headquarters City should include the division head's analysis and recommendation regarding whether such a position would be best staffed by a PRL, first office Agent or specialty transfer.

(a) In instances where a division believes that specific circumstances and/or needs within that division necessitate the intraoffice transfer of an SA to an RA located 50 miles or more from the division's Headquarters City, the division head must receive authorization from the Administrative Services Division prior to conducting a career board. Such authority should be requested by EC to the Transfer Unit setting forth the specific basis for the request. Additionally, the EC should indicate the number of SAs qualified for and interested in the RA assignment based upon the division's intraoffice RA PRL and the circumstances and/or needs within the division. In such cases, the Administrative Services Division will make the final decision regarding how the RA will be staffed based upon input from the division head, input from the appropriate substantive FBIHQ division (if necessary), and the needs of the Bureau. In the event the Administrative Services Division approves an intraoffice transfer under these circumstances, the selection must be made in the same manner as described in (2) above.

(5) Division heads must request approval from the Administrative Services Division before effecting the intraoffice transfer of an SA from an RA to the division's Headquarters City in all instances when the RA is located 50 miles or more from the Headquarters City. Similarly, transfers of Agents between RAs located 50 miles or more from one another must be approved by the Transfer Unit, Administrative Services Division. Such requests should be submitted by EC to the Transfer Unit, Administrative Services Division, setting forth the basis for the proposed transfer.

(6) As necessary, the Transfer Unit, Administrative Services Division, will determine whether a particular intraoffice transfer should be effected on a cost or no-cost basis pursuant to MAOP, Part 1, 11-10.

#### **11-4 PERMANENT HARDSHIP TRANSFER REQUESTS AND PROCEDURES (See MAOP, Part I, 11-16.5)**

Requests for transfer based on a hardship must be forwarded to FBIHQ through the employee's SAC or division head. Documentation supporting the hardship and the recommendation of the SAC or division head must accompany the request.

##### **11-4.1 Medical Hardship (See MAOP, Part I, 11-16.5.)**

(1) A request for transfer based on a medical hardship must be forwarded to FBIHQ through the employee's SAC or division head. Medical hardship transfer requests must be accompanied by supporting medical documentation (conditions existing prior to an employee's entry on duty will generally not be considered of a hardship nature). Hardship transfers may be granted, consistent with staffing needs, for articulated medical reasons such as the need to be in a specific geographic area or near a specific medical facility to address the health needs of the employee, spouse, child, or legal dependent. Medical hardship requests are reviewed by the Chief Medical Officer (CMO), FBIHQ, and in some instances by other specialists. Alternatives to a permanent transfer must first

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

be examined, such as requesting a temporary hardship assignment. A permanent hardship transfer request should not be the first course of action.

(2) The SAC or division head must interview the employee concerning the circumstances of the hardship. Results of the interview with specific recommendation for action must accompany the request.

(3) Medical hardship transfers are preferential in nature in that an Agent receiving same may be transferred into a field office ahead of a more senior Agent who stands higher on the PRL. In light of the preceding, a permanent hardship transfer will be designated as a PRL transfer and the Agent will be ineligible for further PRL consideration.

The employee will be ineligible for a specialty or EDSP transfer if he/she is in receipt of a permanent medical hardship transfer. If the employee requests removal of permanent hardship status (for medical reasons) a medical report and/or tests must accompany the request for evaluation by the CMO, FBIHQ, if appropriate. Upon confirmation by the CMO for removal of the hardship the employee can be considered for EDSP or a specialty transfer.

#### **11-4.2 General Hardship (See MAOP, Part 1, 11-16.5.)**

(1) PARENTAL HARDSHIPS: Dealing with the infirmities attendant with the aging process is a common experience to all employees with living parents and in-laws. As such, employees cannot expect hardship transfers. The Administrative Services Division will, however, consider, with concurrent SAC approval, on a case-by-case basis, consistent with staffing needs, affording permanent hardship transfers due to parental illness, when the illness is of a life threatening nature and creates an extraordinary medical hardship. In making a transfer determination the Administrative Services Division will examine a number of factors to include, but not limited to: whether a TDY hardship assignment will alleviate the hardship; the parent(s)/in-law(s) ability to move to the location of the Agent; medical facilities available at the Agent's location; availability of other family member(s) to assist parent(s)/in-law(s); availability of home care services and assistance of long-distance care organizations.

(2) CHILD CUSTODY HARDSHIPS: In situations where FBI personnel, who are parents of minor children, are divorced, subsequent to their entry on duty with the FBI, consideration will be given to the issuance of child custody hardship transfers on a case-by-case basis. In instances wherein an employee has court-ordered custody of, or visitation rights to, his/her children, limited to a specific locale, the Transfer Unit will make every effort to approve a transfer, subject to staffing requirements and the availability of funds. In all other instances, requests for transfers will be adjudicated based upon the totality of the circumstances. If appropriate, the Transfer Unit may consider a regional transfer as a means of addressing a child custody hardship transfer request.

The Transfer Unit will consider all pertinent facts in making transfer determinations, to include, but not limited to: (1) the well-being of the minor children; (2) the employee's legal rights/obligations to the children pursuant to a court order(s) or a court-authorized custody agreement; and (3) if appropriate, the extent to which the employee contested the order granting custody. All requests for transfers must be supported by appropriate documentation, such as pleadings, court orders, and/or medical/psychological reports.

SENSITIVE

(3) **FINANCIAL HARDSHIP:** Financial problems generally will not substantiate a hardship request, particularly when the basis is the inability to sell a residence in light of the transfer relocation benefits.

#### **11-4.3 Hardship Transfer Review Board (See MAOP, Part 1, 11-16.5.)**

A Hardship Transfer Review Board (HTRB) has been established at FBIHQ, and is chaired by the Deputy Assistant Director of the Administrative Services Division. The Board is comprised of ASACs and representatives selected at random on a rotational basis from FBIHQ divisions. When a permanent hardship transfer request is denied, this decision may be appealed by submitting a letter to the Administrative Services Division, FBIHQ, requesting that the transfer denial be reviewed by the HTRB. The Board will review each case and submit a recommendation to the Assistant Director, Administrative Services Division, for final adjudication.

#### **11-4.4 Deleted**

#### **11-4.5 Deleted**

#### **11-4.6 Deleted**

### **11-5 TEMPORARY HARDSHIP TRANSFER REQUESTS AND PROCEDURES (See MAOP, Part 1, 11-16.5 and 11-17.)**

(1) In instances where a temporary hardship assignment would address the employee's needs to alleviate a personal hardship, a request can be made to the Transfer Unit, Administrative Services Division. The request must contain the recommendation of the employee's SAC or division head and the concurrence of the SAC at the office of temporary assignment. Requests for temporary hardship can only be made for a period of 30 days with limited 30-day extensions granted on a case-by-case basis. Documentation in support of the temporary hardship must be reviewed by the SAC or division head with an explanation of the basis for hardship in the request submitted to FBIHQ.

(2) Temporary hardship transfers must be authorized by FBIHQ to ensure that appropriate changes are made for the employee's cost code and time and attendance accountability.

(3) In the event that a temporary hardship assignment is granted, all expenses of same must be borne by the employee inasmuch as no per diem or transportation expenses are authorized.

### **11-6 TRANSFER POLICY FOR MARRIED SPECIAL AGENT COUPLES AND FOR SPECIAL AGENTS WITH NON-BUREAU SPOUSES**

(1) All SAs, including married SA couples, must be available for general and special assignment.

(2) In assignments of Agent married couples, the Bureau will make every effort to preserve a common household. Refer to Section 11-10.

(3) In assignments of Agents with non-Agent FBI employee spouses, every effort will be made to provide the non-Agent FBI employee spouse with FBI employment opportunity in the new office if

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

such is requested; however, no guarantee as to employment, grade level, and positions available can be made.

(4) Married Agent couples will not be considered for a PRL transfer to the same office, utilizing either joint eligibility or separate eligibility methods, unless both Agents list that division on the PRL. If the Agent indicates a desire to be transferred using the joint eligibility method, he/she will be passed over on the PRL until both Agents' names appear on the same PRL. In determining seniority for PRL transfer purposes for married Agent couples, the couple may choose joint PRL eligibility by EOD averaging. This method guarantees a "common household" PRL transfer - both would be transferred together.

(5) In the case of a preference for a particular RA vacancy, both Agents must have listed that RA to be considered in the initial canvass of the PRL by the Transfer Unit. Staffing of an RA with a married Agent couple will be contingent upon the staffing needs of the RA and the authorized complement as determined by the SAC/ADIC and the Administrative Services Division.

(6) Married Agent couples may choose separate PRL eligibility based on their own EODs. Under this method, each Agent must qualify for a PRL transfer based solely upon his/her own seniority. Subsequently, if the Agent accepts a PRL transfer utilizing this separate PRL eligibility method, any resulting separation will not be the basis for "common household" or hardship transfer consideration.

(7) Married Agent couples need not preselect one eligibility method. Rather, they may choose either the joint or the separate method at the actual time they qualify for PRL selection. In the event that one of the Agents has received a PRL transfer during his or her career, the married Agent couple MUST select the separate PRL eligibility based solely on the EOD of the Agent who has not received a PRL. The spouse will be accommodated through a no-cost common household transfer.

(8) Due to the large number of employees with working spouses, requests for transfer or for transfer cancellation based upon the outside employment of an Agent's non-Bureau spouse are considered preferential in nature and will not be approved regardless of the spouse's income, career advancement, or restricted geographic employment of the spouse.

An exception to this policy will be considered only if the spouse is employed by another DOJ law enforcement agency. In these instances the transfers will be at no-cost to the Bureau, as described below in connection with no-cost transfers. (See 11-10.)

#### **11-7 REMOVAL FROM EXECUTIVE DEVELOPMENT AND SELECTION PROGRAM (EDSP) (See MAOP, Part I, 3-6.1, 3-7.1 and 11-3.)**

(1) All Supervisory Special Agents (SSAs) who request removal in writing from the EDSP will be afforded a PRL transfer only if that Agent is eligible for a PRL transfer, is number one on the PRL for the desired office, has not received a cost transfer within the past year, and a staffing need exists.

(2) An SSA assigned to FBIHQ who requests removal in writing from the EDSP and does not qualify for a PRL transfer as set forth in (1) above, will be reverted to a GS-13 and transferred, at no cost to the government, to Washington Field Office or Baltimore (unless staffing needs dictate otherwise) and, thereafter, be afforded the same PRL considerations as any other Agent.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(3) An SSA assigned to a field division who requests removal in writing from the EDSP and does not qualify for a PRL transfer as set forth in (1) above, will remain assigned, in an investigative capacity, in that same division with the same PRL eligibility as any other Agent and revert to a GS-13.

(4) Under exceptional circumstances and where critical operational/administrative needs dictate, an SSA assigned to FBIHQ who requests removal in writing from the EDSP but does not stand number one on the PRL for the desired office, or that office does not have a current staffing need, may request removal from the EDSP and remain in his/her current assignment until attaining number one standing on the PRL and a staffing need exists in the respective office; otherwise, he/she will be transferred in accordance with (2) above. This is contingent upon the approval of the division head and concurrence of the Special Agent Mid-Level Management Selection Board. The Agent will not be considered for further administrative advancement and will not be allowed to apply for positions in the EDSP while awaiting movement into the desired office.

(5) Requests by SSAs for removal from the EDSP should be forwarded through the employee's SAC or division head to the Administrator, EDSP, with a copy to the Transfer Unit. The request must contain the statement that the SSA is willing to accept a reduction in grade in connection with the request, if appropriate. An SSA requesting removal from the EDSP resulting from the directed transfer of his/her Bureau-employed spouse must also be willing to accept a reduction in grade, however, may remain in the EDSP as a relief supervisor.

#### 11-8 UNDERCOVER TRANSFER POLICY

(1) Selection of Undercover Agents (UCA) will continue to be made by the Criminal Investigative Division (CID) and the National Security Division (NSD). Upon identification of candidates for a particular assignment, the Administrative Services Division will review the selections for transfer eligibility. After the Administrative Services Division's review, CID or NSD will select the UCA for the assignment and, thereafter, make recommendations to the Administrative Services Division regarding transfer of that individual depending on the particular operation and duration of the assignment. After [REDACTED] undercover operation, [REDACTED]

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[REDACTED] is authorized, consideration will be given to permanently transfer the UCA to that office taking into account staffing and budgetary considerations. In intelligence undercover operations, [REDACTED]  
[REDACTED]

(2) Upon completion of an undercover assignment or termination of an operation, CID or NSD may make recommendations for transfer of the UCA:

(a) [REDACTED]  
[REDACTED]

(b) [REDACTED]

(c) [REDACTED]

(3) If transfer is deemed appropriate, the Agent will be afforded a PRL transfer provided he/she is net #1 on the PRL and a staffing need exists. If the Agent does not qualify for a PRL transfer, the

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

Administrative Services Division will make a selection for transfer assignment based on staffing requirements.

(4) A PRL transfer will not be used as a reward in connection with undercover assignments.

(5) An Agent will generally be eligible for transfer into an undercover role after completing four years in the Agent's current office of assignment. An Agent will be ineligible for transfer into an undercover role if the Agent has consummated a cost transfer within the past year.

**11-9 AMENDED TRANSFERS (See MAOP, Part II, 1-3.3.)**

An amended transfer from Headquarters City to an RA does not constitute a second full-cost transfer, but is rather a continuation of the original transfer. Therefore, it is necessary that the SAC endeavor to make a decision to amend the pending transfer of an Agent directly to an RA before the Agent reports to the division or, in the case of a new Agent, before the Agent graduates from new Agents' training. In the event further evaluation is believed necessary, this decision may be deferred but should be submitted no later than 30 days following the Agent's arrival in the division. The Agent should be advised that his/her transfer may be amended, and this notification documented, so that appropriate arrangements may be made. It is also necessary to ensure that an Agent does not incur unnecessary and possible nonreimbursable expenses in connection with his/her relocation.

**11-10 COST/NO-COST TRANSFER DETERMINATIONS (See MAOP, Part 1, 11-3.9 and 11-6.)**

(1) Ordinarily, upon being transferred from one official duty station to another for permanent duty, SAs shall be paid travel and transportation expenses and applicable allowances only if: (a) the distance between the location of the old official duty station and the new official duty station is at least 50 miles AND, in the case of an intraoffice transfer, (b) the one-way commuting distance from the old residence to the new official duty station is at least 10 miles greater than the one-way commuting distance from the old residence to the old official duty station OR the one-way commuting time from the old residence to the new official duty station is at least 45 minutes greater than the one-way commuting time from the old residence to the old official duty station. Official mileage determinations will be made by the Transfer Unit, Administrative Services Division, based upon a computer database utilized by both the Administrative Services Division and the Finance Division. In instances wherein an SA's commute will be increased by more than 45 minutes, it is incumbent upon the division head to provide verification of the impact of the transfer on the SA.

(2) No-cost transfers generally will not be approved because of their adverse impact upon other transfer policies. Exempt from this policy are "Permanent Common Household" SA Couples. FBI Agents who are partners in a "permanent common household" may request a no-cost transfer to one of the Divisions where the agents are assigned. Upon certification of such a relationship, a no-cost common household transfer will be afforded. The office to which the agents are ultimately assigned will be determined by the ASD based upon the existing staffing needs of those offices, current transfer policy and any other factors deemed pertinent by the ASD.

"Permanent common household" means:

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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- A. A marriage supported by a license which evidences same; or
- B. An exclusive, interdependent relationship of partnership between the employees, in which the employees intend to maintain and, to the extent practicable, cohabit a common household until the death of one of the parties.

For purposes of this section, the following definitions are applicable:

"Exclusive" means that the relationship is limited to the two employees involved and that neither is involved in a similar relationship with another.

"Interdependent" means that each partner has committed to providing lifelong care and support to the other partner without compensation.

Specifically excluded from these definitions are familial relationships wherein the parties are related by blood and/or a degree of closeness that would prohibit legal marriage in the state(s) in which the parties legally reside and/or where the parties may be transferred.

Proof of relationships as defined in item B above must also include statements notarized and made under penalty of perjury, that establish the requirements above and that establish specific, objective facts showing the existence and duration of that relationship. Such facts must be corroborated by copies of relevant documents. Objective facts showing such relationships must include matters such as the following:

- (1) A bona fide marriage engagement supported by sworn statements from both partners; or,
- (2) A civil union establishing rights, obligations, and protections equivalent to marriage under the laws of a state, supported by a license or state issued certificate which evidences the civil union; or
- (3) Joint ownership of the residence of at least one of the employees; or,
- (4) Intermingling or co-ownership of other substantial property, such as joint bank accounts or investments in which substantial amounts of money are deposited; or,
- (5) Cohabitation for an extended period of time consistent with item B; or,
- (6) Designation of the partners as primary beneficiaries or representatives in wills, durable powers of attorney, life insurance, and similar documents.

The facts establishing a relationship as defined above must have substantially pre-dated any recent notice of transfer and the request for the CHT, and must not be for the purpose of obtaining a common household transfer. Employees are also reminded that false statements made and/or submitted in conjunction with this policy will be sufficient predication for appropriate administrative action.

Unmarried partners should be aware that they are not considered "spouses" or "family members" for purposes of transfer benefits as discussed in (REF MAOP PROVISIONS).

SENSITIVE



(3) Agents married to employees of other DOJ law enforcement agencies may, at their request, receive a no-cost common household transfer to a field office where their spouse is assigned, consistent with staffing needs. The other DOJ law enforcement agency's ability to transfer the spouse will also be considered in these situations.

(4) If an FBI Agent receives a directed transfer, his/her Agent spouse may, at their request, receive a no-cost common household transfer to accompany their spouse.

(5) FBI SAs married to employees of other DOJ law enforcement agencies may, at their request, receive a no-cost common household transfer, consistent with staffing needs, to accompany their spouse who has received a directed transfer.

### **11-11 SPECIALTY TRANSFERS (See MAOP, Part 1, 11-3.9.)**

(1) Specialty needs of the field offices are generally identified by the ADIC/SAC through the Annual Field Office Report. For essential skills that arise through personnel transfer, retirement, or other circumstances, the division head may make a separate specialty request to the Transfer Unit. An employee who receives a specialty transfer will be expected to serve in that capacity for at least three years at the discretion of the division head.

(2) The following categories will be considered for specialty transfers:

- (a) Bureau Pilot-In-Command (PIC);
- (b) Technically Trained Agent (TTA);
- (c) Special Agent Linguists;
- (d) Special Agent Accountant (SAA)

Effective July 1, 1996, the category of Principal Legal Advisor (PLA) was eliminated from the list of certified specialties. Now considered the Chief Division Counsel (CDC), these GS-14 positions all come under the purview of the EDSP and the Office of the General Counsel (OGC). As such, these transfers will no longer be considered as specialties under this category.

(3) An Agent will generally be eligible for a specialty transfer after completing four years in the Agent's current office of assignment. An Agent will be ineligible for a specialty transfer if the Agent has consummated a cost transfer within the past year. Specialty transfer needs will generally be filled by the same method described in MAOP, Part 1, 11-3.2.

(4) It is the responsibility of the individual Agent and appropriate program managers to ensure that Agents who qualify for the above specialties have the appropriate information included under "skills" in their current information in BPMS. Failure to maintain the necessary accreditation or failing to update the information maintained in BPMS will result in a specialty designation not appearing on the published PRL.

(5) Deleted

#### **11-11.1 Special Agent Linguists**

(1) In considering Special Agent Linguists for transfer, eligibility will be based on the Agent's valid oral language proficiency of 2+ or higher and the concurrence of the appropriate FBIHQ program

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

managers and the Language Training and Assessment Unit (LTAU), FBIHQ, concerning the office's need for a specific language skill.

(2) To qualify for a PRL specialty transfer, Special Agent Linguists with an oral proficiency of 2+ must be tested by the LTAU once a year. Oral proficiencies of 3 or 3+ require testing every three years. Oral proficiencies of 4, 4+, and 5 require testing every five years.

(3) To be considered for a PRL transfer as a Special Agent Linguist, and to have the designation appear next to an Agent's name, the Agent must meet the minimum oral proficiency requirement and the required testing criteria established by the LTAU. It is the responsibility of the Agent to ensure that his/her appropriate test scores have been entered and that he/she has been tested as required by the LTAU.

(4) In the event of a critical staffing need for Special Agent Linguists which necessitates the use of an NVRT, an oral language proficiency of 2 or higher (recorded at any time during an Agent's career) will qualify the Agent for consideration.

**11-11.2 Technically Trained Agent (TTA) Program (See MIOG, Part 2, 16-7.2.3.)**

The selection of candidates to fill TTA vacancies will be accomplished through fieldwide advertisements of the vacancy. Transfer Unit will furnish the Operational Technology Division, Technical Operations Section, a list of candidates who have expressed an interest in the TTA vacancy. The Operational Technology Division, Technical Operations Section, will, thereafter, evaluate each candidate and make its recommendation to Transfer Unit for the best qualified TTA to fill the vacancy.

**11-11.3 Moved to 11-14.3**

**11-11.4 Moved to 11-14.4**

**11-11.5 Moved to 11-14.5**

**11-11.6 Moved to 11-14.6**

**11-11.7 Moved to 11-14.7**

**11-11.8 Moved to 11-14.8**

**11-12 HOSTAGE RESCUE TEAM (HRT) TRANSFER POLICY (See MIOG, Part 1, 244-7.)**

The following procedures for transfer are available to HRT members designated as Operators.

(1) Agents who are selected for HRT and have completed the four-year commitment, as an Operator, have the following transfer options:

(a) To report to WFO as part of the Agent work complement.

(b) If number one on the PRL, will be afforded a PRL transfer to that office consistent with staffing needs and budgetary restraints.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(c) Accepting a specialty transfer other than an HRT specialty transfer consistent with fieldwide operational needs (such as undercover assignments), or promotional opportunities available to SAs of the FBI.

(d) After completion of four years as an HRT Operator, SAs will be afforded the opportunity to accept the HRT specialty transfer to any field office, based on the operational/specialty needs of that office. Agents eligible for an HRT specialty transfer based on the operational needs of a field office will be selected from qualified team members on the PRL, based on the recommendation of the HRT management, consistent with the staffing needs of the HRT. In the event a qualified and recommended HRT team member cannot be found on the requesting office's PRL, the HRT specialty transfer will be offered to other HRT members under the same criteria. The HRT member transferred under these terms will not be considered as having received a PRL transfer, and the Agent will maintain his/her PRL eligibility. Prior to the issuance of such a transfer, a field office must have a documented critical need for an HRT-trained Agent.

(e) In the event no current HRT member is available for a specialty transfer, the requesting field office will be offered assistance by the HRT in training available field office personnel in needed HRT proficiency. This will be accomplished consistent with HRT availability.

(2) Agents who have successfully completed a five-year assignment as an HRT Operator will have the following options in addition to those set above:

(a) At the conclusion of an Agent's fifth year of service on the HRT, consistent with budgetary considerations, Agents who desire to do so will be transferred back to their previous office of assignment, irrespective of staffing vacancies in that particular division. This option will not be considered a PRL transfer.

(b) At the conclusion of an Agent's fifth year of service on the HRT, consistent with budgetary considerations, he/she will be given a list of seven offices that have a need for an Agent. The Agent will be afforded the opportunity to receive a transfer to one of the seven offices he/she selects. The offer will not be considered a PRL unless so designated by the Agent transferred.

(3) Agents who have successfully completed a six-year assignment as an Operator on HRT, consistent with budgetary considerations, will be eligible to receive a transfer to the office listed as their PRL, irrespective of staffing vacancies in that particular division. The Agent's Resident Agency of preference, if any, will also be considered, with the concurrence of the affected SAC, based upon existing staffing needs.

(4) An Agent will generally be eligible for a transfer to HRT, as an Operator, after completing four years in the Agent's current office of assignment. This requirement may be waived, on a case-by-case basis, by the Transfer Unit.

#### **11-12.1 Moved to 11-15.1**

#### **11-13 SPECIAL AGENT REINSTATEMENT ASSIGNMENT POLICY (See MIOG, Part 1, 67-6.8 (5).)**

Assignment of SAs who have been reinstated will be determined by the Transfer Unit based strictly on the needs of the Bureau. The Agent will be given the opportunity to indicate geographic

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

preferences; however, ultimate assignment will be determined by the staffing needs of the field offices as well as the need for any skills the Agent may possess. First consideration will be given to assign the Agent to his/her last office of assignment. Unique and unusual situations will continue to be addressed separately and evaluated on a case-by-case basis; for example, reinstating an Agent who qualifies for a PRL or who is married to an on-board Agent.

**11-13.1 Moved to 11-16.1**

**11-13.2 Moved to 11-16.2**

**11-13.3 Moved to 11-16.6**

**11-13.3.1 Moved to 11-16.3.1.**

**11-13.4 Moved to 11-16.5**

**11-13.5 Moved to 11-16.5**

**11-13.6 Moved to 11-16**

**11-13.7 Moved to 11-16.7**

**11-13.8 Moved to 11-16.8**

**11-14 TRANSFER TO FOREIGN OFFICES, ANCHORAGE, HONOLULU AND SAN JUAN - SPECIAL AGENT AND SUPPORT**

**11-14.1 Service Agreement (FD-382) (See Legal Attache Manual, 2-6.1 and 4-4.1.)**

Employees selected for assignment in the offices set out below must execute a service agreement to serve tours of duty as specified:

(1) Anchorage and Honolulu - Agents must serve two years with subsequent tours of one, two, or three years at the employee's option.

(2) Legal Attache Offices - Agent and support personnel must serve an initial three-year tour of duty with subsequent tours of one or two years at the employee's option. Assignment to high-threat and/or hardship post so designated by the Department of State will be for a two-year period, and the employee may request an additional tour of one, two, or three years.

FBIHQ must be informed of Legat employee's intention to request, or not request, an additional tour of duty or extension of current tour at least one year prior to the date the employee completes current tour of duty. FBIHQ must be informed of the employee's home leave and/or leave plans for purpose of travel at least three months prior to employee's completion of a tour of duty.

(3) San Juan - Agents - three years for initial contract, renewable annually thereafter. Agents are entitled to receive home leave at the conclusion of their first two years and after their third year.

SENSITIVE

Agents who sign an agreement to remain a fifth year will also be entitled to home leave after their fourth year.

(4) Anchorage, Honolulu, and San Juan - Support Personnel - These transfers are permanent assignments. Employees must agree to remain in the service of the government for a specified period not more than three years from the effective date of the transfer.

#### **11-14.2 Execution of Service Agreement**

(1) An original and two copies of the Service Agreement will be attached to the letter of transfer to Anchorage, San Juan, Honolulu, and foreign offices. All must be executed and the original and one copy should be returned to FBIHQ. The second copy should be retained in the field file.

(2) The Service Agreement must be executed by employee before the Bureau can pay any transfer-related expenses, including travel and transportation of employee, employee's family, and household goods. The terms of the Service Agreement must be fulfilled before the Government will pay return expenses. If the terms of the Service Agreement are not completed because of separation from service, the reasons for separation must be beyond the control of the employee and agreeable to FBIHQ before return expenses are paid by the Government.

#### **11-14.3 Annual Leave, Home Leave, and Tour Renewal Travel (See Legal Attache Manual, Part 1, 2-6.1 and 4-4.2.)**

(1) A new Service Agreement must be executed by overseas personnel seeking an additional tour of duty. The new agreement must be completed prior to the termination of the existing tour of duty. Advise FBIHQ at least three months prior to completion of existing tour of employee's intention to seek an additional tour and employee's plans concerning annual leave, home leave, and/or tour renewal travel.

(2) Employees and dependents are eligible for travel and transportation expenses to their actual place of residence in the U.S. after completion of the agreed tour of duty and execution of an additional Service Agreement for a subsequent tour. For detailed information concerning travel and transportation allowances, see Chapter 302, Federal Travel Regulations.

(3) Employees assigned to foreign offices, who have completed 24 months of continuous service, are entitled to additional leave, termed home leave. An employee who is eligible to take home leave receives only the opportunity to take paid time away from the office, similar to annual leave. The home leave benefit does not include paid transportation. Employees earn home leave for each 12 months of service abroad. For details concerning home leave see the LEAVE POLICY MANUAL.

(4) In the event of any change of legal residence in the United States, employee must execute a new Service Agreement showing that change which must be approved by the Bureau.

(5) Home leave is not required to be used strictly to return to an employee's actual place of residence in the U.S. Home leave is granted for use in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States, and during an employee's period of service abroad, or within a reasonable period after a return from service abroad when it is contemplated that the employee will return to service abroad immediately or on completion of an assignment in the United States.

**11-14.4 Physical Examinations**

Support personnel transferred to San Juan and foreign offices must be afforded a physical examination. Results of the examination and any special tests required by FBIHQ must reach the Bureau prior to departure of employee to new office of assignment.

**11-14.5 Cost of Living Allowance**

Employees assigned to Anchorage, Honolulu, and San Juan are entitled to a cost of living allowance not subject to federal income tax. The amount of allowance fluctuates based on periodic studies made by the U.S. Department of Labor. Employees should contact FBIHQ, Payroll Administration and Processing Unit, Finance Division, to determine the current allowance.

**11-14.6 Transportation of Household Goods**

Relocation Management Office, Fleet Management and Transportation Services Unit, Finance Division, will handle necessary arrangements for transportation of household goods of employees. For details, see Part II, 6-2.2.1 through 6-2.2.3, of this manual.

**11-14.7 Checks and Bonds**

In the event employee does not want checks and/or bonds forwarded to their home address, FBIHQ, Payroll Administration and Processing Unit, Finance Division, should be given instructions as to their handling.

**11-14.8 Income Taxes**

Employee should be aware of regulations concerning payment of Federal and local income taxes. Residence in a foreign country may not excuse employee from being taxed by authority covering previous office of assignment. Immediately advise FBIHQ should a controversy arise with any taxing authority.

**11-15 TRAINING OF EMPLOYEES FOR FOREIGN ASSIGNMENT (See MAOP, Part II, 8-2.3.)**

Material on living conditions in Honolulu, Anchorage, San Juan, and our foreign installations will be furnished to the employee upon transfer. SAC should arrange for an employee under foreign transfer to utilize local library facilities for appropriate books concerning the culture and background of the country of assignment.

**11-15.1 Training of Support Employees for Foreign Assignment**

(1) Field Support Functions - Support employees selected for foreign assignment must, before their departure, receive two full weeks' training in field support functions. SACs should ensure that the training afforded them is type they would need if they were assuming duties of Administrative Officer in small- to medium-sized office and should encompass the following:

- (a) Handling of mail (including stamping, searching, matching, indexing, serializing, etc.)
- (b) Opening and closing cases
- (c) File reviews

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

- (d) Preparation of administrative report
- (e) Preparation of expense accounts
- (f) Handling and filing of SAC letters and SAC Memoranda
- (g) Preparation of 1-A serials and bulky exhibits
- (h) Tickler systems
- (i) Maintenance, consolidation, and destruction of file
- (j) Deleted
- (k) Operation of duplication machine
- (l) Preparation of vouchers connected with operation of official cars and maintenance of office fund records
- (2) Cryptographic systems - Employees under transfer to foreign offices will be given three to five days' training at FBIHQ in the operations and security of cryptographic systems.
- (3) Briefing by SAC or division head at FBIHQ - For various reasons, it is not always possible to bring field support personnel selected for foreign assignment to FBIHQ for briefing before their departure. SACs should call employees' attention to fact that while in foreign office of assignment they will be known as an employee of the American Embassy, insofar as general public is concerned, although official contacts of the office know of relations between Bureau and Legal Attache's office.
- (4) Conduct - It should be stressed that conduct abroad must be maintained at all times in accordance with Bureau standards. In matters of conduct and dress, employees must adhere to good taste within the standards of the country to which they are assigned. Inform employee that if employee plans to take his/her personally owned automobile, uniform regulations maintained by the U.S. Posts require that only inconspicuous automobiles should be imported.
- (5) Instructions by Legal Attache - Legal Attaches are responsible to ensure new employees are instructed in maintenance of teletype records, listing and preparation of pouches, security of information pertaining to pouch preparation, maintenance of pouch records and use of courier service. Legal Attache must also ensure new employee is afforded cryptographic systems training and in the preparation, handling, and dissemination of classified documents. Legal Attache should also instruct new employees in maintenance of security peculiar to the Attache operations, including the use of the telephone, personal contact, disposal of trash, and social gatherings.

SENSITIVE

**11-15.2 Moved to 11-18.2**

**11-15.3 Moved to 11-18.3**

**11-15.4 Moved to 11-18.4**

**11-15.4.1 Moved to 11-18.4.1**

**11-15.4.2 Moved to 11-18.4.2**

**11-15.4.3 Moved to 11-18.4.3**

**11-15.4.4 Moved to 11-18.4.4**

## **11-16 SUPPORT PERSONNEL TRANSFER POLICY**

### **11-16.1 General Policy**

(1) FBI support employees may be noncompetitively transferred to other field offices or FBIHQ through the following methods:

- (a) Support Employee Transfer Availability List (SETAL) transfers.
- (b) Bureau Spousal Transfers
- (c) Non-Bureau Spousal Transfers
- (d) Hardship Transfers
- (e) Special Position Personnel Resource List (PRL) Transfers.

Policies concerning competitively posted positions are contained in the MAOP, Part 1, Section 7, captioned "Merit Promotion and Placement Plan."

(2) Under normal circumstances, entry-level general clerical vacancies are filled by local recruitment and/or through the use of the SETAL. The use of the SETAL to fill vacant clerical positions is not mandatory, but is highly recommended.

### **11-16.2 Support Employee Transfer Availability List (SETAL) Transfers**

(1) The SETAL is a list of support employees interested in being afforded a no-cost transfer, for their personal convenience, between field offices or between a field office and FBIHQ. The SETAL may not be used for transfers between FBIHQ divisions, organizational components within a field office, or organizational components within an FBIHQ division or office. In the interest of simplicity and equity, positions filled through the use of the SETAL are entry-level, general clerical positions only.

(2) Eligibility - In order to be eligible for a SETAL transfer, a support employee must satisfy the following criteria:

- (a) One year's continuous service with the FBI.



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(b) A rating of "Meet Expectations" on his/her most recent performance appraisal.

(c) Agree to accept a demotion to an entry-level, general clerical position.

(d) Agree to bear all costs associated with the transfer.

(e) Agree to work whatever shift is required by the receiving office.

(f) Be able to report for duty within 90 days of the issuance of transfer orders.

(3) A support employee is ineligible for a SETAL transfer if:

(a) He/She has consummated a SETAL transfer within the past one-year period.

(b) If the employee is censured and placed on probation, that employee will not be eligible for a SETAL transfer as long as he/she is on probation. In aggravated situations involving any disciplinary matter where administrative action is warranted, an evaluation will be made on a case-by-case basis to determine if the circumstances warrant exclusion from consideration for a SETAL transfer.

Additionally, prior to effecting a SETAL transfer, the concurrence of the employee's division head must be obtained. Exigent operational necessity may, at times, provide a temporary basis to forestall the transfer or relocation of employees who possess critical skills. Release may also be temporarily denied when granting the request would have a significant negative impact on organizational efficiency or effectiveness. If an employee is denied release from his/her current office for more than 30 days, pursuant to a SETAL transfer, the concurrence of the Transfer Unit must be obtained.

(4) Requesting a SETAL Transfer

(a) Support employees are obligated to keep their SETAL preferences current and are only allowed to designate, or change, their preferences during January and July. Only one office of preference may be selected by each employee. Employees may also designate resident agencies (RAs) of preference, within their office of preference, or may designate RAs only, within their office of preference.

(b) The designation of an office of preference and/or RA(s) of preference on the SETAL must be accomplished through the submission of an FD-817 to the Transfer Unit (TU), Operational Support Section (OSS), Administrative Services Division (ASD).

(c) Support employees may remove their name from the SETAL at any time by submitting an FD-817 to the TU, requesting that their name be deleted from the SETAL. In order to avoid a one-year SETAL penalty, the request to remove a name from the SETAL must be received by the TU prior to a transfer offer.

(5) SETAL Transfer Procedures

(a) Identification of Vacancies - Each field office or FBIHQ division which is below its authorized support Funded Staffing Level (FSL) may request the transfer of general clerical personnel to their office by the submission of an EC to the TU, OSS, ASD. Offices may consider employees on the SETAL together with those listed on their Bureau Applicant Availability List.

SENSITIVE

(b) Upon the concurrence of the Resource Management and Allocation Board (RMAB), the SETAL list for the requesting office will be reviewed and the most senior (based upon Bureau EOD) qualified employee on the SETAL will be offered a transfer. In instances where an office has requested a particular entry-level skill, such as a Bureau-approved typist, the most senior qualified employee on the SETAL with that skill will be offered a transfer. The employee must affirmatively respond within three days, excluding weekends and holidays, of receiving an offer for a SETAL transfer to remain eligible for transfer and avoid a one-year penalty.

(c) Upon receipt of SETAL transfer orders, the transferred employee may immediately compete or otherwise be selected for other positions in his/her new office. Employees who take a demotion in connection with their transfer are eligible to compete for positions at the highest grade level for which they satisfy all minimum qualifications (e.g., an employee with one year at grade GS-8 who demotes to a grade GS-4 position may be eligible to compete for grade GS-9 positions upon transfer to the new office, if they possess the requisite knowledge, skills and abilities and specialized experience).

(d) If a support employee declines a SETAL transfer offer, he/she will receive a one-year penalty from SETAL consideration, effective the date of the transfer offer declination. The receipt of the one-year penalty will be confirmed in writing by the TU and include the date the one-year penalty begins and expires. Support employees receiving a SETAL penalty may remain on the list, but will not be considered for a SETAL transfer until the expiration of the one-year penalty.

### **11-16.3 Bureau Spousal Transfers**

(1) A Bureau spousal transfer is the transfer of an FBI support employee in order to allow that employee to maintain a common household with his/her FBI-employed spouse, who has been transferred to a different commuting area. Additionally, Bureau spousal transfers may be requested in order to allow two FBI employees to establish a common household upon their marriage or commitment to marriage. Without exception, approvable Bureau spousal transfers will be effected regardless of an office's FSL.

#### **(2) Requesting a Bureau Spousal Transfer**

(a) In the case of a request for a Bureau spousal transfer in order to accompany a spouse who has been transferred to a different commuting area, the affected employee should submit an electronic communication (EC) to the TU, OSS, ASD, requesting such a transfer. The EC should reference the spouse's transfer by name, destination, and Transfer Cost Number. It should also state the employee's willingness to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift.

(b) In the case of a request for a Bureau spousal transfer in order to allow two FBI employees to establish a common household upon their marriage or commitment to marriage, the employee interested in a transfer to his/her spouse's or intended spouse's location should submit an EC to the TU, OSS, ASD, requesting such a transfer. Proof of marriage or commitment to marriage (and the anticipated date of the marriage) should be provided with the EC. The EC should also state the employee's willingness to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift. The ASD will

determine which office the employees will be assigned to, consistent with staffing needs of those offices and the needs of the FBI. Transfers requested upon commitment to marriage will not be granted more than 30 days prior to the scheduled wedding date. In the event that a proposed marriage does not take place, the transferred employee will be required to return to his/her previous office of assignment.

(3) Placement in other than entry-level positions will be at the discretion of the receiving office based upon current vacancies. Additionally, upon receipt of Bureau spousal transfer orders, employees may immediately compete for other positions in their new office.

#### **11-16.3.1 Deleted**

#### **11-16.3.2 Deleted**

### **11-16.4 Non-Bureau Spousal Transfers**

(1) A Non-Bureau spousal transfer is the transfer of an FBI support employee in order to allow that employee to maintain a common household with his/her non-FBI employed spouse. Non-Bureau spousal transfer requests will be accommodated when possible. Non-Bureau spousal transfers are contingent upon the approval of the RMAB. Non-Bureau spousal transfers will only be granted based upon proof of marriage.

#### **(2) Requesting a Non-Bureau Spousal Transfer**

(a) Support employees may request a Non-Bureau spousal transfer through the submission of an EC to the TU, OSS, ASD. The EC should state the employee's willingness to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift. Non-Bureau spousal transfer requests should not be submitted to the TU more than 90 days in advance of the desired transfer date.

(3) Placement in other than entry-level positions will be at the discretion of the receiving office based upon current vacancies. Additionally, upon receipt of Non-Bureau spousal transfer orders, employees may immediately compete for other positions in their new office.

### **11-16.5 Hardship Transfers (See MAOP, Part 1, 11-4, 11-4.1, 11-4.2, 11-4.3, 11-5, & 22-7.)**

(1) Requests for hardship transfers must be forwarded to the TU, OSS, ASD, through the employee's division head. Documentation supporting the hardship and the recommendation of the division head must accompany the request. Additionally, all requests must contain a statement by the support employee that he/she is willing to accept a demotion to an entry-level position, if necessary, to bear all costs associated with the transfer and to be available for assignment to any shift (unless shift availability is precluded by the nature of the hardship).

(a) Medical Hardships - Generally, conditions existing prior to an employee's EOD will not form the basis for a medical hardship transfer. Medical hardship transfers may be granted, consistent with staffing needs, for articulated medical reasons, such as the need to be in a specific geographic area or near a specific medical facility to address the health needs of the employee, spouse, child, or legal dependent. All medical hardship transfer requests must be accompanied by detailed

SENSITIVE

ManI-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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supporting medical documentation provided by the employee. Such documentation must include a diagnosis and prognosis for all medical conditions. Medical hardship transfer requests are reviewed by the Chief Medical Officer (CMO) at FBIHQ and in some instances by other specialists. Alternatives to a permanent transfer must first be examined, such as requesting a TDY hardship assignment. A medical hardship transfer request should not be the first course of action.

(b) Parental Hardships - Dealing with infirmities attendant with the aging process is a common experience to all employees with living parents and in-laws. As such, employees cannot expect hardship transfers for these circumstances. The ASD will, however, consider, with concurrent SAC approval, on a case-by-case basis, consistent with staffing needs, affording parental hardship transfers based on parental illness, when the illness creates a significant medical hardship. In making a transfer determination, the ASD will examine a number of factors to include, but not limited to: whether a TDY hardship assignment would alleviate the hardship; the parent(s)/in-law(s) ability to move to the location of the employee; medical facilities available at the employee's location; availability of other family members to assist parent(s)/in-law(s); availability of home care services and assistance of long-distance care organizations.

(c) Financial Hardships - Financial problems generally will not substantiate a hardship transfer. However, requests will be reviewed on a case-by-case basis, with concurrent SAC approval, to determine whether a transfer would help to alleviate the employee's financial problems. Financial hardship transfer requests must be accompanied by a professional written assessment of the employee's financial situation. The assessment must demonstrate the employee's inability to function at his/her current location and provide a functional plan to aid the employee in attaining financial stability. Such an assessment may be obtained through a private financial counseling entity, a public financial counseling entity or through the Employee Assistance Unit (EAU), ASD. The financial assessment should specifically address how a requested transfer would help to alleviate the employee's financial problems. Consideration should also be given to what effect the cost of the transfer and a potential demotion would have on the employee. Financial assessments made by other entities will be reviewed by the EAU and in some instances by other specialists.

(d) Child Custody Hardships: In situations where FBI personnel, who are parents of minor children, are divorced, subsequent to their entry on duty with the FBI, consideration will be given to the issuance of child custody hardship transfers on a case-by-case basis. In instances wherein an employee has court-ordered custody of, or visitation rights to, his/her children, limited to a specific locale, the Transfer Unit will make every effort to approve a transfer, subject to staffing requirements and the availability of funds. In all other instances, requests for transfers will be adjudicated based upon the totality of the circumstances. If appropriate, the Transfer Unit may consider a regional transfer as a means of addressing a child custody hardship transfer request.

The Transfer Unit will consider all pertinent facts in making transfer determinations, to include, but not limited to: (1) the well-being of the minor children; (2) the employee's legal rights/obligations to the children pursuant to a court order(s) or a court-authorized custody agreement; and (3) if appropriate, the extent to which the employee contested the order granting custody. All requests for transfers must be supported by appropriate documentation, such as pleadings, court orders, and/or medical/psychological reports.

SENSITIVE

(2) Hardship Transfer Review Board - When a hardship transfer request is denied, the decision may be appealed by submitting a letter, within 15 days of the denial, to the ASD, FBIHQ, requesting that the transfer denial be reviewed by the support employee Hardship Transfer Review Board (HTRB). The HTRB has been established at FBIHQ, and is chaired by the Deputy Assistant Director, Personnel Assistance and Facilities Management Branch, ASD. The HTRB is comprised of Administrative Officers (AOs) from local field offices and representatives selected at random on a rotational basis from FBIHQ divisions. The HTRB will review each case and submit a recommendation to the Assistant Director, ASD, for final adjudication.

#### **11-16.6 Special Position Personnel Resource List (PRL) Transfers (See MAOP, Part 1, 22-5.4, 22-7.) (Formerly 11-13.3)**

Due to the unique nature of their positions, incumbents in the Special Surveillance Group (SSG) Program and the Language Specialist (LS) Program are eligible for consideration for personal convenience, no-cost, special position PRL transfers to offices of their preference. Special position PRL transfers for the SSG and LS programs are administered by the respective Program Managers, consistent with the following guidelines:

- (1) A position in the desired office must be available.
- (2) The Program Manager must reasonably expect to backfill the vacancy created by the employee's transfer, if necessary, with a newly hired employee or through another no-cost transfer.
- (3) Special position PRL transfers must be effected on a seniority basis pursuant to employees' length of service in the SSG or LS program. Once the employee has received a special position PRL transfer, his/her seniority level in the program for future special position PRL transfer consideration will be calculated from the effective date of his/her last special position PRL transfer, rather than his/her overall time in the program.
- (4) The Program Manager must maintain a formal list of personnel interested in special position PRL transfers. The list must be updated at regular intervals, pursuant to procedures which must be made known to all employees within the program.
- (5) Eligibility - In order to be eligible for a special position PRL transfer, the support employee must satisfy the following criteria:
  - (a) One year's continuous service with the FBI.
  - (b) A rating of "Meet Expectations" on his/her most recent performance appraisal.
  - (c) Agree to bear all costs associated with the transfer.
  - (d) Agree to work whatever shift is required by the receiving office.
  - (e) Be able to report for duty within 90 days of the issuance of transfer orders.
- (6) A support employee is ineligible for a special position PRL transfer if:
  - (a) He/She has consummated a transfer within the past three-year period.
  - (b) If an employee is censured and placed on probation, that employee will not be eligible for a special position PRL transfer while on probation. In aggravated situations involving any

disciplinary matter where administrative action is warranted, an evaluation will be made on a case-by-case basis to determine if the circumstances warrant exclusion from consideration for a special position PRL transfer.

(7) Exigent operational necessity may at times provide a temporary basis to forestall the special position PRL transfer or relocation of SSG or LS employees who possess critical skills. Release may also be temporarily denied when granting the request would have a significant negative impact on organizational efficiency or effectiveness. If an employee is denied release from his/her current office for more than 30 days, pursuant to a special position PRL transfer, the concurrence of the Transfer Unit must be obtained.

#### **11-16.7 Bureauwide Posted Positions (Formerly 11-13.7)**

(1) Some key positions, such as Administrative Officer and Telecommunications Manager, are required to be posted Bureauwide to ensure identifying an adequate pool of qualified candidates. In the event a field office is unable to identify an adequate pool of qualified candidates for other critical positions, in the commuting area where the vacancy is located, through internal posting and/or external recruitment, FBIHQ will consider a request to announce the vacancy to all offices in order to assist in filling such a position. Offices should submit such requests to the Staffing Unit (STAFU), Human Resource Management Section (HRMS), ASD, FBIHQ. Any transfer resulting from filling such vacancies will be considered in the best interest of, and for the convenience of, the Bureau. See Part 1, Section 7, of this manual or the Merit Promotion and Placement Plan User's Guide for guidance in determining the appropriate area of consideration for any support vacancy.

(2) In instances where the STAFU determines that there is inadequate justification to support a Bureauwide posting, vacancies may be filled through internal no-cost postings or through external recruitment. In such cases, the internal posting must specifically state that any resultant transfers will be at no cost to the Bureau.

#### **11-16.8 Payment of Transfer Expenses**

Costs incurred in connection with transfers made for the convenience of the Bureau will be borne by the government, consistent with the Bureau's policy for cost/no-cost transfer determinations, as set forth in MAOP, Part 1, Section 11-10. The vacancy announcement for a position filled through a competitive action should indicate under what circumstances the selectee will be eligible for reimbursement of relocation expenses. Costs incurred in connection with transfers made for the convenience of the employee will be borne by the employee (e.g., SETAL transfers, Bureau spousal transfers, Non-Bureau spousal transfers, hardship transfers, special position PRL transfers).

#### **11-17 TEMPORARY DUTY ASSIGNMENTS (Formerly 11-14) (See MAOP, Part 1, 7-20.)**

(1) Circumstances under which temporary duty (TDY) assignments for Special Agent (SA) and/or support personnel can be requested:

- (a) Unique specialties which the requesting division is unable to address from within its existing complement, such as language ability.
- (b) An investigation of such magnitude that the requesting division can justify additional personnel.

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(2) Requirements that must be met before requesting a TDY assignment. The only requirement necessary in TDY requests for unique specialties is a demonstrated deficiency in that speciality. Otherwise, the following requirements apply to TDY requests for additional investigative/support personnel in cases of such magnitude wherein such assistance is deemed necessary. The requesting division is to:

- (a) Cancel all extended annual leave.
- (b) Curtail in-service training during the pertinent period of time.
- (c) Curtail the physical training program during the pertinent period of time consistent with workload demands.
- (d) Ensure all available personnel from the existing on-board complement are fully occupied on priority work.

(3) Procedures for requesting TDY assignments. All requests must be supported by specific documentation which should be communicated to FBIHQ at the earliest possible time. Whenever there is an initial request for five or more TDY personnel in support of the same investigative matter, approval must be obtained from the Executive Assistant Director with program responsibility over the investigative matter in coordination with the Administrative Services Division (Transfer Unit). Such authority must also be sought each time a request for less than five TDY personnel increases the cumulative number of TDY personnel dedicated to an investigative matter to more than five.

(a) The Transfer Unit (TU), Administrative Services Division (ASD), is to be advised of all Agents designated for any operational TDY assignment in excess of seven calendar days. This will also include TDY assignments to contiguous divisions and intradivisional TDY assignments on SAC authority. This requirement is not applicable to travel outside of the division that is related to Special Operations Group (SOG) assignments, training, court appearances, or administrative duties.

(b) Requests for TDY assistance from SA or support personnel are to be supported by specific documentation and communicated to FBIHQ at the earliest possible date.

1. The communication is to be directed to the appropriate investigative division with a copy to TU, ASD.

2. Deleted

3. Request for SAs with foreign language abilities are to be directed to the Language Services Section, Office of International Operations (OIO), with a copy each to the appropriate investigative division and TU, ASD.

(c) Special Support Personnel:

Requests (with appropriate documentation) are to be directed to the Program Manager in the appropriate division, with a copy to the TU, ASD. Divisional responsibility is as follows:

Accounting Technicians - (See Financial Assistants) Auto Maintenance Technicians - Fleet Management and Transportation Services Unit, Finance Division Electronics Technicians - Investigative Technology Division Financial Assistants/Financial Analysts - Financial Crimes

SENSITIVE

SENSITIVE

ManI-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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Section, Criminal Investigative Division (CID) Intelligence Information System Analysts - Counterintelligence Division Intelligence Analysts for drug or organized crime cases - CID Investigative Assistants (IA) - CID Language Specialists - Language Services Section, OIO Legat Personnel - OIO Pilots - Aviation and Special Operations Section, Critical Incident Response Group (CIRG) Special Surveillance Group (SSG), Special Operations Assistants (SOA) - Counterintelligence Division

(d) General Support Personnel:

Requests (with appropriate documentation) are to be directed to the TU, ASD, and the proper FBIHQ division with investigative and/or administrative oversight for the matter creating the need for assistance. Documentation should include steps taken by the division in an attempt to address the work situation which has created the need for assistance. Once approved, the TU will coordinate a canvass of pertinent divisions for available qualified personnel based on the expressed needs of the requesting division. General support includes office automation clerks/assistants, confidential clerks (OA), file clerks, Information Management Assistants, secretaries, data loaders, etc.

(4) To ensure necessary administrative steps are taken within the automated Bureau Personnel Management System, field offices and FBIHQ divisions requesting TDY general or special support assistance should ensure that the TU, ASD, is properly notified of the dates the assignment begins and ends. Requests for extensions for both SA and support TDY assignments should be submitted as soon as possible, preferably 30 days in advance, to allow for appropriate notification of all entities involved in administration of TDY assignments, e.g., Budget, Payroll, etc.

(5) Time and attendance responsibilities for TDY personnel should be assumed by the requesting office upon arrival of TDY personnel and continue through the entire TDY assignment. Time and attendance responsibilities will be reassumed by the home office on the first day following the conclusion of the TDY assignment. It is the responsibility of the requesting office to notify the TU and the home office prior to or immediately following the conclusion of a support TDY assignment to ensure administrative pay procedures are redesignated to the employee's official office of assignment. However, if the TDY assignment is to FBIHQ/Legat for a field Agent (GS-10 through GS-13 or GS-14 Chief/Associate Division Counsel) or an investigative support employee who TURKs, then the home office is responsible for the entry of the time and attendance and TURK data.

(6) Overtime for special and general support personnel must be requested and approved in advance. In the field these requests should be coordinated through the Administrative Officer's administrative staff, who should direct requests to FBIHQ, Attention: Budget Execution Unit, Finance Division.

(7) Travel costs and per diem will be at the expense of the requesting office in cases where requested assistance is for the purpose of maintaining normal field office operations. In the event of a Major Case, Special Event or other significant investigative and/or administrative matter where the appropriate FBIHQ division has made arrangements for appropriations, travel expenses may be covered by the Special Travel Reserve. In these instances, travel expenses will be charged to a specific account number which will be provided by TU at the time all TDY arrangements are made.

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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Failure to use this account number will result in all expenses being absorbed by the employee's official office's existing travel budget. There will be no recourse.

(8) Employees who will be on TDY in excess of 14 days, who do not have automatic deposit and who desire their Earnings and Leave Record to be forwarded to their TDY office of assignment, should execute Form FD-655 and submit to the Accounting Section, Payroll Administration and Processing Unit, FBIHQ, as soon as possible. In those cases where time does not permit routine submission of the FD-655, the employee must contact the Payroll Administration and Processing Unit as soon as possible.

(9) All correspondence captions should include the phrase "Temporary Assistance (TDY)," with reference to pertinent case title(s), field office file number(s) or Universal Case File Number and/or FBIHQ file number, if known. SSG/SOA correspondence must include the case title.

Correspondence in response to a canvass or ongoing TDY assignment should include the employee's official Bureau name, specialty, title, and social security number. In all cases, the designation of copies should include the Administrative Officer.

It is recommended that divisions establish administrative control files to track all TDY requests for assistance as well as assistance provided to other divisions of special and/or general support personnel.

(10) Personal convenience/hardship TDY assignments for SUPPORT PERSONNEL will continue to be considered on a case-by-case basis and should be coordinated with TU, ASD. All travel and per diem costs associated with this type of assignment are at the expense of the requesting employee. Such assignments are normally arranged for an initial period of up to 30 days, but can be for a shorter period. Extensions of up to 30 additional days will be considered based on the individual's situation and the needs of both offices. (See MAOP, Part 1, 11-5.)

#### **11-17.1 Procedures for Recording Interest in TDY Assignments to Legat Attache (Legat) Offices (Formerly 11-14.1)**

SA and/or support personnel who are interested in TDY assignment to a Legat office should prepare a Form FD-826 to their immediate supervisor expressing their interest. The FD-826 should include specific skills, language ability, etc., that the employee possesses which would be beneficial in a Legat office and should also specify which area of the world the employee is interested in serving (i.e., Far East, Europe, or the Americas). It will be left to the discretion of each supervisor which FD-826's are forwarded to the SAC or Assistant Director for review and final approval. Once approved by the SAC or Assistant Director, the employee's name should be forwarded to the Division's Administrative Office for entry into the Bureau Personnel Management System (BPMS). The Liaison and International Affairs Section (LIAS), Criminal Investigative Division, which manages Legat operations, will run periodic reports of employees expressing interest in foreign TDY assignment and, when a Legat requires TDY assistance, will contact the appropriate SAC or Assistant Director to determine the availability of qualified employees who have expressed an interest in that particular Legat office.

SENSITIVE

## **11-18 DETAIL ASSIGNMENTS OF EMPLOYEES OUTSIDE THE FBI (Formerly 11-15)**

The Office of Personnel Management (OPM) and Department of Justice (DOJ) require prior approval before an employee may be detailed to another position, particularly if the employee is being detailed from an excepted service position to a competitive service position. This approval requirement is mandated by Civil Service Rule 6.5 which stated that "No person who is serving under an excepted appointment shall be assigned to the work of a position in the competitive service without prior approval of OPM." (See MAOP, Part I, 1-28, for conduct of employees on detail.)

### **11-18.1 Details Within the DOJ (Formerly 11-15.1)**

(1) If the position to which the FBI employee is to be detailed is another excepted service position, details can be made in 120-day increments up to a maximum total detail of one year. Extensions beyond one year will then require prior OPM approval.

(2) If the position to which the FBI employee is to be detailed is a competitive service position, prior OPM approval of the proposed detail is required.

### **11-18.2 Details Outside the DOJ (Formerly 11-15.2)**

Any proposed detail (or extension of same) of an FBI employee to an organization outside the DOJ for 30 days or more must be submitted for approval of the Deputy Attorney General (DAG) through the Justice Management Division, DOJ.

(1) If the position to which the FBI employee is to be detailed is another excepted service position, only the DAG approval is necessary.

(2) If the position to which the FBI employee is to be detailed is a competitive service position, prior OPM approval of the proposed detail is also required.

### **11-18.3 Procedures for Approval (Formerly 11-15.3)**

(1) In order to determine what approval is required, it will be necessary to obtain an official position description from the agency to which the employee is being detailed. This position description must be reflective of the duties the employee will be performing with the other agency and should indicate whether the position is in the excepted or competitive service.

(2) Requests for approval must be submitted to the Staffing Unit, Human Resource Management Section, Administrative Services Division, with sufficient time to seek the appropriate approval from either DOJ or OPM. DOJ approvals average three weeks. OPM approvals usually take longer.

(3) To alleviate problems concerning the information needed to detail an employee, the following must be provided to Staffing Unit, Administrative Services Division:

- (a) The employee's official Bureau name, title, and grade.
- (b) The name of the organization to which the detail is proposed.
- (c) The proposed beginning and ending dates of the detail.

(d) An official position description from the agency to which the employee is being detailed. This position description must be reflective of the duties the employee will be performing with the other agency and should indicate whether the position is in the excepted or competitive service.

(e) Reimbursable or nonreimbursable arrangement. A memorandum of understanding/reimbursable agreement must be submitted to Administrative Services Division from the requesting agency advising of all items being reimbursed with a contact (name, address, and telephone number) in order for the FBI to bill the requesting agency.

(f) The purpose of the detail and individual organizational benefits.

(4) Upon arrival in the other agency, a Notification of Personnel Action (SF-50) will be prepared which will include the time limitations of the detail. Although the employee's cost center will change to reflect assignment to another agency, the employee will be headquartered to the division that is requesting the detail. This division will be responsible for continuing any administrative matters (i.e., time and attendance records, Bureau correspondence, etc.) for the employee.

The determination as to whether detailed Special Agents will be counted as part of a division's Funded Staffing Level will be made by the Resource Management and Allocation Board.

#### **11-18.4 House Appropriations Committee - Surveys and Investigations Staff (See MAOP, Part I, 3-8.) (Formerly 11-15.4)**

##### **11-18.4.1 Introduction (Formerly 11-15.4.1)**

(1) Many of the programs handled by the House Appropriations Committee - Surveys and Investigations Staff (hereinafter referred to as Staff) have national or worldwide significance and can include such studies as national energy problems, military readiness and deployment and worldwide intelligence activities. The responsibilities inherent in this highly visible, complex and important assignment require individuals who have strong potential to develop executive ability in order to accomplish the desired ends of the committee. Individuals considered for selection must exhibit personal responsibility; have initiative, resourcefulness and versatility; and possess outstanding qualities of logic, perception and organizational and literary ability. Special Agents assigned to the Staff will be dealing with persons representing the highest level of Government and, therefore, it is imperative that they be capable of representing the FBI in an outstanding manner.

(2) The Surveys and Investigations Staff is directed by an Executive Staff composed of a permanent Chief, a Director and two Assistant Directors. The Director and two Assistant Directors are selected from the ranks of the FBI and GAO.

##### **11-18.4.2 Selection Process (See MAOP, Part 1, 3-8 (5).) (Formerly 11-15.4.2)**

(1) Requests for Staff personnel will be made known to the Assistant Director, Administrative Services Division, who will cause to be posted a "Notice of Vacancy" communication to appropriate field divisions. Applicants should submit completed FD-638 to FBIHQ, Attention: Transfer Unit. The Staff's senior FBI representative will then advise the Assistant Director, Administrative Services Division, of his/her preference of the respondents to the posting. Upon approval from FBIHQ, Agents selected will be detailed for an initial mutual evaluation period of up to 90 days. The decision to transfer an individual in the event his/her office is not contiguous to

Washington, D.C., will be a negotiable point between FBIHQ, the Chief of the Staff and the individual involved through discussion with him/her.

(2) Agents considered for a Staff assignment will be selected from those nonsupervisory Special Agents with an experience level of GS-12 or above. It would be beneficial if candidates possessed prior commissioned military officer experience, auditing/accounting, or a procurement background. Preference would be given to relief supervisors who are currently in the EDSP. Agents selected for this assignment will be retained on the rolls of the FBI and will continue to be eligible for AVP compensation.

#### **11-18.4.3 Promotion (See MAOP, Part I, 3-8(3).) (Formerly 11-15.4.3)**

(1) Individuals selected for assignment to the Staff as team members may be considered for a "term promotion" to the position of Supervisory Team Leader (GS-14); however, it is to be clearly understood that only a limited number of these positions are available. Therefore, promotional opportunities are limited. The term promotion is for the duration of the Staff assignment. Candidates must compete for such term promotions by submitting an FD-954 to the Special Agent Mid-Level Management Unit, EDSP, in response to the advertised vacancy announcement. Recommendations for promotion to the position of Supervisory Team Leader will be furnished to the chairperson of the SAMMS Board, FBIHQ, for their approval. An FBI employee who completes his/her Staff time and has advanced to the GS-14 term promotion status will return to the FBI at the same grade that they would have been if they had not left the agency and had continued in the normal "in-house" career path. However, these individuals will be given every consideration for promotion upon their completion of the Staff assignment if positions are available and they possess the necessary qualifications.

(2) Individuals selected for assignment to the Executive Staff (Director and Assistant Directors) are reviewed by the SAMMS Board. The Assistant Director on the Surveys and Investigations Staff will be selected from the ranks of Supervisory Special Agents currently in the EDSP. The individual selected will be initially placed in a Team Coordinator role for a period not to exceed 120 days. Upon mutual agreement to remain in the position, his/her name will be forwarded to the SAMMS Board as the designated Assistant Director, Surveys and Investigations Staff, GS-15. At the SAMMS Board's discretion, the promotion to GS-15 would be temporary for the duration of the assignment with reversion to GS-14 upon return to the FBI or a permanent promotion to GS-15 as long as FBIHQ agrees to place the employee in a GS-15 position upon his/her return. Upon approval for this position, he/she will be removed from the rolls of the FBI for the three-year assignment. Upon completion of their assignment, FBI members of the Executive Staff will be returned to FBIHQ and assigned as determined by the SAMMS Board.

#### **11-18.4.4 Length of Assignment (Formerly 11-15.4.4)**

All individuals, following the initial 90-day evaluation period, will be detailed to the Staff for assignment of up to four years. Only under special circumstances will any team member's assignment be extended beyond the four-year limit. Staff members who advance to the Team Leader level will be allowed a one-year extension or a maximum of five years' total assignment.

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Also see "House Appropriations Committee - Surveys and Investigations Staff," Part I, Section 3-8, "Career Development Matters," of this manual.

**SENSITIVE**

## SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

\*\*EffDte: 02/28/1978 MCRT#: 0 Div: D3D9FD Cav: SecCls:

### 12-1 OPERATION OF MOTOR VEHICLE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

\*\*EffDte: 06/09/1986 MCRT#: 0 Div: D3 Cav: SecCls:

#### | 12-1.1 |Motor Vehicle Operators

| Special Agent and Non-Agent personnel must possess an FBI  
| Identification Card or Credential and meet the certification  
| requirements listed below in Sections 12-1.2 through 12-1.2.5. |

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##### | 12-1.1.1 |Deleted|

\*\*EffDte: 06/05/1996 MCRT#: 554 Div: D3 Cav: SecCls:

##### | 12-1.1.2 Summer Employees and Honor Interns

| A summer employee is not to be authorized to operate  
| government-owned/leased motor vehicles under any circumstances. An  
| Honors Intern employee can be authorized to operate government-  
| owned/leased motor vehicles provided he/she meets the certification  
| requirements listed in MAOP, Part I, 12-1.2 through 12-1.2.5. |

\*\*EffDte: 05/22/1996 MCRT#: 549 Div: D3 Cav: SecCls:

#### | 12-1.2 Requirements for Operators to Drive Government-Owned/Leased Motor Vehicle (See MAOP, Part I, 12-1.1, 12-1.1.2 and 12-1.5.)|

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**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**| 12-1.2.1 Valid State or Local Operator's License |(See MAOP, Part I, 12-1.1, 12-1.1.2, and 12-1.5.)|**

(1) Each employee must have a valid operator's permit issued by state or local authorities where the employee is domiciled, or principally employed, before he/she can obtain authorization to operate a government-owned/leased motor vehicle.

(2) |Deleted|

\*\*EffDte: 06/05/1996 MCRT#: 554 Div: D3 Cav: SecCls:

**| 12-1.2.2 Physical Fitness Report (Optional Form (OF) 345, formerly Standard Form (SF) 47) (See MAOP, Part I, |12-1.1, 12-1.1.2, 12-1.4, and 12-1.5.)|**

All employees driving government-owned/leased motor vehicles must be certified as physically fit. The OF-345, formerly SF-47 (Physical Fitness Inquiry For Motor Vehicle Operators), must be submitted by all non-Agent employees requesting authorization to operate a government-owned/leased motor vehicle.

(1) Non-Agent personnel should fill out this form and it should be placed in the employee's personnel file. The OF-345, formerly SF-47, for field personnel will be initiated by their respective field offices and maintained in the employee's field personnel file. Since Special Agent personnel receive either an annual or triennial physical examination, Special Agents are not required to execute the OF-345, formerly SF-47. Special Agent personnel need only to execute the FD-288 for certification to operate a government-owned/leased motor vehicle.

(2) Division heads or SACs are responsible for ensuring that only employees physically fit are permitted to operate a government-owned/leased motor vehicle. An affirmative answer to any question on the OF-345, formerly SF-47, will require the reviewing official to determine whether a physical examination is necessary. Where doubt exists concerning the operator's physical fitness, the case should be resolved in favor of a physical examination.

(3) FBIHQ must be promptly advised of any employee who has been restricted from driving for any physical reason. Each case is then to be followed closely and when the restriction has been removed, by proper medical certification, FBIHQ is to be advised.

(4) Any employee whose vision is corrected by glasses to meet the required standards must be specifically instructed he/she may operate a government-owned/leased motor vehicle only when wearing corrective lenses. Such restrictions should also be noted on the employee's FD-288.

**SENSITIVE**

\*\*EffDte: 06/05/1996 MCRT#: 554 Div: D3 Cav: SecCls:

**12-1.2.3 Driving Certification (FD-288) (See MAOP, Part 1, 12-1.1, 12-1.1.2, 12-1.4, and 12-1.5.)**

Form FD-288 (Driving Certification) is to be filled out upon request by any employee requesting authorization to operate a government-owned/leased motor vehicle or requesting recertification every four years thereafter to operate a government-owned/leased motor vehicle. FBIHQ will advise the field by SAC Memorandum when FD-288 (Driving Certification) completion is necessary for recertification of Agent personnel. Non-Agent personnel will be recertified in the four-year anniversary month to the employee's original certification to operate a government owned/leased motor vehicle.

(1) Agent and non-Agent personnel should fill out this form and it should be placed in the employee's field personnel file. Field offices shall not send their FD-288s to FBIHQ, Facilities Management Section. At FBIHQ, each division head or office head is to ensure that executed FD-288s for non-Agent personnel are forwarded to the Facilities Management Section for review, approval, and processing. New Agent trainees assigned to the Training Division are not required to complete an FD-288 since the certifying information has been previously obtained through the applicant investigation and selection process.

(2) If at any time a question arises concerning the past safe-driving record of an employee, the division head or SAC must carefully review all aspects of the case and determine whether or not this employee must take a road test before he/she may be authorized to operate a government-owned/leased motor vehicle incidental to his/her official duties.

(3) Any restrictions on an employee's state, District of Columbia, or a territory of the United States driving permit, i.e., "valid only when wearing glasses," etc., must be noted on the FD-288 and on the government driving permit.

\*\*EffDte: 11/07/2002 MCRT#: 1243 Div: D3 Cav: SecCls:

**| 12-1.2.4 Road Test (FD-288) - Requirement and Administration |(See MAOP, Part I, 12-1.1, 12-1.1.2, and 12-1.5.)|**

Certification may also be made by official FBI road test. Division heads or SACs, except at FBIHQ, may waive the road test requirement for operators of vehicles of one-ton capacity or less and



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| for incidental operators of any class vehicle, who possess a current  
| driver's license from one of the 50 states, District of Columbia, or  
| Puerto Rico, where the employee is domiciled or principally employed.  
| Division heads or SACs may not waive the road test requirement for any  
| category of operators cited in 12-1.2.4 (2).| If the employee  
qualifies through the road test, notation to this effect should be  
made on Form FD-288.

(1) The following road test regulations are to be followed unless they conflict with state laws or regulations of local authorities in the state where employee is principally employed.

(a) The official FBI road test procedures are contained in Form FD-288, operator's road test.

(b) The form provides a systematic method of determining employee proficiency in operating a motor vehicle properly and safely under both adverse and normal conditions.

(2) The test will be used to determine the driving ability of employees in the following categories:

(a) Those employees charged with moving violations involving driver performance or who become involved in an accident in which they are found to be at fault while operating any motor vehicle on personal or government business. Those employees are to be road tested only when it is considered necessary to redetermine their driving competency before they are allowed to continue driving motor vehicles in the performance of official duties.

(b) Employees undergoing training in New Agent's class. Those employees are to be tested by the Training Division to evaluate basic driving fitness.

| (c) Employees who are to drive|any buses, panel  
| vans, passenger vans, law enforcement vehicles, emergency vehicles,  
| any vehicles of more than one-ton capacity, and any vehicles used for  
| the transportation of hazardous materials|are to be road tested as  
required with the type of vehicle to be operated by them.

(3) Administration of road test to Agent and non-Agent personnel.

(a) Tests shall be administered to investigative personnel by Special Agent examiners.

(b) Tests administered to noninvestigative employees may be given by support personnel assigned to automotive inspection duties, provided the division head or SAC indicates such employees are fully qualified to perform this work.

(c) An employee is considered competent as an examiner if: he/she has operated a motor vehicle of the type to be used in the test for a distance of at least 3,000 miles during the previous three-year period; he/she is considered to be an above-average driver; and he/she has passed the FBI road test

**SENSITIVE**

satisfactorily.

\*\*EffDte: 06/05/1996 MCRT#: 554 Div: D3 Cav: SecCls:

### 12-1.2.5 Road Test - Failure

Employees failing the test should be so advised by the division head or his/her assistant (SAC or ASAC) who should point out the deficiencies of their driving and advise them that the deficiencies must be corrected within a reasonable time by instruction and practice obtained on their own time, using a non-Government-owned vehicle.

(1) Employees may not operate any motor vehicle on official business during this interim period.

(2) Employees should advise the division head or SAC within a two-week period that remedial action has been completed so that a second test may be scheduled.

(3) Support personnel failing a second test will be eliminated for a period of thirty days from being considered for further opportunities to qualify to drive Government-owned/leased vehicles.

If the support person occupies a position which requires driving a vehicle, FBIHQ should be advised of the employee's failure to pass the FBI road test, setting forth UACB recommendation as to further action to be taken. FBIHQ should be advised of what duties are being assigned to the employee while he/she is in a nonqualified status as a driver of Government-owned/leased vehicles.

(4) The second road test should not be given to an employee by the same examiner.

\*\*EffDte: 06/09/1986 MCRT#: 0 Div: D3 Cav: SecCls:

### 12-1.3 Procedures to Identify Employees Authorized to Operate Government-Owned/Leased Motor Vehicle

At FBIHQ, each division head or office head is to ensure that executed FD-288 and OF-345, formerly SF-47, are forwarded to the Facilities Management Section for final review, approval, and processing. Each field office will prepare the appropriate forms (OF-345, formerly SF-47, and FD-288) for their respective employees. Each field office is responsible for the certification and periodic review of the competence and physical qualifications of their respective employees. After certification, each field division is to file the

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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FD-288 and the OF-345 in the employee's personnel file in their field office. Do not send the original or a copy to FBIHQ, Facilities Management Section.

\*\*EffDte: 11/07/2002 MCRT#: 1243 Div: D3 Cav: SecCls:

### **| 12-1.4 |Recertification|of|Authorization to Operate a Government-Owned/Leased Motor Vehicle|**

| Recertification of authorization to operate a government-owned/leased motor vehicle must occur at least once|every four (4) years.

(1) Forms OF-345 (formerly SF-47) and FD-288 should be filled out in accordance with 12-1.2.2 and 12-1.2.3 by employees who drive government-owned/leased motor vehicles.

(2) These forms are to be reviewed by the division head or SAC to ensure that employees still meet the necessary requirements to operate a|government-owned/leased|motor vehicle.

(3) A road test is not mandatory for renewing an employee's authorization to operate a vehicle on official business when he/she has a safe driving record.

If there is a question or doubt about the employee's safe driving record the division head or SAC should adhere to 12-1.2.3, subparagraph (2).

\*\*EffDte: 06/05/1996 MCRT#: 554 Div: D3 Cav: SecCls:

### **12-1.5 Suspension of Driving Privileges**

In any case where a question arises concerning an employee's fitness to drive, the division head or SAC must carefully review all aspects of the case and make a final determination. In all cases, a recommendation should be submitted to FBIHQ UACB as to whether the employee is to be allowed to operate a motor vehicle incidental to his/her official duties on the strength of his/her record or whether he/she must be given a road test to do so. This communication must also contain any recommendation for other disciplinary action FBIHQ should take with respect to the employee involved.

(1) The AUTHORIZATION of any Bureau employee to operate a motor vehicle incidental to his/her official duties shall be immediately suspended and FBIHQ advised, when:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(a) The examining medical officer finds that the employee fails to meet the required physical standards and the disqualifying defect is of a permanent nature.

(b) The employee's state or local license is suspended or revoked.

(c) The employee is convicted of operating a motor vehicle under the influence of narcotics.

(d) The employee is convicted of leaving the scene of an accident.

(e) Any arrest for violations described in subparagraphs (c) and (d) must be reported immediately to FBIHQ as set out in this manual, Part I, Section 13, entitled "Disciplinary Matters."

(f) Immediately following an employee's arrest or administrative finding of driving while under the influence (DUI) or while intoxicated (DWI). (See MAOP, Part I, 1-30.3.)

(g) In alcohol-related misconduct cases involving the use of a motor vehicle, a presumption will exist that there is a necessity to suspend the employee's privilege to operate a government-owned/leased motor vehicle for a period of not less than ONE YEAR following such offense. This suspension will occur regardless whether the nature of the employee's motor vehicle offense has been reduced as a result of judicial review, plea bargaining, or the employee's entry into a diversion or substance abuse program. (See MAOP, Part I, 1-3.1 and 1-30.3.)

(2) CONSIDERATION for suspension of any Bureau employee from operating a motor vehicle incidental to employee's official duties when any one of the following conditions applies:

(a) It is determined by medical examination that the employee fails to meet physical standards, but the defect is considered to be of a temporary or correctable nature.

(b) While operating a motor vehicle on official or personal business, the employee is involved in a traffic violation other than a parking violation, or is involved in an accident in which employee is found to be at fault.

(c) The employee improperly operates the motor vehicle assigned to him/her.

(3) An employee whose driving privilege is suspended shall not be reauthorized to drive a government vehicle without FBIHQ approval. This authority will be granted only after all FBI, state and local requirements, as outlined under 12-1.2 have been met.

\*\*EffDte: 06/05/1996 MCRT#: 554 Div: D3OP Cav: SecCls:

**SENSITIVE**

## **| 12-1.6 | Deleted|**

\*\*EffDte: 06/05/1996 MCRT#: 554 Div: D3 Cav: SecCls:

## **12-1.7 Traffic Violations**

(1) Division heads and SACs must advise FBI Headquarters of the issuance of traffic tickets, subpoenas or warrants to FBI employees while driving in the following situations:

(a) Only aggravated traffic violations incurred while driving a privately owned automobile, which have resulted in the employee's being arrested by local authorities and all instances involving the issuance of a traffic citation wherein the use of alcoholic beverages is cited as part of or being a contributing factor in the offense, i.e., Driving While Intoxicated (DWI), Driving Under the Influence (DUI).

(b) Any traffic violation, no matter how minor in nature, received while operating a Bureau vehicle or while performing in a duty status.

(2) An employee who receives a traffic citation in one of the above-mentioned situations must advise his/her immediate supervisor of any violations promptly. Any situation in which the employee is in doubt as to the reporting requirement is to be resolved in favor of reporting the incident for a supervisory determination.

(3) Any employee who takes any action to have a citation for a traffic violation canceled or adjusted will be subject to severe administrative action.

\*\*EffDte: 06/09/1986 MCRT#: 0 Div: D3OP Cav: SecCls:

## **12-2 ACCIDENTS**

\*\*EffDte: 08/25/1989 MCRT#: 0 Div: FD Cav: SecCls:

### **12-2.1 Reporting Requirements**

\*\*EffDte: 08/25/1989 MCRT#: 0 Div: FD Cav: SecCls:

#### **12-2.1.1 Employees to Division Head or SAC**

Each division head or SAC must be promptly notified of all accidents involving Bureau employees while driving either Government or personally owned motor vehicles.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FD      Cav:      SecCls:

### **12-2.1.2 To FBIHQ**

FBIHQ must be promptly advised of all accidents involving vehicles engaged in official business except in cases in which no personal injury is involved, no damage to third party property and property damage to Bureau vehicle(s) does not exceed \$500. In these excepted cases in which an employee is considered at fault, appropriate notation concerning accident must be placed in employee's field personnel file and FBIHQ advised so copy may be placed in employee's FBIHQ personnel file.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FD      Cav:      SecCls:

### **12-2.2 Investigations and the Reports**

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FD      Cav:      SecCls:

#### **12-2.2.1 Need for Investigation**

(1) Accidents involving motor vehicles engaged in official business in which no personal injury is involved, no damage to third party property and property damage, if any, to Bureau vehicle does not exceed \$500 need not be investigated unless circumstances indicate desirability of investigation, which determination is SAC's personal responsibility. In those cases where there is no damage to the Bureau vehicle but liability is placed on the U.S. government, an accident report must be done. Any question of liability should be reviewed by the Chief Division Counsel (CDC).

(2) Anytime an accident occurs while utilizing a Bureau vehicle, it will be incumbent upon each office to determine the state law for that particular state regarding the reporting of accidents and ensure the submission of any required forms to local and/or state authorities.

(3) Any accidents involving injury to or damage to property of third party must be promptly and thoroughly investigated. Particular care should be exercised to ensure extent of property damage is properly estimated.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(4) All other accidents involving FBI personnel while on official business must be completely investigated by an Agent who was not the driver, an occupant, or witness. However, driver of Bureau vehicle involved in accident, or other employees present, should always be alert to possibility of procuring statements from driver of other vehicle and witnesses immediately after accident.

(5) An accident control file should be established in each field office for those accidents which are not reportable to FBIHQ or do not require a detailed investigation for damages over \$500:

(a) A nonreportable accident is an incident where damages to the Bureau vehicle are under \$500 and there is no government liability. For this type of accident, there is no requirement that FBIHQ be advised. This includes those accidents where the damage to the Bureau vehicle is under \$500 and liability rests with the other party involved. Collection procedures involving these accidents will be handled at the discretion of the CDC. An electronic communication (EC) summarizing the accident and Standard Form (SF) 91, Operator's Report of a Motor Vehicle Accident, should be recorded in the control file.

(b) For those accidents over \$500 where the Bureau vehicle is the only identified vehicle, and there is no possibility of a Federal Torts claim being filed by another party, an EC with appropriate enclosures should be forwarded to FBIHQ. Appropriate enclosures should include SF-91 of the Bureau driver, police report (if one exists), and estimates for repair of the Bureau vehicle. This EC should be filed in the accident control file. This would include those accidents involving animals; hit-and-run accidents where the other party is not identified; other FBI vehicles; or those instances where medians, curbs, poles, road debris, and building structures are struck by the Bureau vehicle. If there exists a possibility that a Federal Torts claim will be filed, a detailed investigative report (FD-204 and FD-263) must be forwarded to FBIHQ.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: FDD9 Cav: SecCls:

### **12-2.2.2 Assignment of Investigations**

Investigations must be assigned to experienced Agents who must be entirely familiar with all Bureau requirements relating to these matters.

(1) Agents investigating these matters must always bear in mind possibility of suits being brought against Government as a result of accident.

(2) Investigations and reports must be completely objective.

**SENSITIVE**

(3) Investigations must be vigorously, speedily, and thoroughly conducted and FBIHQ kept advised of all developments.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9      Cav:      SecCls:

### **12-2.2.3    Deadline for Submission of Reports and Copy Count**

Reports of complete investigation must be submitted to FBIHQ within ten working days after the accident. If impossible to complete investigation within that period, FBIHQ must be promptly notified, giving reason for delay. Reports should be submitted in triplicate to FBIHQ, Attention: Automotive Management Unit, Room 6863. When applicable, the following enclosures should also be submitted in triplicate: SF-91, Operator's Report of Motor Vehicle Accident; SF-94, Statement of Witness; and all repair estimates. Photographs of damaged vehicles and/or other damaged property should be submitted in duplicate.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FD      Cav:      SecCls:

### **12-2.2.4    Need for Accident Report**

Reports must be submitted in all accident matters which require investigations, especially for those cases where liability rests with the U.S. Government.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9      Cav:      SecCls:

### **12-2.2.5    Cover Page for Report**

In every instance it is mandatory that following information be set forth in cover page(s) accompanying initial report:

(1) Exact nature of assignment of Bureau employee(s) in Bureau vehicle at time of accident, including title of case to which assigned.

(2) Origin and destination of Bureau vehicle at time of accident, including justification for route being taken.

(3) Full identification of and accounting for presence of each person in Bureau vehicle.

(4) If Bureau vehicle on surveillance, exact location of subject at time of accident. If surveillance or any other



circumstances, such as weather or surface conditions, in any way contributed to accident, furnish details.

| (5) The title for the case must show the Bureau car  
| number, year, make and model of the Bureau vehicle, official Bureau  
| payroll name of the Government driver(s), and date of the accident.  
| The field office car number assigned to the Bureau vehicle should not  
| be included in the title nor should any information regarding the  
| other party(s) involved in the accident unless there are other Bureau  
| vehicles involved.

| (6) Driver training information should be included in the  
| cover pages of the report. List date for all training received at the  
| Emergency Vehicle Operations Center (EVOC) whether it be through in-  
| service or New Agents basic training.

| (7) If the Bureau vehicle is a rental or leased vehicle,  
| then the substantive case title and file number under which rental  
| authority was approved should be included on the cover page. If  
| vehicle is rented under SAC authority (i.e., under 30 days), then this  
| should be noted. Any vehicle which has been rented for more than 30  
| days should have a Bureau car number assigned to it and FBIHQ  
| approval. (See Part II, Section 6-8.10 of this manual.)|

\*\*EffDte: 09/21/1993 MCRT#: 87      Div: FDD9      Cav:      SecCls:

### **12-2.2.6 Reports Must Show**

(1) Year, make, model, and motor number of vehicles involved

(2) Date, time, and place of accident

(3) Description of accident scene. Photographs submitted in duplicate and/or diagrams are highly desirable. Such photographs or diagrams should be properly identified to clearly indicate directions vehicles traveling, point of impact, and any other pertinent information. Avoid administrative data which should be set out only on cover pages of report.

(4) Visibility, weather, road conditions, and type of road surface

(5) Pertinent distance and speeds of vehicles

(6) Whether vehicle equipped with chains or snow tires, if pertinent. It is SAC's responsibility to establish office policy regarding use of chains or snow tires.

(7) Complete details as to how accident occurred, including statements of drivers, passengers, and all witnesses. Interview results of employee-driver must be specific and in-depth with regard to the circumstances of the accident. Signed statements,

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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witnessed by Agent, should be obtained where possible from drivers of other vehicles involved, passengers, and witnesses. When signed statement not obtained, report should state specific efforts made to procure same, as well as identity of negative witnesses. Since this would at most result in civil proceedings, interviews need not include warnings as required in criminal cases.

(8) Existing traffic controls and pertinent local traffic regulations governing the actions of the drivers involved.

(9) Traffic violations of either party or anyone else. Set out whether third party vehicle is equipped with seat belts, and if operator and/or passengers in third party vehicle were wearing seat belts, if available, at time of accident. Also state whether operator (and passenger, if one) of Bureau vehicle was/were utilizing seat belt at time of accident. Set out if operator of third party vehicle has any restrictions on motor vehicle operator's license, such as requirement that operator must wear glasses when driving, and whether operator was abiding by such restrictions at time of accident. If vehicle defect may have been cause, promptly have impartial tests made.

(10) Summary of the results of any police investigation conducted and, in addition, copies of police reports should be submitted as enclosures.

(11) Extent and amount of property damage and personal injury. Photographs of damaged vehicles or other damaged property should be taken, particularly in cases in which there is a possibility of a claim or suit being filed by or against the Government.

(12) Insurance status and financial ability of parties involved. Enclose copy of employee's liability insurance policy if personally owned vehicle has been used on official business. If Bureau vehicle is used, include information concerning coverage for damage to Bureau vehicle. All employees authorized to operate Bureau vehicles should be informed Government does not provide insurance coverage for damage to its vehicles.

(13) Items (1) through (12) above are not all-inclusive and any other information pertinent to a particular accident should be submitted.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9      Cav:      SecCls:

### **12-2.2.7 Obtaining Information for Possible Court Action**

Information furnished by any individual who may be called upon to testify at any time in the future should be reported in accordance with instructions, regarding "Reporting Information that May Become Testimony," set out in this manual. Refer to Part II, Section 10.

**SENSITIVE**

\*\*EffDte: 03/30/1984 MCRT#: 0      Div: FDD9      Cav:      SecCls:

### **12-2.2.8 Office of Origin**

Office of origin is to be shown in title of all communications, except reports.

\*\*EffDte: 03/30/1984 MCRT#: 0      Div: FDD9      Cav:      SecCls:

### **12-2.2.9 Cover Memorandum Forwarding Report**

A cover memorandum transmitting the investigative report of the accident should only be submitted when facts of the case indicate gross or extreme negligence on the part of the employee or when the employee sustains damage to the Bureau vehicle if utilizing it on other than official business or if other violations of Bureau rules are involved. In these instances, cover memorandum must include SAC's recommendation for administrative action with a concise analysis of pertinent facts involved.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9OP      Cav:      SecCls:

### **12-2.3 Forms**

Standard Government forms are to be executed by the several parties involved when applicable.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9      Cav:      SecCls:

#### **12-2.3.1 SF-91 - Operator's Report of Motor-Vehicle Accident**

|                    |SF-91 must|be executed by the Bureau|driver|in  
| all|accidents, must be carried in Bureau vehicle at all times, and  
| must be included as enclosure to investigative report when sent to  
| FBIHQ. For those instances where more than one Bureau vehicle is  
| involved in an accident, each Bureau driver must complete an SF-91.|

\*\*EffDte: 09/21/1993 MCRT#: 87      Div: FDD9      Cav:      SecCls:

### 12-2.3.2 SF-94 - Statement of Witness

|                   |May|be executed by all available witnesses who are willing. Where it appears that claim for personal injury might result, it is imperative that signed statements be promptly procured from all witnesses if willing.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9      Cav:      SecCls:

### 12-2.3.3 SF-95 - Claim for Damage, Injury or Death

Refer to MIOG, Part I, 197-8.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9      Cav:      SecCls:

## 12-2.4 Claims and Suits

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: FDD9      Cav:      SecCls:

### 12-2.4.1 Public Law 89-508 (Federal Claims Collection Act of 1966)

Public Law 89-508, effective 1-15-67, requires aggressive action with effective follow-up through written demands upon debtor in terms which inform of consequences of failure to cooperate.

(1) When the Bureau automobile is determined to be totaled as result of an accident, you should collect the difference between the retail value and amount received from salvage.

(2) State in general terms such as "failure to cooperate will necessitate collection through available legal remedies." Advise the debtor the amount owed with documentation. Three written demands should be made at 30-day intervals unless response to the first or second indicates further demand would be futile. Furnish FBIHQ three copies of such correspondence fully identifying it. Written demands should be prepared by the Principal Legal Advisor.

(3) When a private party damages a Bureau vehicle and is found at fault, the party responsible for the loss, either individually or through an insuring agent, may replace the vehicle in kind or have it repaired to the satisfaction of the Bureau. The check or monies paid for repairs must be made directly to the individual or company making the repairs and not to the FBI. Any payment made payable to the U.S. Government, FBI, or Bureau employee cannot be

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

endorsed over to a repair facility for repair of a Bureau vehicle. These checks must be forwarded to the Automotive Management Unit (AMU), FBIHQ, for eventual deposit in the Miscellaneous Receipts Account at the U.S. Treasury.

(4) If principal amount does not exceed \$20,000, collection action may be terminated if no indication of fraud, misrepresentation or violation of antitrust laws and it appears no person liable on the claim has present or prospective financial ability to pay any significant amount of the claim, or when collection costs will likely exceed recovery amount. If termination, suspension, or compromise of claim seems expedient, do not so inform debtor without prior FBIHQ authority but forward to FBIHQ debtor's current address (or person upon whom service may be made), current credit data, summary of actions previously taken to collect or compromise claim, and any records and exhibits on the claim not previously forwarded. Regulations implementing the act provide that claims under \$600 exclusive of interest should not be referred for litigation unless important to a significant enforcement policy, or the debtor is able to pay and Government can effectively enforce payment.

(5) Initial demand should not be made without prior FBIHQ instruction. Finance Division will consult with Office of the General Counsel prior to issuing instructions.

(6) If demands are denied or ignored, ascertain if financial responsibility laws have been complied with and, if not, arrangements should be made toward revocation of operator's permit or other legal penalties. Appropriate opinion of the U.S. Attorney's Office should also be obtained.

\*\*EffDte: 09/09/1994 MCRT#: 281 Div: FDD9 Cav: SecCls:

#### **12-2.4.2 Public Law 89-506 - Action Instituted Against the United States**

Refer to MIOG, Part I, 197-8.

\*\*EffDte: 08/25/1989 MCRT#: 0 Div: D9 Cav: SecCls:

#### **12-2.4.3 Motor Vehicle Accident Results in a Suit for or Against the Government or Bureau Employees**

Refer to MIOG, Part I, Section 197.

\*\*EffDte: 08/25/1989 MCRT#: 0 Div: D9 Cav: SecCls:

**SENSITIVE**

#### **12-2.4.4   Contacting United States Attorney**

Refer to MIOG, Part I, Section 197.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D9              Cav:              SecCls:

#### **12-2.4.5   Third Party's Claim Rights**

Refer to MIOG, Part I, Section 197.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D9              Cav:              SecCls:

#### **12-2.4.6   Forwarding Administrative Claims**

Refer to MIOG, Part I, 197-8.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D9              Cav:              SecCls:

#### **12-2.4.7   Compromise of Suits Against the United States**

Refer to MIOG, Part I, Section 197.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D9              Cav:              SecCls:

#### **12-2.4.8   Notification of Suits Against United States**

Refer to MIOG, Part I, Section 197.

\*\*EffDte: 08/25/1989 MCRT#: 0      Div: D9              Cav:              SecCls:

#### **12-2.5      Responsibility of Employee**

\*\*EffDte: 05/15/1980 MCRT#: 0      Div: FDD9              Cav:              SecCls:

### 12-2.5.1 Financially Responsible (See LHBSA, Part 0, 9-2.1.1.)

A Bureau employee will not be held financially responsible for damage to a Bureau vehicle resulting from an accident caused by employee's negligence while on official business. However, should an employee be considered grossly negligent, that is, display wanton disregard in causing damage to the Bureau vehicle, or should employee sustain damage to the Bureau vehicle if utilizing it on other than official business, employee will be held accountable for costs of repairing the Bureau vehicle. Division head or SAC should inform all employees who operate Bureau vehicles it is their responsibility to provide insurance coverage for damage to Bureau vehicle unless they elect to personally pay for such damages in the event they are held financially responsible for the accident. (See MAOP, Part I, 1-3.1.2 regarding the employee's personal liability for damage to a rental car that is being driven outside the scope of the employee's official duties.) Also, see MAOP, Part I, 1-3.1 and Part II, 6-1.2.3.

\*\*EffDte: 05/15/1997 MCRT#: 671 Div: FDD9 Cav: SecCls:

### 12-2.5.2 Administrative Action

Division head or SAC must make recommendation regarding administrative action where facts of case indicate gross or extreme negligence on the part of the employee or when the employee sustains damage to the Bureau vehicle if utilizing it on other than official business or if other violations of Bureau rules are involved. Instances of unauthorized use of a Bureau vehicle, misconduct involving a Bureau vehicle, or arrests (i.e., Driving While Intoxicated, willful reckless driving, resisting arrest, leaving the scene of an accident, etc.) must be immediately brought to the attention of FBIHQ as set forth in this manual, Part I, Section 13, entitled "Disciplinary Matters."

\*\*EffDte: 05/15/1980 MCRT#: 0 Div: FDOP Cav: SecCls:

### 12-2.5.3 Employee's Claim for Injuries

Refer to Part I, Section 15, Subsection on "Employee Compensation Matters," concerning action to be instituted by an employee against a responsible third party for recovery of medical expenses because of injuries sustained by a Bureau employee while on official business.

\*\*EffDte: 08/30/1991 MCRT#: 0 Div: FDD3 Cav: SecCls:

## **12-3      USE OF PERSONALLY OWNED VEHICLES FOR OFFICIAL BUSINESS AFTER REGULAR DUTY TOURS**

\*\*EffDte: 08/30/1991 MCRT#: 0      Div: FD      Cav:      SecCls:

### **12-3.1      Injuries Incurred**

Full facts concerning circumstances of assignment should be furnished to FBIHQ for presentation to Office of Workers' Compensation Programs (OWCP). OWCP will decide if circumstances warrant compensation benefit coverage for personal injuries.

\*\*EffDte: 08/30/1991 MCRT#: 0      Div: FDD3      Cav:      SecCls:

### **| 12-3.2      Authorization |(See MAOP, Part 2, Section 6-1.2.2.)|**

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\*\*EffDte: 11/15/2001 MCRT#: 1155 Div: FD      Cav:      SecCls:

### **| 12-3.3      |Deleted|**

\*\*EffDte: 11/15/2001 MCRT#: 1155 Div: FD      Cav:      SecCls:

## **| 12-4      OPERATING BUREAU VEHICLES IN FOREIGN COUNTRIES - INSURANCE MATTERS |(See MAOP, Part 2, Section 6-8.2.1(1).)|**

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\*\*EffDte: 11/15/2001 MCRT#: 1155 Div: FD      Cav:      SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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## SECTION 13. DISCIPLINARY MATTERS

### **13-1 INTRODUCTION (See MAOP, Part 1, 1-4 (5), 1-15.2, 1-23, 5-4.6, 10-6, 12-1.5 (1) (e), 12-2.5.2, 15-3.2 (4), 21-2 (4); MIOG, Part 1, 62-1.1 (6), 62-1.3.1 (2).)**

(1) As the government's primary investigative service with a wide range of jurisdictional responsibilities for which we are accountable to the public, it is imperative that a policy of tight discipline be applied in the FBI. It is the responsibility of Bureau supervisory personnel to make clear to employees under their supervision that the Bureau's disciplinary program is firm but fair.

(2) It is imperative that any information pertaining to allegations of misconduct or improper performance of duty coming to the attention of any Bureau employee be promptly and fully reported to FBIHQ, and it is the continuing responsibility of Bureau officials to see to it that the employees under their supervision are properly indoctrinated regarding this requirement so that they not only will fully understand it but will comply with it.

(3) The appropriate Assistant Director, SAC or Legal Attache is authorized to temporarily assign personnel to other duties during an administrative inquiry if the circumstances surrounding the allegation indicate that such action is warranted. Such a reassignment should not be made automatically. Rather, each case must be judged on the individual factors involved, including the credibility of the allegation and the sensitivity of the employee's current assignment. Temporary reassignments may be justified in order to enhance the security and/or protect the integrity of FBI investigations and files; to preserve order; for the safety of persons and property; or for other appropriate reasons. Any such action must be coordinated with the Office of Professional Responsibility; Administrative Services Division; and the appropriate substantive FBIHQ division and be fully supported by the facts. If an employee is temporarily reassigned during an administrative inquiry, Assistant Directors, SACs and Legal Attaches must continually monitor developments in the administrative inquiry in order to assess the employee's position. If, for example, facts are later developed which alter the basis for the employee's original reassignment, then he/she may be returned to previous duties, even prior to a final adjudication of the matter. Allegations regarding unauthorized access or attempted unauthorized access to national security information should continue to be promptly reported to the Security Programs Manager, FBIHQ (see MIOG, Part 2, 26-4).

(4) See Part 1, Section 1, of this manual regarding Activities and Standards of Conduct of employees.

(5) No statements in this section are to be construed so as to indicate that nonpreference eligible FBI employees in the excepted service have a property interest in their employment such as in the form of an expectation of continued employment with the FBI. (See MAOP, Part 1, 14-4.2(4) & 21-1.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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**13-2 NOTIFICATION OF FBIHQ UPON RECEIPT OF ALLEGATIONS OF MISCONDUCT OR IMPROPER PERFORMANCE OF DUTY (See MAOP, Part 1, 13-13 (1) & (3) & 14-4.2; MIOG, Part 1, 263-2 (1).)**

(1) All allegations of employee misconduct must be reported to the Adjudication Unit, Office of Professional Responsibility (OPR). Allegations of criminality or serious misconduct must be reported simultaneously to the OPR. OPR supervises and/or investigates all allegations of criminality or serious misconduct on the part of FBI employees. Judicial criticism of an Agent's conduct in findings of fact, opinions, or court orders, whether oral or written, is to be considered an allegation of serious misconduct and reported to OPR as set forth below. (See MAOP, Part 1, 1-23(2).)

(2) When an allegation is received concerning criminality or serious misconduct, the appropriate Assistant Director, SAC or Legal Attache will advise OPR of the allegation by telephone or teletype. OPR will, in turn, advise Adjudication Unit, OPR. A confirming electronic communication (EC), with a copy designated for the Adjudication Unit, OPR, should be directed, in a sealed envelope, to FBIHQ, Attention: OPR. OPR will then determine and advise who will conduct the investigation. In most instances, the Assistant Directors, SACs, or Legal Attaches will personally supervise and promptly investigate the vast majority of these matters. OPR normally investigates only those allegations involving FBIHQ officials, SACs, ASACs, and Legal Attaches and sometimes Headquarters and field supervisors or when circumstances dictate.

(3) If an allegation of misconduct within the responsibility of OPR arises out of a substantive case (pending or closed), the responsible FBIHQ Division will, more than likely, continue to supervise that investigation including the new allegation. However, FBIHQ divisions will immediately inform OPR of the alleged improprieties and forward that portion of the investigation to OPR, for further processing. These allegations should be carried under the "Office of Professional Responsibility (OPR) Matter" caption and handled as a separate "263" classification investigation so that the substantive investigation and/or prosecution is not hindered.

(4) Other infractions, such as those involving minor personal misconduct are well defined and will continue to be handled by OPR except for the following offenses which have been delegated to SACs and Assistant Directors for handling: Absent Without Leave (AWOL); Violations of Availability Regulations; Sleeping on Duty; Loss of Government Property; Miscellaneous Traffic Violations; Disruption of Office; Abusive/Offensive Language/Behavior in Workplace; and Verbal Altercations. SACs and Assistant Directors are authorized to orally reprimand or censure employees under their supervision below the GS-14 level for the above-listed offenses. Recommendations for more severe disciplinary action must be submitted to the OPR for resolution. (See SAC Memorandum 11-90 dated April 20, 1990, for additional information regarding the handling of above-mentioned offenses.) Any question as to whether a matter is or is not within the responsibility of OPR must be referred to OPR for a determination in this regard. (See MAOP, Part 1, 13-13(1) & (3).)

**13-3 INVESTIGATION (See MIOG, Part I, 263-3.)**

(1) When investigation necessary to develop complete essential facts regarding any allegation against Bureau employees must be instituted promptly, and every logical lead which will establish

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

the true facts should be completely run out unless such action might prejudice pending investigations or prosecutions in which event FBIHQ will weigh the facts, along with the recommendation of the division head.

(2) The record of the inquiry shall include the initial allegation; the investigative results; aggravating or mitigating circumstances; statement of specific charge(s) and the employee's answer(s) including defenses to the specific charge(s), if any.

(3) Requests to conduct audits of the computer systems activities of employees who are suspected of misconduct or improper performance of duty will be handled only with prior notification to FBIHQ. The term audit refers both to review and/or evaluation of prior transactions or activities of a user and procedures designed to monitor the ongoing activities of a user. The proper form for such a request is a formal written communication to FBIHQ with a request directed to the Information Resources Division's (IRD) Investigative Automation Support Section (IASS), to conduct the audit. In exigent circumstances, which dictate the need for immediate institution of an audit, requests may be made telephonically to ASU and/or OPR and subsequently confirmed in writing. In instances where telephonic requests are authorized, the level of authority is at the ASAC level or above in the field offices and at the Section Chief level or above at FBIHQ, with the exception of requests emanating from ASU or OPR. Telephonic requests for user activities audits made by ASU or OPR will be authorized at the Supervisory Special Agent level. (See MIOG, Part I, 263-3 (4).)

(4) Approval to conduct the audits will be made at the Section Chief level in IASS, based on the technical feasibility and resource constraints. If the audit cannot be conducted or if additional information is needed to formulate the audit, IASS will contact the requestor. The results of each audit conducted will be reported on an FD-302 and disseminated to ASU or OPR and the requestor, should it be different from ASU or OPR. The original FD- 302 will be forwarded to the office of origin. In those instances where exigent circumstances dictate that the results of the audit be telephonically disseminated, the results will be disseminated by IRD to ASU or OPR and to the requestor, should it be different from ASU or OPR, and the telephonic response subsequently confirmed in writing to ASU or OPR and the requestor. (See MIOG, Part I, 263-3 (5).)

#### **13-4 INTERVIEWS OF EMPLOYEES INVOLVED**

(1) Interviews of employees involved in allegations of criminality or serious misconduct should be conducted at the earliest logical time and in a forthright manner. There should be no evasiveness on the part of the Bureau official conducting the interview.

(2) The employee should be fully and specifically advised of the allegations which have been made against him/her in order that he/she may have an opportunity to fully answer and respond to them. The employee must be entirely frank and cooperative in answering inquiries of an administrative nature. If allegations are possibly criminal in nature, the employee has the right to seek counsel in the same vein as any other individual (see 13-6).

(3) Such interviews must be complete and thorough with all pertinent information obtained and recorded so that all phases of the allegations may be resolved. The interviews must not be unduly

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

protracted and should be held to a reasonable length by proper preparation and recognition of the purpose of the interviews.

(4) The inquiry shall not be complete until the specific allegations that may justify disciplinary action are made known to the employee who may be disciplined and the employee is afforded reasonable time to answer the specific allegations. The employee's answers, explanations, defenses, etc., should be recorded in the form of a signed, sworn statement which should specifically include the allegations made against the employee in an introductory paragraph. The statement is to be prepared following an in-depth interview of the employee by the division head or designated supervisory representative. The employee is not merely to be asked to give a written response to the allegations, but is to be interviewed in an interrogatory fashion, and a signed, sworn statement prepared from the results by the interviewing official. Since the statement represents that which the employee is willing to sign and swear to, he/she retains the right to make corrections or changes before doing so. If those changes or corrections differ materially from what the employee stated during interview, that fact and the nature of the statements should be separately recorded. Should there be any question on the part of the interviewing official as to whether a particular allegation (set of facts) might justify disciplinary action, he/she should contact OPR, Inspection Division, in order to resolve this prior to the interview so the employee will be ensured of an opportunity to appropriately respond.

(5) When interviewing employees during administrative inquiries to solicit information about themselves or about their own activities, the employee should be provided the Privacy Act notice described in MIOG, Part I, 190-5(2), explaining the purpose of the inquiry and how the information will be used.

(6) When interviewing employees, or others, to solicit information about the subject of an administrative inquiry, the person interviewed as a source should be provided, if appropriate, the opportunity to request an express promise of confidentiality, as described in MIOG, Part I, 190-7, and SAC Memorandum 51-77(C), dated 11/15/77, in order to protect the source's identity should the subject of the inquiry submit a Privacy Act request for access to records of the inquiry. The source should be cautioned that if a formal adverse personnel action is taken against the subject of the inquiry pursuant to Chapter 75 of the Civil Service Reform Act, the information furnished, along with the source's identity must, by law, be provided to the subject, if any information provided in that statement is used in whole or in part to support that personnel action. In addition, pursuant to certain administrative inquiries and possible judicial proceedings, it may be necessary to furnish the source's identity if any information provided in the source's statement is used in whole or in part to support a personnel action. The principles discussed in 13-6, *infra*, are also applicable to an interview of an employee regarding the actions of others, to the extent such answers might reveal criminal misconduct on the part of the employee being interviewed.

SENSITIVE

**13-4.1 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

### **13-5 SIGNED SWORN STATEMENTS**

Whenever there are circumstances in connection with investigations or inquiries indicating misconduct of personnel, harassment or intimidation of subjects, other individuals or groups, or derelictions of any kind by the Bureau, all Agents engaged in such investigations or inquiries must:

(1) Immediately prepare signed sworn statements of fact so that a clear record will be available should a question arise at a later date. These statements should:

- (a) Cover facts bearing directly upon charges made.
- (b) Be specific as to each allegation, if allegations are specific.
- (c) Be general in nature, if allegations are general in nature.

In matters relating to a pending investigation, no interviews should be conducted until it is determined by the USA's office, the Department of Justice and/or FBI Headquarters, that such action will not hinder the investigation and/or prosecution. The SAC or any Special Agent designated by SAC may administer the oath in these statements since, under existing regulations, Agents are authorized to administer oaths in cases involving irregularities or misconduct in office of a Government employee. This statement is comparable to an affidavit, but does not necessitate notarization.

(2) Forward the original and one copy of these statements to FBIHQ under the appropriate case caption and retain a copy in the field office or Headquarters file. If the allegations relate to a matter currently being investigated, prosecuted or on appeal, the USA's office (or in aggravated instances, Office of Professional Responsibility-Department of Justice) should be made aware and an opinion sought as to whether or not immediate preparation of the employee's statement would have a detrimental effect on the substantive investigation. Thereafter, if appropriate, a signed copy of any statement obtained can also be furnished to the appropriate USA so that the court records will clearly show the true facts and any false allegations made will not stand undisputed in the court record.

(3) If the matter, whether criminal or administrative in nature, is considered sufficiently serious, an attempt should be made to obtain the complainant's allegation in the form of an affidavit or sworn signed statement also.

### **13-6 ADMINISTRATIVE OR CRIMINAL PROCEEDINGS - USE OF INTERVIEW FORMS (See MAOP, Part I, 13-4; MIOG, Part I, 263-5.)**

(1) Prior to the interview of an employee against whom allegations of criminal misconduct have been leveled a decision should be made as to whether the goal of the interview is to obtain a statement admissible in subsequent criminal proceedings or whether the goal is to compel the employee to make a full statement of the facts in order to ascertain what administrative action, if any, is appropriate. This decision is to be made by OPR, FBIHQ.

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(2) To ensure that employees being interviewed are fully and consistently made aware of their rights and obligations, two forms have been adopted for use in such interviews. The Office of Professional Responsibility, DOJ, has fully endorsed the use of these forms. These forms are only to be utilized during OFFICIAL administrative inquiries and only when authorized by FBIHQ (primarily those supervised by OPR).

(3) Neither of these two forms (FD-644 nor FD-645) which are described below are to be routinely used during the investigation of a shooting incident. They will be used only in those shooting inquiries when instructed to do so by FBIHQ as set forth in MIOG, Part II, Section 12-11.7.

The decision as to which form will be used in a particular inquiry will be made by OPR, FBIHQ, on a case-by-case basis, in accordance with the principles set forth below.

### **13-6.1 Criminal Proceeding Contemplated or Possible**

(1) Form A (FD-644) captioned "Warning and Assurance to Employee Requested to Provide Information on a Voluntary Basis," is to be utilized in situations where an employee is provided an opportunity to voluntarily respond to questions concerning allegations of job-related misconduct which have the potential for criminal prosecution, but wherein the employee is not being compelled to answer questions or provide a statement. Use of this form should assure that any statements obtained will be freely and voluntarily given and, hence, admissible in any future criminal proceeding.

(2) Full Miranda warnings will be given to employees only in situations where the employee to be interviewed is in custody or is significantly deprived of his/her freedom of action, an arrest is clearly intended at the conclusion of the interview, or whether in custody or not, the employee being interviewed has previously been arrested or formally charged and prosecution is pending on a Federal offense and the questioning concerns that offense or a related Federal offense.

(3) Whenever Form FD-644 is utilized, an interview log should be prepared in accordance with the Legal Handbook for Special Agents, Section 7-9.

### **13-6.2 Inquiry Solely for Administrative Purposes**

(1) In a situation where the allegation, if true, has the potential for criminal prosecution, but a decision has been made not to seek an admissible statement, (but rather, to compel the employee to fully and candidly answer all questions concerning the alleged incident), Form B (FD-645), captioned "Warning and Assurance to Employee Required to Provide Information," should be used.

However, prior to the use of this form in any instance where the allegation, if true, would have potential for Federal criminal prosecution of the employee to be interviewed, OPR-Inspection Division must present the facts of the case to OPR-DOJ and obtain an initial opinion that the matter in question should be handled administratively rather than criminally. This is necessary because any incriminating statement obtained after use of Form FD-645 will not be admissible in a criminal prosecution of the employee.

(2) In a situation where the allegation, if true, has potential for non-Federal prosecution, and a decision has been made by FBIHQ to compel full answers from the employee regarding the matter under investigation, Form FD-645 should be used.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(3) In all other instances where an employee is being interviewed in connection with an official administrative inquiry, Form FD-645 should be used.

(4) There is no Sixth Amendment right to counsel in purely administrative interviews. Therefore, even if the employee specifically requests to have an attorney present during the course of the interview, the Bureau is not legally obliged to agree to this condition. Any administrative decision to allow the presence of counsel during an administrative interview is to be made by OPR, FBIHQ.

(5) An interview log is not required when Form FD-645 is utilized. Those conducting such administrative interviews of employees should be alert, however, to circumstances where good judgment might warrant preparation of an interview log; for example, in those interviews of a particularly sensitive nature or in those concerning serious misconduct involving veterans which may ultimately be heard before a Merit Systems Protection Board.

### **13-7 REPORTING**

(1) In most instances, after FBIHQ has been initially notified of the allegation, it will be satisfactory for the responsible official to report the facts pertaining to the misconduct or improper performance of duty, by letter setting forth a concise statement of the situation together with supporting documentation and statements. In all cases, whether or not it is felt administrative action is necessary, a statement that administrative action is, or is not, recommended must be made. There can be no deviation from this procedure.

(2) To prevent unauthorized disclosure of these allegations and the subsequent inquiry, a separate field office file should be opened and indexed under a "263" classification for each investigation and be maintained in the SAC's safe. This file number will be included on all communications between field divisions and FBIHQ; communication being directed to the personal attention of the SAC and/or enclosed in a sealed envelope to FBIHQ, Attention: OPR-Inspection Division.

(3) Copies of the allegations and subsequent investigation should not be placed in the accused's field office or FBIHQ personnel file. Only if some form of administrative action is taken will there be any need to address the allegation in one's personnel file. This is satisfactorily handled by a designated copy of the approved justification memorandum and/or addendum(s) being placed in the personnel file at FBIHQ as well as copies of the outgoing communication to the employee being placed in both the field office and FBIHQ personnel files.

#### **13-7.1 Format**

Certain factual situations may require the letters in which they are reported to exceed one page in length. In these instances, such letters should conform to the following format:

(1) Title--This should, when possible, relate only to the substance of the allegation regardless whether or not it originated out of a substantive investigation or is work related. The title should include the employee(s) name; general allegation (i.e., alleged professional misconduct, etc.); complainant, if appropriate; division and classification, i.e., OPR Matter.

(2) Synopsis--Here should be stated briefly, but clearly the pertinent facts relating to the situation. While brief, the synopsis should contain sufficient facts to give any reviewing official a clear picture of each allegation and whether they are true or false.

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(3) Action taken--Here should be clearly enumerated the action taken by the Bureau official pertaining to the employee in connection with the misconduct or improper performance of duty. For example, a statement as to the time and date an employee was suspended from active duty, or an explanation as to any investigation or information sought from other field offices in running out the allegation, or the like, should be set forth under this heading.

(4) Work record and any aggravating or mitigating factors--Under this heading should be reported pertinent comments regarding the general work performance record of the employee. In addition, any other factors of an aggravating nature or which might have a mitigating or balancing effect upon the dereliction should be set forth. For example, if an employee put a great deal of hard work and effort into a matter and was also responsible for certain shortcomings, the administrative action finally decided upon would be dependent upon a balancing and weighing of the good and bad aspects. However, any mitigating facts should not be restricted to the particular case or incident from which the dereliction arises. An employee may have performed creditably in other cases recently, on other occasions or displayed a commendable attitude which factors should be brought to FBIHQ's attention.

(5) Comments and conclusions--Under this heading should be set forth the observations of the Bureau official and the conclusions upon which the recommendations for administrative action are based.

(6) Recommendations--Under this heading should be set forth the recommendations as to what, if any, administrative action is necessary.

(7) Enclosures--Attach statements of the complainant, witnesses and employee(s), as well as any documentation relevant to the inquiry.

### **13-7.2 Investigative Reports (See MIOG, Part 1, 263-7.1.)**

(1) Matters involving criminality or serious misconduct supervised/investigated by OPR should, for the most part, be submitted to FBIHQ by Investigative Report which should be thorough, precise and to the point. There may be instances where the extent of the inquiry is so minimal that an Investigative Report would not seem necessary. Any question concerning whether or not to submit an Investigative Report should be resolved by consulting with OPR.

(2) Synopses of OPR Matter Investigative Reports should be extremely complete to include all allegations, the results of investigation and the subject employee's responses to these allegations. Consideration should be given to including a table of contents in these Investigative Reports.

(3) Three copies of the Investigative Report (four copies if the matter involves a substantive case) should be submitted by cover electronic communication (EC), in a sealed envelope, to FBIHQ, Attention: OPR. The cover EC should contain the SAC's observations, comments, mitigating or aggravating circumstances, as well as SAC's recommendations for administrative action.

(4) FBIHQ is to be the office of origin in OPR Matter investigations.

### **13-8 ALLEGATIONS MADE BY INDIVIDUALS OUTSIDE THE BUREAU**

(1) In instances in which allegations are made by persons outside the Bureau against Bureau personnel or the Bureau itself and such charges are disproven, prompt action should be taken to

SENSITIVE



SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

refute such claims both with the source of the erroneous complaints and others having knowledge of the allegations, including news media carrying stories on the matter. Where possible, every effort should be made to have the refutation appear in the same article with the charges. Whenever the advisability of taking this action appears questionable, FBIHQ should be advised and a recommendation made on this point setting out clearly the reasons on which the conclusion is based.

(2) If allegations are made against Bureau personnel by subjects of Bureau cases during a court trial, it is the responsibility of the SAC with the concurrence of the USA and/or DOJ, to see that proper refutation is made and that such refutation appears in court records in accordance with the Manual of Investigative Operations and Guidelines, Part II, Section 6. The purpose of this is to insure that in case of an appeal the Bureau's refutation is in the court's record. FBIHQ is to be advised promptly of all pertinent facts and circumstances relating to such allegations and refutations.

**13-9 SUSPENSION WITHOUT PAY (See MAOP, Part I, 13-12 (2).)**

(1) No Bureau employees are to be suspended without pay without prior FBIHQ approval. Where the seriousness of the situation warrants, the Assistant Director of the Personnel Division may be contacted telephonically. His instructions regarding suspension without pay or other immediate action to be taken pending a final determination of the matter may be secured.

(2) In cases involving disciplinary suspension without pay for seven or more consecutive calendar days, SF-8 will be sent to the employee by Personnel Management Section, FBIHQ, as an enclosure with the letter addressed to employee containing suspension notification. However, when telephonic or teletype instructions are issued by FBIHQ suspending the employee for seven or more consecutive calendar days, instructions will be issued and recorded that SF-8 be furnished.

(3) Employees who are under suspension without pay cannot legally be permitted to work during the period of suspension. If employees offer to work while under suspension, they should be informed it is illegal. FBIHQ decision in such instances is unnecessary, although FBIHQ should be informed of the employee's attitude in making the offer.

(4) Upon return to duty from suspension an SF-52 must be submitted to FBIHQ. The following items must be completed:

- (a) Part A, Items 1, 3, 5, and 6
- (b) Part B, Items 1, 2, 3, and 22

**13-10 PROCEDURAL RIGHTS OF PREFERENCE ELIGIBLE EMPLOYEES REGARDING ADVERSE ACTIONS (See MAOP, Part 1, 1-29, 1-30.3, 3-6.1, 8-1.11, 8-1.12.2, 10-6, 10-7, 13-11(2), 13-13, 14-4.1 & 14-4.2.)**

(1) A "preference eligible" employee who has completed one year of current continuous service in the same or similar positions within an agency may have certain rights when an adverse action is proposed or taken against the employee. For the purposes of this manual, an "adverse action" involves removal, suspension for more than 14 days, reduction in grade or pay, or a furlough of 30 days or less. Such an action may only be taken for such cause as will promote the efficiency of the service. (See Title 5, United States Code (USC), Sections 7511-7513.) (See MAOP, Part 1, 21-1.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(2) As a general matter, a preference eligible employee includes an honorably discharged veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; during the period beginning on April 28, 1952 and ending on July 1, 1955; or for at least 180 days during a period occurring after January 31, 1955 and before October 15, 1976 (with exceptions applying to the National Guard and the Reserves). The term also includes certain disabled veterans. In addition, under certain limited circumstances "preference eligible" can include an unmarried widow/widower of a veteran, the spouse of a disabled veteran, or the mother of a deceased or disabled veteran. It does not include members of the FBI-DEA Senior Executive Service. (See Title 5, USC, Section 2108.)

(3) With respect to adverse actions, the procedural rights of a preference eligible employee who has completed one year of current continuous service are set forth at Title 5, USC, Section 7513. These rights include: (a) at least 30 days' advance written notice stating the specific reasons for the proposed action, unless there is a reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; (b) a reasonable time of not less than seven days to answer orally and in writing and to furnish affidavits and other documentary evidence; (c) the right to be represented by an attorney or other representative; (d) a written decision which includes the specific reasons for the agency action; (e) the right to appeal the adverse action to the Merit Systems Protection Board (MSPB); and, (f) the right to inspect documents which the agency relied upon in arriving at its decision. As a general matter, appeals to the MSPB by preference eligible employees are to be filed within 30 days after the effective date of the adverse action.

(4) During the period of advance written notice, the employee may be retained on active duty, be placed on administrative leave, be placed on annual leave or leave without pay with the employee's consent, or be suspended without pay if the suspension does not exceed 14 days in length.

(5) Like nonpreference eligible employees, a preference eligible employee who has completed his/her one-year probationary period (see MAOP, Part 1, Section 21) may appeal an adverse action to the Assistant Director, Administrative Services Division, FBIHQ.

(6) Any necessary notices to preference eligible employees will be handled by FBIHQ.

(7) Upon receiving an employee's reply to the notice of proposed disciplinary action, FBIHQ will consider the reply and advise the employee in writing of the final decision.

(8) A nonpreference eligible employee in an "excepted service" agency such as the FBI is not LEGALLY entitled to the same procedural rights afforded to a preference eligible employee in adverse action cases.

### **13-11 USE OF AN INDEFINITE SUSPENSION IN PERSONNEL MATTERS (See MAOP, Part I, 1-29.)**

(1) Indefinite suspensions are defined by the FBI as the placing of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the pending conditions set forth in the notice of action which may include the completion of any subsequent administrative action. An indefinite suspension may be imposed when it is determined that an employee's continued presence in the workplace will be injurious to the employee, to co-

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

workers or the public, to the FBI's operations, or to national security interests pending additional investigation into the underlying conduct of the employee. Members of the FBI's Senior Executive Service (SES) are not covered by this policy. Rather, indefinite suspensions involving members of the FBI's SES are governed by the adverse action provisions set forth in the FBI's SES policy.

(2) An indefinite suspension for more than 14 days is considered an adverse action under 5 CFR, 752.401(a)(2). Preference eligible employees are, therefore, afforded statutory entitlements which are set forth in Title 5, USC, Section 7513 and MAOP, Part I, 13-10.

(3) See MAOP, Part I, 1-29 for further information concerning the use of an indefinite suspension in matters involving revocation of a security clearance.

### **13-11.1 Use of an Indefinite Suspension in Matters Involving Criminal Conduct**

(1) Each incident involving suspected criminal conduct will be considered from the viewpoint of whether the employee's continued presence in the workplace is detrimental to the FBI in accomplishing its mission. Should the Office of Professional Responsibility (OPR) find that reasonable cause exists to believe an employee has committed a crime for which a sentence of imprisonment may be imposed, a letter signed by the Assistant Director, OPR, will be prepared advising the employee that he/she will be placed on indefinite suspension (without pay or duties) and the reason for such action. Reasonable cause may be established, for example, by an indictment, arrest, the filing of criminal information, credible news reports of egregious acts that are detrimental to the Bureau's mission, such as murder or national security offenses, or through a judicial determination of probable cause. A warrantless arrest alone may not be sufficient to establish reasonable cause. Separate action may be taken to suspend the employee's security clearance in connection with a criminal case. In these types of criminal conduct cases, employees will not be given the option of using leave. (See MAOP, Part I, 1-29.)

(2) An indefinite suspension for more than 14 days is considered an adverse action under Title 5, United States Code (USC), Section 7512 and Title 5, Code of Federal Regulations (CFR), Part 752.401(a)(2). When an adverse action is proposed or taken against a preference eligible employee, i.e., certain veterans or the spouses, widows, or mothers of veterans who meet the definition of "preference eligible" in Title 5, USC, Section 2108, specific statutory rights apply. Information regarding these rights will be contained in the letter advising the employee of the proposed indefinite suspension.

Since federal law requires that a preference eligible employee continue to be paid during the advance notice period even if required to be absent from the work place, any preference eligible employee receiving a letter proposing his/her indefinite suspension will remain on administrative leave with pay until a final decision regarding placing the employee on indefinite suspension is made and communicated, in writing, to the employee.

(3) Nonpreference eligible employees do not have the additional rights granted to preference eligible employees. Accordingly, an indefinite suspension is effective upon receipt of the written notice of such, and no appeal rights are afforded.

SENSITIVE

**13-11.2 Other Sources of Compensation During Period of Indefinite Suspension**

(1) During periods of indefinite suspension, an employee may request approval for outside employment following established Bureau procedures, which include review to determine whether the proposed outside employment presents a conflict of interest. For a field support employee, an outside employment request should be submitted through the security officer in the field office where located. For an FBIHQ support employee, an outside employment request should be submitted to the Reinvestigation Unit, Security Division. For a Special Agent, an outside employment request should be submitted through the Employee Benefits Unit, ASD. Form FD-331 should be used for such purposes. Review will be expedited upon the employee's request.

(2) The written notice of indefinite suspension will include instructions to the office to provide the employee a copy of Standard Form 8, Unemployment Compensation for Federal Employees Program; Notice to Federal Employees About Unemployment Compensation. For additional information on this topic, employees must contact their state or local unemployment compensation office.

**13-11.3 Removal From Indefinite Suspension**

An indefinite suspension will be terminated upon completion of the FBI's inquiry and decision concerning the status of the employee (i.e., a decision to fully or partially allow the employee to return to the work place or to terminate employment with the FBI).

**13-11.4 Back Pay Matters**

If investigative results determine that an employee is to be restored to full duty, the employee is immediately eligible to return to a paid status. In each such case, the Assistant Director, ASD, will cause a review of the circumstances to determine whether back pay may be appropriate for the period of indefinite suspension and make decisions on a case-by-case basis. In addition, when an employee's return to duty is delayed, back pay may be afforded from the time the decision to allow the return to work and the actual return to work date. Such cases are reviewed on their merits and decisions regarding pay and placement are made accordingly.

**13-12 RESIGNATION TENDERED DURING PERSONNEL ACTION INQUIRY (FORMERLY 13-11) (See MAOP, Part I, 17-1.1.)**

(1) It may be that an employee would rather submit his/her resignation than see the inquiry continue and face possible charges. Division heads, SACs and other supervisory employees may, upon conclusion of their findings, discuss with the employee what the intended recommendation to FBIHQ will be with respect to administrative action, being careful to point out at the same time that any formal action or charges will be made at FBIHQ. Accordingly, it is permissible to discuss the possibility of resignation with the employee. Duress, deception, intimidation or anything similar will not be tolerated and must not be used to influence employee's decision nor may employee be denied adequate time, if requested, to make a decision between resigning or seeing the inquiry continued. Employee should be advised of the Bureau's procedures for employee discipline and that these procedures allow an employee the opportunity to rebut negative allegations and recommendations of his/her supervisors. Employee should also be advised that a voluntary

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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resignation might preclude him/her from receiving unemployment compensation he/she may otherwise be entitled to.

(2) Should an employee involved in allegations submit his or her resignation from the Bureau's service, such resignation should be received and forwarded to FBIHQ.

**13-13 SCHEDULE OF DISCIPLINARY OFFENSES AND PENALTIES FOR FBI EMPLOYEES (FORMERLY 13-12) (See MAOP, Part 1, 1-30.3 and 21-7 (4).)**

(1) This schedule is to be used only as a guide in determining appropriate discipline based on the violation of regulations by Bureau employees. This schedule is not all inclusive, and final determination of the appropriate disciplinary action warranted in each case will be made by FBIHQ, except for those matters delegated to SACs and Assistant Directors (see 13-2(4) of this section for details). It should be noted that the decision-making process utilized in determining appropriate action in disciplinary matters is extensive in nature and involves input from every level of management in FBIHQ. In addition, consideration is given to Bureau policy and similar incidents previously resolved, as well as any aggravating or mitigating circumstances of the case in point. In some instances, discussions are held with the Department of Justice and the Office of Personnel Management before a final determination is made. In most instances, penalties for violations of regulations will fall within the range of penalties set forth in this schedule. In aggravated case, a penalty outside the range of penalties may be imposed. For example, supervisors and Bureau officials, because of their responsibility to demonstrate exemplary behavior, may be subject to a greater penalty than is provided in the range of penalties. The purpose of this schedule is not to remove the personnel management decisions made in all disciplinary matters but rather to provide an example and guide which is used at FBIHQ and in the field in connection with decisions made in regard to disciplinary matters.

(2) In regard to suspensions, it is noted that the Civil Service Reform Act (CSRA) of 1978 provides that days of suspension will be computed in terms of calendar days, not days worked. Therefore, recommendations for a period of suspension will only be made in terms of calendar days. A period of suspension will always commence at the close of business, Friday of any given week. For example, recommendation of seven (7) days' suspension, if approved, will result in a forfeiture of five days' pay whereas a recommendation of fourteen (14) days' suspension will result in a forfeiture of ten days' pay. A period of suspension in excess of 14 calendar days is an adverse action as defined in the CSRA of 1978 (see 13-10 of this section for details).

(3) A non-SES employee desiring to appeal any suspension from duty without pay and/or an adverse disciplinary sanction will be required to file an appeal stating the grounds relied upon in writing. Only employees who have completed the one-year (two years for Special Agents and forensic examiners) probationary period required by the FBI will be entitled to an appeal. This appeal must be filed within 30 days following notification of the disciplinary action to the employee. The Deputy Assistant Director (DAD), Inspection Division (INSD), will serve as the primary official responsible for the appellate review of disciplinary matters which have involved a non-SES employee's suspension from duty without pay for a period of 14 days or less (called a nonadverse action), unless that disciplinary sanction was issued by the AD, OPR. Whenever the AD, OPR, serves as the deciding official in the suspension of a non- SES employee in a nonadverse

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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action, the AD, INSD, will serve as the deciding appellate official. The decision of the AD or DAD, INSD, in such matters will constitute the final authority within the FBI for appellate review.

When a matter under appeal involves a suspension of more than 14 days, demotion or dismissal of a non-SES employee (called an adverse action), the AD, INSD, will establish a Disciplinary Review Board (DRB) to review the action taken by OPR.

When disciplinary action is taken against SES members or ASACs, the Deputy Director is the action authority. The Director is the final appeal authority for disciplinary actions taken by the Deputy Director. Thereafter, nonpreference eligible FBI employees in the excepted service do NOT have a right to appeal a disciplinary action to the Merit Systems Protection Board (MSPB). A "preference eligible" employee who has completed one year of current continuous service in the same or similar positions in an agency, in addition to being able to appeal a disciplinary action as indicated above, may also appeal an "adverse action" (e.g., removal, suspension for more than 14 days, reduction in grade or pay) to the MSPB. As a general matter, appeals to the MSPB by preference eligible employees are to be filed within 30 days after the effective date of the adverse action. (See MAOP, Part 1, 13-2, 13-10, 14-4.1 and 14-4.2.)

(4) COMPOSITION OF A DISCIPLINARY REVIEW BOARD

(a) A DRB will be composed of three voting members, each of whom is a member of the FBI's Senior Executive Service (SES). After designation as members of a DRB, employees will be instructed to refrain from acquainting themselves with any facts or circumstances involving the subject of the appeal, except to review the record of the case.

(b) The DRB will be chaired by the AD, INSD, whenever the disciplinary sanction was imposed by the AD, OPR. In instances in which the disciplinary action under appeal is decided by the DAD, OPR, at the discretion of the AD, INSD, the Board may be chaired by the DAD, INSD.

(c) A non-SES employee who appeals a suspension of more than 14 days, demotion or dismissal will be permitted to select one member of the DRB from a list of all FBI SES participants except those serving at SES level 6, and those who, due to the nature or geographical location of their assignments, have been determined to pose conflicts with the objective and expeditious character of DRB proceedings. This list will be forwarded by the INSD to the employee's division head, and made available for the employee's review, upon request, by the division head or his/her designee (e.g., the Chief Division Counsel), who will then report the employee's selection to the INSD. The third member of the DRB will be selected randomly from the same list. After serving on the DRB, this third member will be removed from the pool of SES participants eligible for random selection (but not employee selection) for DRBs for the remainder of the fiscal year.

(d) An SES member who serves (or last served, in the case of a dismissal) as an employee's rating or reviewing official will not be permitted to serve as a member of a DRB which decides that individual's appeal of an adverse disciplinary sanction.

(e) If, after selection, a member of a DRB feels constrained to disqualify himself/herself, a replacement will be chosen in the same manner the disqualified member was selected.

(5) INSD AND DRB AUTHORITY AND PROCEDURES

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(a) INSD, in an appeal from a suspension of 14 days or less, and a DRB, in an appeal of a suspension of more than 14 days, demotion or dismissal, will review the issues presented in writing by the employee. The review will be of the employee's written appeal, any response submitted by OPR, and any documentary record. If the record of a disciplinary action taken under the auspices of OPR is insufficient to decide the merits of an appeal, INSD or the DRB may remand the case to OPR and direct such additional investigation and findings as may be necessary. Nothing shall preclude INSD or a DRB from requiring an oral presentation if considered helpful to a resolution of the appeal.

(b) An appeal of a suspension of 14 days or less will be decided by the designated INSD official. The decision of a DRB in an appeal of a suspension of more than 14 days, demotion or dismissal will be by majority vote.

(c) In exercising appellate authority, INSD and a DRB may independently redetermine the factual findings and/or the penalty imposed. However, in the event that a different disciplinary sanction is determined to be appropriate, that sanction must be consistent with applicable disciplinary precedent.

(d) After reaching a decision in the review of an appeal, INSD or a DRB will document its findings in writing and provide the employee a written decision.

(e) If INSD or a DRB finds that an employee has not received the procedural protections in the disciplinary process to which he/she is entitled, it may retain the matter for decision, e.g., when the matter involves harmless error, may refer the matter back to OPR for corrective action; or may reverse or modify the action of the deciding official.

(f) The decision of INSD or of a DRB concerning the merits of an appeal involving a non-SES employee will constitute the final decision of the FBI concerning the appropriateness of the disciplinary sanction in the matter under appeal.

(g) Decisions by the INSD or a DRB in the appeal of disciplinary sanctions will be implemented no later than 60 calendar days after the appellate decision is rendered in writing.

These procedures will not apply to matters involving an appeal of an adverse disciplinary action resulting from an employee's loss of a security clearance.

The expansion of procedural entitlements in the appeal of disciplinary actions will not include the right of appeal to the MSPB. The statutory right to appeal an adverse disciplinary action to the MSPB is preserved for preference eligible employees. Existing policies governing indefinite suspensions, administrative leave actions, fitness for duty determinations and nonadverse actions will not be affected by this expansion of appellate procedures.

(6) The following definitions are furnished for information. This schedule does not include discipline required by law or infractions which, in addition to being a violation of Bureau rules and regulations, are also a criminal offense.

(a) Oral reprimand--Employees are advised of deficiency or infraction of regulations and notation made in personnel file relating to the need for the official reprimand.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(b) Commented upon in annual performance rating--In this instance, the infraction warranted more than an oral reprimand but is not considered severe enough for official recognition in the form of a letter of censure. This refers to work-related matters only.

(c) Censure--Official written reprimand.

(d) Censure and probation--Official written reprimand which includes a minimum probationary period of 90 days for Special Agents and 60 days for other employees.

(e) Censure, probation and suspension--Official written reprimand which, in addition to a probationary period, includes a period of time in which the employee is removed from duty without pay.

(f) Demotion--Any reduction in grade or pay.

(g) Removal--Dropped from the rolls of the FBI.

(7) The standards by which all employees are held are set forth in greater detail in this manual. For further reference, these standards of conduct can be found in the Department of Justice Order 350-65 captioned "Standards of Conduct," Executive Order 12764, and the ETHICS HANDBOOK which is distributed to all personnel.

(8) An employee may be censured when the cause for administrative action is sufficiently aggravated as to require a written reprimand. At the time FBIHQ makes a promotional decision, all relevant information including the cause for a disciplinary matter, including probation, is considered. FBIHQ expects the employee's superior to provide a strong favorable recommendation when the employee has been the subject of disciplinary action within the preceding 12 months. Lacking such a recommendation, FBIHQ may determine that a promotion from one GS or Wage level to another should be delayed for a period of up to 60 days for support employees or up to 90 days for Agents. (See MAOP, Part 1, 3-1.2.2 (3) & (4).)

**SCHEDULE OF DISCIPLINARY OFFENSES AND PENALTIES FOR FBI EMPLOYEES**

**1. Unexcused or unauthorized absence of 8 hours or less**

Applies to: All Personnel

First Offense - Oral Reprimand to 3-day suspension

Second Offense - Oral Reprimand to 5-day suspension

Third Offense - Oral Reprimand to removal

**2. Excessive unauthorized absence (in excess of 8 hours)**

Applies to: All Personnel

First Offense - Oral Reprimand to 5-day suspension

Second Offense - Oral Reprimand to 15-day suspension

Third Offense - Oral Reprimand to removal

**3. Work deficiencies and/or inattention to duty (See MAOP, Part 1, 8-1.11.)**

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Applies to: Agent Personnel

First Offense - Oral reprimand to removal

Second Offense - 5-day suspension to removal

Third Offense - 15-day suspension to removal

Applies to: Non-Agent Personnel (Excluding Fingerprint Examiners, Information Services Section, Criminal Justice Information Services Division, for whom standards of production and accuracy, as well as minimum penalties, have been established.)

First Offense - Oral reprimand to removal

Second Offense - 3-day suspension to removal

Third Offense - 5-day suspension to removal

4. Insubordination (See MAOP, Part 1, 8-1.11.)

Applies: All Personnel

First Offense - Censure to removal

Second Offense - 5-day suspension to removal

Third Offense - 15-day suspension to removal

5. Unauthorized possession of, use of, or loss or damage to government property other than motor vehicle or aircraft

Applies to: All Personnel

First Offense - No action to removal

Second Offense - Oral reprimand to removal

Third Offense - Censure to removal

6. \*\*\*Unauthorized possession of, use of, loss of or damage to government-owned or -leased motor vehicle or aircraft

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - 3-day suspension to removal

Third Offense - 5-day suspension to removal

\*\*\*Title 31, U.S. Code, Section 1349(b), provides a minimum of 30 days' suspension for employee who willfully uses or authorizes the use of any government-owned or -leased motor vehicle or aircraft for other than official purposes. (See MAOP, Part 1, 1-3.1.)

7. Traffic violations

Applies to: All personnel

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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a. Aggravated (all types)

First Offense - Oral reprimand to removal

Second Offense - Oral reprimand to removal

Third Offense - Oral reprimand to removal

b. Driving Under the Influence or While Intoxicated (See MAOP, Part 1, 1-30.3 and 8-1.12.2.)

First Offense - 30-day suspension to removal

Second Offense - Removal

8. Illegal use of controlled substance (drugs and marijuana)

Applies to: All personnel

First Offense - Censure to Removal

Second Offense - Removal

9. Criminal, dishonest, immoral, infamous or notoriously disgraceful conduct

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - 5-day suspension to removal

Third Offense - 30-day suspension to removal

10. Failure to honor confirmed financial obligations

Applies to: All personnel

First Offense - Oral reprimand

Second Offense - Oral reprimand

Third Offense - Oral reprimand to removal

11. Unauthorized disclosure of information from Bureau records

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - Removal

12. Falsification of official documents and/or records

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - Removal

13. Availability

Applies to: All personnel

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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First Offense - Oral reprimand to removal

Second Offense - Oral reprimand to removal

Third Offense - Oral reprimand to removal

14. Fitness for duty (overweight)

Applies to: Agent Personnel

First Offense - Oral reprimand

Second Offense - Oral reprimand to 5-day suspension

Third Offense - Oral reprimand to 15-day suspension

15. Smoking regulations (See MAOP, Part 2, 2-1.6.)

Applies to: All personnel

First Offense - Oral reprimand to censure

Second Offense - Oral reprimand to 5-day suspension

Third Offense - Oral reprimand to 14-day suspension

16. Security violations for:

Applies to: All personnel

a. Loss of classified/sensitive information

First Offense - Censure to removal

Second Offense - Suspension to removal

Third Offense - Suspension to removal

b. Mishandling classified/sensitive information by: improper removal, storage (to include unlocked/unsecure safes, vaults, or cabinets), disposal, transporting, reproduction, transmittal, or access

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - Censure to removal

Third Offense - Suspension to removal

c. Computers

Applies to: All personnel

Medium Risk

1. Failure to properly label ADP storage media

2. Unauthorized Software

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

3. Unlicensed Software

4. Nonofficial use of FBI computers

5. Introduction of malicious code

First Offense - Oral reprimand to removal

Second Offense - Censure to removal

Third Offense - Suspension to removal

High Risk

1. Misuse of accessor IDs and passwords

2. Improper maintenance

3. Improper equipment and media disposal

4. Failure to maintain proper control of FBI microcomputers and ADP storage media

5. Unauthorized telecommunications

6. Unauthorized access to FBI computers or networks or exceeding authorized codes

First Offense - Censure to removal

Second Offense - Suspension to removal

Third Offense - Suspension to removal

d. Routing of "Top Secret" or SCI information by telelift system, mail-mobile, pneumatic tube, U.S. Postal Service, or other commercial mail service

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - Oral reprimand to removal

Third Offense - Censure to removal

SENSITIVE

**13-13.1 Moved to 13-14.1**

**13-13.2 Moved to 13-14.2**

**13-13.3 Moved to 13-14.3**

**13-13.4 Moved to 13-14.4**

**13-13.5 Moved to 13-14.5**

**13-14 DISCIPLINARY PROBATION (FORMERLY 13-13) (See MAOP, Part I, 1-30.3, 8-1.12.2.)**

Disciplinary probation is a corrective and/or punitive procedure (which may be imposed with censure and/or suspension when so dictated by the factual situation) to closely monitor an employee's performance with intent to provide counsel and correction during a specified period of time. During the disciplinary probation period, a denial of certain employee benefits may be imposed.

**13-14.1 Purpose of Disciplinary Probation (Formerly 13-13.1)**

To provide the employee with notice that the particular area of inefficiency, delinquency, or poor judgment, etc., will be afforded close scrutiny for a specified period of time. During the period of disciplinary probation, the employee is expected to make a concerted effort to improve in the deficient area.

**13-14.2 Length of Disciplinary Probation (Formerly 13-13.2.)**

The length of the disciplinary probation period is flexible and will be determined by the Director or Director's delegated representative. In most cases the original disciplinary probation period will be 90 days for Special Agents and 60 days for support employees.

**13-14.3 Effects of Disciplinary Probation on Employee (Formerly 13-13.3)**

During the period of disciplinary probation an employee:

- (1) Will not be promoted from one GS or Wage Board level to another;
- (2) Will not be considered for advancement within the Executive Development and Selection Program of the Bureau;
- (3) Will not be considered for a Personnel Resource List Transfer;
- (4) May have a promotion delayed for a period of time not to exceed the period of disciplinary probation if the action occurred during the preceding 12 months and has not been offset by a strong favorable recommendation for promotion from the employee's superior. The final determination will be made by the Personnel Officer at FBIHQ.

#### **13-14.4 Application of Disciplinary Probation (Formerly 13-13.4.)**

An employee will be placed on disciplinary probation only when the cause for administrative action is work performance related or work-related.

- (1) Work performance considers the technical competence aspect of an employee.
- (2) Work-related action involves judgment, common sense, and the impact the cause has on the public's perception of the FBI.

#### **13-14.5 Removal from Disciplinary Probation (Formerly 13-13.5)**

(1) At the expiration of a disciplinary probation period, the Administrative Summary Unit, Personnel Division, will activate a computer entry into the Bureau's Personnel Management System to remove the employee from probation. No paperwork will be involved on the part of the SAC/AD or FBIHQ for this process to occur. However, should the SAC/AD choose to recommend that an employee remain in a probationary status due to continued deficiency in the area for which the employee was disciplined, the Administrative Summary Unit should be telephonically advised just prior to the end of the period, followed by an appropriate communication detailing the basis for same. It is important that a tickler be set in the respective divisions so this matter can be followed closely.

(2) As a guideline in recommending that an employee in a probationary status be continued in this status, the employee must continue to be deficient in the area for which they had been initially disciplined. If the employee is deficient in another area, this would not be sufficient justification to continue the initial probationary status. If additional problems are identified, the SAC/AD should seriously consider recommending an additional disciplinary action to address the other deficient areas, whether it be performance or conduct related.

## SECTION 14. APPEALS AND GRIEVANCES

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: OPD3      Cav:      SecCls:

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HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

### 14-1 INTRODUCTION

(1) The FBI has always attempted to anticipate and avoid possible sources of employee discontent or grievances by following fair and objective policies, uniformly applied to all. To detect and solve grievances which might arise, the FBI depends upon the alertness of its supervisors and officials.

(2) The FBI is confident that its indoctrination and training programs ensure that each employee is fully aware that any grievance should be brought to the attention of their supervisor so that the matter may be discussed, explained and resolved. All employees should be aware that their division head or Special Agent in Charge is always available for further discussion with them of any problem which cannot be handled satisfactorily on the supervisory level; and that any problem which cannot be resolved satisfactorily on any lower level may be brought to the Director's attention in writing, or may be presented orally to an appropriate Bureau official.

(3) Other means by which employees may present their problems include the suggestion program or contact with the inspectors who periodically inspect each division or field office. In addition, certain formal procedures exist as set out in the subsections below.

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

### 14-2 CONTESTING PERFORMANCE APPRAISALS

(See Part I, Section 5 of this manual.)

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

### 14-3 POSITION CLASSIFICATION

Position classification decisions may be appealed in accordance with provisions of Title 5, Code of Federal Regulations, Chapter 1, Part 511. Supervisors should be alert for situations in which it appears an employee may be considering an appeal. Experience has shown that if a supervisor carefully explains to an

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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employee the basis for a given classification action misunderstandings are averted. If difficulty persists in a given case, it may be feasible to take administrative steps, such as readjustment of work assignments, to eliminate it. FBIHQ should be notified of problems which resist settlement. If need arises, FBIHQ will furnish, upon request, the necessary instructions for filing classification appeals.

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

## **14-4      APPEAL RIGHTS**

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3OP      Cav:      SecCls:

### **| 14-4.1    |Appeal Rights of Preference Eligible Employees Regarding Adverse Actions**

|            Pursuant to Title 5, United States Code (USC), Section  
| 7511, "preference eligible" employees (e.g., certain veterans) who  
| have completed one year of current continuous service in the same or  
| similar positions with an agency may have certain procedural rights  
| when an adverse action is proposed or taken against them. For the  
| purposes of this manual, an "adverse action" involves removal,  
| suspension for more than 14 days, reductions in grade or pay, or a  
| furlough of 30 days or less. (See MAOP, Part I, 13-10, 13-13(3) &  
| 14-4.2.)|

\*\*EffDte: 12/01/1994 MCRT#: 353    Div: D3OP      Cav:      SecCls:

### **14-4.2    Appeal Rights in General (See MAOP, Part 1, 8-1.11 and 13-13.)**

(1) This subsection provides a general overview of the appeal rights of an employee when there is an administrative action of a disciplinary nature. For a discussion of the additional rights of a preference eligible employee when there is an adverse action, see MAOP, Part 1, 13-10 and 14-4.1. For the purposes of this manual, an adverse action is removal, suspension for more than 14 days, reduction in grade or pay, or a furlough of 30 days or less. For a discussion of an employee's rights when there is a proposal for the employee to be reduced in grade or removed for unacceptable performance, see MAOP, Part 1, 5-4.7 and 5-4.7.1.

(2) Recommendations for adverse actions are made by a field office, headquarters division or the inspection staff and forwarded to the Office of Professional Responsibility (OPR). The matter is reviewed in the Administrative Services Division or OPR and a decision recommended. If, following review of the matter by the

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Assistant Director of the OPR, it is determined that administrative action is warranted, the action is taken and the employee notified. The action taken (or determination made) by the Assistant Director of the OPR is subject to review by the Deputy Director. If the proposed disciplinary action is against a member of the FBI's Senior Executive Service (SES), below the rank of Assistant Director, or an ASAC, the Deputy Director would determine whether an administrative action is warranted. The action taken by the Deputy Director is subject to review by the Director. If the proposed disciplinary action is against an Assistant Director or the Deputy Director, the Director would determine whether an administrative action is warranted. The actions taken by the Director with regard to an Assistant Director or Deputy Director are subject to review by the Deputy Attorney General.

(3) If the employee has not completed his/her probationary period of employment which began when the employee entered on duty, he/she will be notified that he/she has no right to appeal the action within the FBI (see MAOP, Part 1, 21-8). If the employee has completed the probationary period, the employee will be notified that he/she may appeal the action to the next level of authority for appeals. Should an employee who has completed his/her probationary period be concerned about other administrative actions taken against him/her short of adverse action, with the exception of oral reprimands and letters of censure, the employee may express this concern, through channels, to his/her SAC, Assistant Director, office head, or the Personnel Officer. In a case where disciplinary action was taken by an SAC, Assistant Director, office head, or the Personnel Officer, the appeal will be handled by the Assistant Director, Administrative Services Division. When disciplinary action is taken against SES members or ASACs, the Deputy Director is the action authority. The Director is the final appeal authority for disciplinary actions taken by the Deputy Director. Appeals must be received within 30 calendar days after the effective date of the disciplinary action. Thereafter, nonpreference eligible FBI employees in the excepted service do NOT have a right to appeal a disciplinary action to the Merit Systems Protection Board (MSPB). A "preference eligible" employee who has completed one year of current continuous service in the same or similar positions in an agency, in addition to being able to appeal a disciplinary action as indicated above, may also appeal an "adverse action" (e.g., removal, suspension for more than 14 days, reduction in grade or pay) to the MSPB. As a general matter, appeals to the MSPB by preference eligible employees are to be filed within 30 days after the effective date of the adverse action. (See SAC Memorandum 11-90 dated April 20, 1990, and MAOP, Part 1, 13-2(4) and 13-10, regarding the handling of offenses by SACs and Assistant Directors.)

(4) With the exception of the reference to the appeals rights of preference eligible employees in regard to the MSPB, the rights discussed in this section are not required by statute or regulation and should not be construed to indicate or imply that nonpreference eligible employees in the excepted service have a property interest in their employment such as in the form of an expectation of continued employment with the FBI. (See MAOP, Part I, 13-1(5) & 21-1.)

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\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: OPD3 Cav: SecCls:

## **14-5 CIVIL SERVICE REFORM ACT (PUBLIC LAW 95-454)**

\*\*EffDte: 04/27/1990 MCRT#: 0 Div: D3 Cav: SecCls:

### **14-5.1 Public Law 95-454**

Public Law 95-454 provides the authority to grant grade retention for a period of 2 years and the authority for granting indefinite pay retention when an employee is demoted through no fault of his/her own. This is provided the demotion is not due to personal cause based upon conduct, character or inefficiency or at the employee's own request or consent.

\*\*EffDte: 04/27/1990 MCRT#: 0 Div: D3 Cav: SecCls:

### **14-5.2 Requirement for Grade Retention**

When an employee is demoted to a position which is lower graded than the position held immediately prior to demotion, as a result of a reduction-in-force or as a result of a reclassification process, he/she may qualify for grade retention. To qualify, the employee must have had served 52 consecutive weeks in the same agency in a grade or grades higher than the one to which demoted, and the position which is being reduced has to have been classified at the higher grade for a continuous period of at least one year immediately before the reduction.

\*\*EffDte: 04/27/1990 MCRT#: 0 Div: D3 Cav: SecCls:

### **14-5.3 Requirement for Pay Retention**

Pay retention shall apply to an employee whose rate of basic pay would otherwise be reduced as the result of the following: the expiration of a two-year period of grade retention; a reduction-in-force when the employee does not meet the eligibility requirements of grade retention; the reduction or elimination of scheduled rates; placement of an employee into a nonspecial rate position or into a lower special rate position from a special rate position; placement of an employee in a position in a lower wage area or in a position in a different pay schedule; or the placement of employee in a formal employee development program (upward mobility).

\*\*EffDte: 04/27/1990 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **14-5.4    Appeals**

The denial of grade or pay retention benefits can be appealed under some circumstances. See Title 5, Code of Federal Regulations, Chapter 1, Part 511, for appeal rights.

\*\*EffDte: 03/28/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **14-5.5    Temporary Promotion or Reassignment**

Employee's entitlement to grade or pay retention is not affected by a temporary promotion or temporary reassignment. However, an employee serving under a temporary promotion or temporary reassignment may not retain a grade or rate of basic pay held during the temporary promotion or temporary reassignment.

\*\*EffDte: 03/28/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **14-5.6    Wage Board Employees**

Similar salary retention provisions apply to Wage Board employees.

\*\*EffDte: 03/28/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

### **| 14-6    WITHIN-GRADE INCREASE |(See MAOP, Part 1, 8-8.6)|**

(1) An employee who is denied a within-grade increase because of failure to perform at an acceptable level of competency may request reconsideration of the Bureau's action by filing a written request within 15 calendar days after receiving the denial notification.

(2) If the employee files a request for reconsideration, FBIHQ will establish a reconsideration file containing all pertinent documents relating to the negative determination and the request for reconsideration. This file will be made available to the employee and/or his/her personal representative for review.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) If the negative determination is sustained after reconsideration, the employee will be informed in writing of the reasons for the decision and that he/she has the right of appeal to the Merit Systems Protection Board (MSPB) within 30 days of receipt of the notification. An employee can only appeal to the MSPB if he/she requests internal reconsideration of the WIGI denial first.

\*\*EffDte: 02/14/2003 MCRT#: 1258 Div: D3 Cav: SecCls:

## **14-7 SUPPORT PROMOTION AND PLACEMENT**

Refer to MAOP, Part I, Section 7-7.

\*\*EffDte: 06/06/1995 MCRT#: 389 Div: D3 Cav: SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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First Offense - Oral reprimand to removal

Second Offense - Oral reprimand to removal

Third Offense - Oral reprimand to removal

14. Fitness for duty (overweight)

Applies to: Agent Personnel

First Offense - Oral reprimand

Second Offense - Oral reprimand to 5-day suspension

Third Offense - Oral reprimand to 15-day suspension

15. Smoking regulations (See MAOP, Part 2, 2-1.6.)

Applies to: All personnel

First Offense - Oral reprimand to censure

Second Offense - Oral reprimand to 5-day suspension

Third Offense - Oral reprimand to 14-day suspension

16. Security violations for:

Applies to: All personnel

a. Loss of classified/sensitive information

First Offense - Censure to removal

Second Offense - Suspension to removal

Third Offense - Suspension to removal

b. Mishandling classified/sensitive information by: improper removal, storage (to include unlocked/unsecure safes, vaults, or cabinets), disposal, transporting, reproduction, transmittal, or access

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - Censure to removal

Third Offense - Suspension to removal

c. Computers

Applies to: All personnel

Medium Risk

1. Failure to properly label ADP storage media

2. Unauthorized Software

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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3. Unlicensed Software

4. Nonofficial use of FBI computers

5. Introduction of malicious code

First Offense - Oral reprimand to removal

Second Offense - Censure to removal

Third Offense - Suspension to removal

High Risk

1. Misuse of accessor IDs and passwords

2. Improper maintenance

3. Improper equipment and media disposal

4. Failure to maintain proper control of FBI microcomputers and ADP storage media

5. Unauthorized telecommunications

6. Unauthorized access to FBI computers or networks or exceeding authorized codes

First Offense - Censure to removal

Second Offense - Suspension to removal

Third Offense - Suspension to removal

d. Routing of "Top Secret" or SCI information by telelift system, mail-mobile, pneumatic tube, U.S. Postal Service, or other commercial mail service

Applies to: All personnel

First Offense - Oral reprimand to removal

Second Offense - Oral reprimand to removal

Third Offense - Censure to removal

SENSITIVE

**13-13.1 Moved to 13-14.1**

**13-13.2 Moved to 13-14.2**

**13-13.3 Moved to 13-14.3**

**13-13.4 Moved to 13-14.4**

**13-13.5 Moved to 13-14.5**

**13-14 DISCIPLINARY PROBATION (FORMERLY 13-13) (See MAOP, Part I, 1-30.3, 8-1.12.2.)**

Disciplinary probation is a corrective and/or punitive procedure (which may be imposed with censure and/or suspension when so dictated by the factual situation) to closely monitor an employee's performance with intent to provide counsel and correction during a specified period of time. During the disciplinary probation period, a denial of certain employee benefits may be imposed.

**13-14.1 Purpose of Disciplinary Probation (Formerly 13-13.1)**

To provide the employee with notice that the particular area of inefficiency, delinquency, or poor judgment, etc., will be afforded close scrutiny for a specified period of time. During the period of disciplinary probation, the employee is expected to make a concerted effort to improve in the deficient area.

**13-14.2 Length of Disciplinary Probation (Formerly 13-13.2.)**

The length of the disciplinary probation period is flexible and will be determined by the Director or Director's delegated representative. In most cases the original disciplinary probation period will be 90 days for Special Agents and 60 days for support employees.

**13-14.3 Effects of Disciplinary Probation on Employee (Formerly 13-13.3)**

During the period of disciplinary probation an employee:

- (1) Will not be promoted from one GS or Wage Board level to another;
- (2) Will not be considered for advancement within the Executive Development and Selection Program of the Bureau;
- (3) Will not be considered for a Personnel Resource List Transfer;
- (4) May have a promotion delayed for a period of time not to exceed the period of disciplinary probation if the action occurred during the preceding 12 months and has not been offset by a strong favorable recommendation for promotion from the employee's superior. The final determination will be made by the Personnel Officer at FBIHQ.

#### **13-14.4 Application of Disciplinary Probation (Formerly 13-13.4.)**

An employee will be placed on disciplinary probation only when the cause for administrative action is work performance related or work-related.

- (1) Work performance considers the technical competence aspect of an employee.
- (2) Work-related action involves judgment, common sense, and the impact the cause has on the public's perception of the FBI.

#### **13-14.5 Removal from Disciplinary Probation (Formerly 13-13.5)**

(1) At the expiration of a disciplinary probation period, the Administrative Summary Unit, Personnel Division, will activate a computer entry into the Bureau's Personnel Management System to remove the employee from probation. No paperwork will be involved on the part of the SAC/AD or FBIHQ for this process to occur. However, should the SAC/AD choose to recommend that an employee remain in a probationary status due to continued deficiency in the area for which the employee was disciplined, the Administrative Summary Unit should be telephonically advised just prior to the end of the period, followed by an appropriate communication detailing the basis for same. It is important that a tickler be set in the respective divisions so this matter can be followed closely.

(2) As a guideline in recommending that an employee in a probationary status be continued in this status, the employee must continue to be deficient in the area for which they had been initially disciplined. If the employee is deficient in another area, this would not be sufficient justification to continue the initial probationary status. If additional problems are identified, the SAC/AD should seriously consider recommending an additional disciplinary action to address the other deficient areas, whether it be performance or conduct related.



## SECTION 14. APPEALS AND GRIEVANCES

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: OPD3      Cav:      SecCls:

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### 14-1 INTRODUCTION

(1) The FBI has always attempted to anticipate and avoid possible sources of employee discontent or grievances by following fair and objective policies, uniformly applied to all. To detect and solve grievances which might arise, the FBI depends upon the alertness of its supervisors and officials.

(2) The FBI is confident that its indoctrination and training programs ensure that each employee is fully aware that any grievance should be brought to the attention of their supervisor so that the matter may be discussed, explained and resolved. All employees should be aware that their division head or Special Agent in Charge is always available for further discussion with them of any problem which cannot be handled satisfactorily on the supervisory level; and that any problem which cannot be resolved satisfactorily on any lower level may be brought to the Director's attention in writing, or may be presented orally to an appropriate Bureau official.

(3) Other means by which employees may present their problems include the suggestion program or contact with the inspectors who periodically inspect each division or field office. In addition, certain formal procedures exist as set out in the subsections below.

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

### 14-2 CONTESTING PERFORMANCE APPRAISALS

(See Part I, Section 5 of this manual.)

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

### 14-3 POSITION CLASSIFICATION

Position classification decisions may be appealed in accordance with provisions of Title 5, Code of Federal Regulations, Chapter 1, Part 511. Supervisors should be alert for situations in which it appears an employee may be considering an appeal. Experience has shown that if a supervisor carefully explains to an

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**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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employee the basis for a given classification action misunderstandings are averted. If difficulty persists in a given case, it may be feasible to take administrative steps, such as readjustment of work assignments, to eliminate it. FBIHQ should be notified of problems which resist settlement. If need arises, FBIHQ will furnish, upon request, the necessary instructions for filing classification appeals.

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

## **14-4      APPEAL RIGHTS**

\*\*EffDte: 02/28/1991 MCRT#: 0      Div: D3OP      Cav:      SecCls:

### **| 14-4.1    |Appeal Rights of Preference Eligible Employees Regarding Adverse Actions**

|            Pursuant to Title 5, United States Code (USC), Section  
| 7511, "preference eligible" employees (e.g., certain veterans) who  
| have completed one year of current continuous service in the same or  
| similar positions with an agency may have certain procedural rights  
| when an adverse action is proposed or taken against them. For the  
| purposes of this manual, an "adverse action" involves removal,  
| suspension for more than 14 days, reductions in grade or pay, or a  
| furlough of 30 days or less. (See MAOP, Part I, 13-10, 13-13(3) &  
| 14-4.2.)|

\*\*EffDte: 12/01/1994 MCRT#: 353    Div: D3OP      Cav:      SecCls:

### **14-4.2    Appeal Rights in General (See MAOP, Part 1, 8-1.11 and 13-13.)**

(1) This subsection provides a general overview of the appeal rights of an employee when there is an administrative action of a disciplinary nature. For a discussion of the additional rights of a preference eligible employee when there is an adverse action, see MAOP, Part 1, 13-10 and 14-4.1. For the purposes of this manual, an adverse action is removal, suspension for more than 14 days, reduction in grade or pay, or a furlough of 30 days or less. For a discussion of an employee's rights when there is a proposal for the employee to be reduced in grade or removed for unacceptable performance, see MAOP, Part 1, 5-4.7 and 5-4.7.1.

(2) Recommendations for adverse actions are made by a field office, headquarters division or the inspection staff and forwarded to the Office of Professional Responsibility (OPR). The matter is reviewed in the Administrative Services Division or OPR and a decision recommended. If, following review of the matter by the

**SENSITIVE**

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**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Assistant Director of the OPR, it is determined that administrative action is warranted, the action is taken and the employee notified. The action taken (or determination made) by the Assistant Director of the OPR is subject to review by the Deputy Director. If the proposed disciplinary action is against a member of the FBI's Senior Executive Service (SES), below the rank of Assistant Director, or an ASAC, the Deputy Director would determine whether an administrative action is warranted. The action taken by the Deputy Director is subject to review by the Director. If the proposed disciplinary action is against an Assistant Director or the Deputy Director, the Director would determine whether an administrative action is warranted. The actions taken by the Director with regard to an Assistant Director or Deputy Director are subject to review by the Deputy Attorney General.

(3) If the employee has not completed his/her probationary period of employment which began when the employee entered on duty, he/she will be notified that he/she has no right to appeal the action within the FBI (see MAOP, Part 1, 21-8). If the employee has completed the probationary period, the employee will be notified that he/she may appeal the action to the next level of authority for appeals. Should an employee who has completed his/her probationary period be concerned about other administrative actions taken against him/her short of adverse action, with the exception of oral reprimands and letters of censure, the employee may express this concern, through channels, to his/her SAC, Assistant Director, office head, or the Personnel Officer. In a case where disciplinary action was taken by an SAC, Assistant Director, office head, or the Personnel Officer, the appeal will be handled by the Assistant Director, Administrative Services Division. When disciplinary action is taken against SES members or ASACs, the Deputy Director is the action authority. The Director is the final appeal authority for disciplinary actions taken by the Deputy Director. Appeals must be received within 30 calendar days after the effective date of the disciplinary action. Thereafter, nonpreference eligible FBI employees in the excepted service do NOT have a right to appeal a disciplinary action to the Merit Systems Protection Board (MSPB). A "preference eligible" employee who has completed one year of current continuous service in the same or similar positions in an agency, in addition to being able to appeal a disciplinary action as indicated above, may also appeal an "adverse action" (e.g., removal, suspension for more than 14 days, reduction in grade or pay) to the MSPB. As a general matter, appeals to the MSPB by preference eligible employees are to be filed within 30 days after the effective date of the adverse action. (See SAC Memorandum 11-90 dated April 20, 1990, and MAOP, Part 1, 13-2(4) and 13-10, regarding the handling of offenses by SACs and Assistant Directors.)

(4) With the exception of the reference to the appeals rights of preference eligible employees in regard to the MSPB, the rights discussed in this section are not required by statute or regulation and should not be construed to indicate or imply that nonpreference eligible employees in the excepted service have a property interest in their employment such as in the form of an expectation of continued employment with the FBI. (See MAOP, Part I, 13-1(5) & 21-1.)

**SENSITIVE**

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: OPD3 Cav: SecCls:

## **14-5 CIVIL SERVICE REFORM ACT (PUBLIC LAW 95-454)**

\*\*EffDte: 04/27/1990 MCRT#: 0 Div: D3 Cav: SecCls:

### **14-5.1 Public Law 95-454**

Public Law 95-454 provides the authority to grant grade retention for a period of 2 years and the authority for granting indefinite pay retention when an employee is demoted through no fault of his/her own. This is provided the demotion is not due to personal cause based upon conduct, character or inefficiency or at the employee's own request or consent.

\*\*EffDte: 04/27/1990 MCRT#: 0 Div: D3 Cav: SecCls:

### **14-5.2 Requirement for Grade Retention**

When an employee is demoted to a position which is lower graded than the position held immediately prior to demotion, as a result of a reduction-in-force or as a result of a reclassification process, he/she may qualify for grade retention. To qualify, the employee must have had served 52 consecutive weeks in the same agency in a grade or grades higher than the one to which demoted, and the position which is being reduced has to have been classified at the higher grade for a continuous period of at least one year immediately before the reduction.

\*\*EffDte: 04/27/1990 MCRT#: 0 Div: D3 Cav: SecCls:

### **14-5.3 Requirement for Pay Retention**

Pay retention shall apply to an employee whose rate of basic pay would otherwise be reduced as the result of the following: the expiration of a two-year period of grade retention; a reduction-in-force when the employee does not meet the eligibility requirements of grade retention; the reduction or elimination of scheduled rates; placement of an employee into a nonspecial rate position or into a lower special rate position from a special rate position; placement of an employee in a position in a lower wage area or in a position in a different pay schedule; or the placement of employee in a formal employee development program (upward mobility).

\*\*EffDte: 04/27/1990 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **14-5.4      Appeals**

The denial of grade or pay retention benefits can be appealed under some circumstances. See Title 5, Code of Federal Regulations, Chapter 1, Part 511, for appeal rights.

\*\*EffDte: 03/28/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **14-5.5      Temporary Promotion or Reassignment**

Employee's entitlement to grade or pay retention is not affected by a temporary promotion or temporary reassignment. However, an employee serving under a temporary promotion or temporary reassignment may not retain a grade or rate of basic pay held during the temporary promotion or temporary reassignment.

\*\*EffDte: 03/28/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **14-5.6      Wage Board Employees**

Similar salary retention provisions apply to Wage Board employees.

\*\*EffDte: 03/28/1989 MCRT#: 0      Div: D3      Cav:      SecCls:

### **| 14-6      WITHIN-GRADE INCREASE |(See MAOP, Part 1, 8-8.6)|**

(1) An employee who is denied a within-grade increase because of failure to perform at an acceptable level of competency may request reconsideration of the Bureau's action by filing a written request within 15 calendar days after receiving the denial notification.

(2) If the employee files a request for reconsideration, FBIHQ will establish a reconsideration file containing all pertinent documents relating to the negative determination and the request for reconsideration. This file will be made available to the employee and/or his/her personal representative for review.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) If the negative determination is sustained after reconsideration, the employee will be informed in writing of the reasons for the decision and that he/she has the right of appeal to the Merit Systems Protection Board (MSPB) within 30 days of receipt of the notification. An employee can only appeal to the MSPB if he/she requests internal reconsideration of the WIGI denial first.

\*\*EffDte: 02/14/2003 MCRT#: 1258 Div: D3 Cav: SecCls:

## **14-7 SUPPORT PROMOTION AND PLACEMENT**

Refer to MAOP, Part I, Section 7-7.

\*\*EffDte: 06/06/1995 MCRT#: 389 Div: D3 Cav: SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

**SENSITIVE**

## SECTION 15. INJURIES AND DISABILITIES

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D3      Cav:      SecCls:  
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### 15-1      EMPLOYEE COMPENSATION MATTERS (FEDERAL EMPLOYEES' COMPENSATION ACT)

\*\*EffDte: 04/14/1988 MCRT#: 0      Div: D3      Cav:      SecCls:

#### 15-1.1      Coverage

The Federal Employees' Compensation Act (FECA) (Title 5, USC, Section 8101 and following) provides compensation and medical care for all civil officers and employees of all branches of the Government of the United States (including instrumentalities of the United States wholly owned by the United States) for disability due to personal injuries sustained while in the performance of duty. The term "injury" includes, in addition to injury by accident, a disease proximately caused by the employment. The law also provides for the payment of funeral and burial expenses and compensation for the dependents if the injury or disease causes the employee's death. The FECA is also applicable to Federal employees while serving as Federal petit or grand jurors and while serving as members of the Reserve Officers' Training Corps and certain other groups, a listing of which is maintained by the Department of Labor. The FECA is administered by the Office of Worker Compensation Programs (OWCP), United States Department of Labor.

\*\*EffDte: 04/14/1988 MCRT#: 0      Div: D3      Cav:      SecCls:

#### 15-1.1.1      Notice of Injury (See MAOP, Part 1, 15-1.4, 15-1.7.)

(1) An employee is required to give his/her official superior (supervisor) written notice of injury in the performance of duty. Compensation may be denied if notice of injury is not given or if the supervisor does not have actual knowledge of the injury. The applicable Form CA-1 or CA-2 is used. Section 10.110 of the Code of Federal Regulations requires the Agency to submit the CA-1 to OWCP not later than 10 days after receipt of the written notice from employee of an injury. Field offices must submit the CA-1 directly to the OWCP District Office which covers their geographical area. The only CA-1 forms which should be forwarded are those in which there has been time lost from work and/or medical treatment received by the injured employee. Field offices must forward a copy of the CA-1 to FBIHQ.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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All other employee compensation matters must be submitted to FBIHQ. FBIHQ forwards compensation cases and related material to OWCP which has the adjudication responsibility.

(2) The CA-1 forms should be submitted to the appropriate District Office listed below:

BOSTON	PHILADELPHIA	KANSAS CITY
Connecticut	Delaware	Iowa
Maine	Pennsylvania	Kansas
Massachusetts	West Virginia	Missouri
New Hampshire		Nebraska
Rhode Island	JACKSONVILLE	
Vermont	Alabama	DENVER
	Florida	Colorado
NEW YORK	Georgia	Montana
New Jersey	Kentucky	North Dakota
New York	Mississippi	South Dakota
Puerto Rico	North Carolina	Utah
Virgin Islands	South Carolina	Wyoming
	Tennessee	
		SEATTLE
DALLAS	CHICAGO	Alaska
Arkansas	Illinois	Idaho
Louisiana	Minnesota	Oregon
New Mexico	Wisconsin	Washington
Oklahoma		
Texas		
CLEVELAND	DISTRICT OF COLUMBIA	SAN FRANCISCO
Indiana	Maryland	Arizona
Michigan	Virginia	California
Ohio	District of Columbia	Hawaii (HONOLULU)
	All Legats	Nevada

(3) The U.S. Department of Labor (DOL) has ruled that any employee who is injured while performing a Physical Fitness Program (PFP) authorized exercise is eligible for Workers' Compensation benefits. Conditions of such coverage are that the exercise which gave rise to the injury must be approved by the agency and that the individual employee is enrolled in the agency's PFP. (See Part 1, Section 24-7, of this manual, for details regarding the Bureau's PFP.)

In this regard, DOL has issued the following instructions regarding injuries relating to the PFP:

(a) Injuries and occupational diseases arising from participation in an approved PFP are compensable under the Federal Employee's Compensation Act. (See MAOP, Part 1, 24-7, for details.)

(b) All Forms CA-1 which attribute an injury to a PFP activity should be accompanied by a statement from the employee's supervisor indicating that the employee was enrolled in the PFP, and that the injury was sustained while the employee was performing

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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authorized exercises under the Program.

(c) When a Form CA-2 is filed claiming that an occupational disease is casually related to the PFP participation, the employee should state specifically what activities caused the condition. A statement should be provided by the supervisor showing what exercises were approved, in order to assure that the activities performed were authorized under the Program.

(d) All employees in a PFP must receive medical clearance to participate. (Be certified by a medical doctor during his/her annual, or in some cases, triennial medical examination.)

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### **15-1.1.2 Medical Care**

An injured employee is entitled to first aid and medical care for the injury; this includes hospital care when needed. The medical care may be provided by any nearby duly qualified physician or hospital of the employee's choice. When travel is necessary to receive medical care, the injured employee may be furnished transportation and may be reimbursed for travel and incidental expenses.

\*\*EffDte: 04/14/1988 MCRT#: 0 Div: D3 Cav: SecCls:

### **| 15-1.1.3 Traumatic Injuries|(See MAOP, Part 1, 15-1.8.)|**

A traumatic injury is defined as a wound or other condition of the body caused by|a specific event or incident or a series of events or incidents within a single workday or shift.| The injury must be identifiable as to time and place of occurrence and member or function of the body affected and be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries are distinguished from occupational disease or illnesses in that the latter are produced by systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc.; or other continued and repeated exposure to conditions of the work environment over a longer period of time. Traumatic injuries also include damage or destruction to prosthetic devices or appliances, exclusive of eyeglasses and hearing aids unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services.

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

**SENSITIVE**

## 15-1.2 Continuation of Pay (COP)

An employee who sustains a disabling, job-related traumatic injury is entitled to continuation of regular pay for a period not to exceed 45 calendar days. However, in no event shall this be construed as requiring continuation of a person's employment beyond the date it would have terminated had the employee not been injured. The Bureau will continue the injured employee's pay unless the claim falls in one of the controversial categories listed below. This pay is subject to income tax, retirement, and other deductions. It should be noted that any other benefit (including medical care) is considered to be compensation. An employee's pay during continuation of pay will include premium, night or shift differential, Sunday and holiday pay, or other extra pay; however, overtime pay must not be included. Employees have 45 days in which to begin using the 45-day COP. Additionally, if employees use only a portion of the 45-day COP, they are allowed to use the remaining days within 45 days from the date they first returned to work following the date of injury.

(1) In counting COP, use calendar days and not workdays. This includes holidays, weekends and days off.

(2) A day or portion of a day, spent in a light-duty or limited-duty status, within the 45 days of disability, is counted as one day of COP. This also includes the days the employee's job was modified to accommodate work restrictions set by the attending physician. However, COP is only chargeable when there has been a formal assignment to an established job which is normally paid at a lower salary and would otherwise result in loss of income to the employee. The employee must be furnished with documentation of the personnel action prior to the effective date of the action. If the employee performs work of a limited light-duty nature in the absence of documentation of a personnel action as described, COP will not be chargeable. Return to work on a light-duty reassignment or detail is to be reported to OWCP. OWCP must be provided with documentation that the employee was found unfit for his or her regular job.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3

Cav:

SecCls:

### 15-1.2.1 Controverting Claims

If an employee's claim falls into one or more of the categories listed below, it must be controverted and the employee's pay stopped. In all other cases it may be controverted; however, the employee's regular pay will not be interrupted during the 45-day period unless the controversion is sustained by the OWCP. FBIHQ or field office will controvert and terminate pay only if:

(1) The disability is a result of an occupational disease or illness; or

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(2) The injury occurred off the premises and the employee was not involved in official "off-premise" duties; or

(3) The injury was caused by the employee's willful misconduct; the employee intended to bring about the injury or death of himself/herself or another person; or the employee's intoxication was the proximate cause of the injury; or

(4) The injury was not reported on Form CA-1, within 30 days following the injury; or

(5) Work stoppage first occurred 45 days or more following the injury; or

(6) The employee initially reports the injury after his/her employment has terminated; or

(7) When the employee, having been requested to submit a doctor's certificate substantiating incapacitation for duty, fails or refuses to do so.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3                      Cav:                      SecCls:

### **15-1.2.2 Procedure for Controverting**

(1) COP is controverted by:

(a) Completing the indicated portion on Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, and submitting the form to OWCP within 10 days of the injured employee's signature date on the form.

(b) Submitting detailed information and a statement to support controversion of COP.

(2) Where pay is continued after the employee stops work due to a disabling injury, it is not interrupted until information is received to the effect that the employee is no longer disabled; or notification from the OWCP that pay should be terminated; or the expiration of 45 days (the period of COP). If it appears that the employee will not return to work by the end of COP, the following procedures are to be followed:

(a) After 30 days of COP: Begin preparations to submit a wage loss claim to OWCP. Office supervisory personnel should give Form CA-7, Claim for Compensation on Account of Traumatic Injury, to the injured employee with instructions to complete Part A and return the form within one week. The employee should be advised that OWCP consideration of the claim will depend on timely submission of the Form CA-7 by the employee and the timely submission by the doctor of medical evidence of disability for work for a specific period (CA-16 or CA-20).

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(b) After 40 days of COP: If the Form CA-7 has not been returned, the office should contact the employee telephonically and request immediate submission of the form. If the employee has not returned to work by the 40th day of COP, the office should submit the completed Form CA-7, and any new medical evidence it has, to OWCP. If the employee returns to work after the Form CA-7 had been submitted, the office should notify OWCP BY TELEPHONE IMMEDIATELY to verify return to work. Telephone notification is critical to avoid overpayment.

(c) Ten (10) days before the period covered by Form CA-7 expires: If disability is expected to continue beyond the period claimed on the Form CA-7, the office should give the injured employee another Form CA-7, Claim for Compensation on Account of Disability, with instructions to complete and return it to the office. The office should send it to OWCP at least 5 days before the end of the period covered by the initial Form CA-7 expires. Where disability is expected to continue, and until advised by OWCP that the employee has been placed on its regular roll, the office should continue to obtain and submit Forms CA-7 at least 5 days before the end of the period claimed on the preceding Form CA-7.

(3) Compensation based on loss of wages is payable after the 45th day in traumatic injuries or from the beginning of pay loss in all other types of injuries.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3 Cav: SecCls:

### **15-1.3 Injuries Resulting in Total Disability**

When an injured employee who has no dependents loses pay due to total disability resulting from an injury, compensation is payable at the rate of 66 2/3 percent of the pay rate established for compensation purposes. The compensation rate is increased to 75 percent when there are one or more dependents. Dependents include a wife or husband; an unmarried child under 18 years of age or if over 18, incapable of self-support, or a student (until reaching 23 years of age or completing four years of school beyond the high school level); or a wholly dependent parent. Compensation begins when the employee starts to lose pay if the injury causes permanent disability or if there is pay loss for more than 14 days; otherwise compensation begins on the fourth day after pay stops. Compensation may not be paid while an injured employee receives pay for leave. The employee has the right to elect whether to receive pay for leave or to receive compensation.

\*\*EffDte: 04/14/1988 MCRT#: 0 Div: D3 Cav: SecCls:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**15-1.4 Responsibility for Reporting Traumatic Injury (See MAOP, Part 1, 15-1.1.1, 15-1.7 (2).)**

When an employee sustains a traumatic injury in the performance of duty, the employee or someone acting on his/her behalf must give a written report on Form CA-1 to the supervisor within two workdays following the injury. The supervisor must ensure its prompt submission (no later than 10 workdays following written notice of injury from employee) to the OWCP District Office with one copy forwarded to FBIHQ. It must be shown on the form whether the employee wishes sick or annual leave or requests continuation of regular pay for the period of disability.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3

Cav:

SecCls:

**15-1.5 Duty Status Reports**

(1) A "Duty Status Report," Form CA-17, will be used to obtain interim medical reports concerning the employee's duty status. If during the 45-day period the treating physician indicates the employee is able to return to work but he/she refuses to do so, the continued absence from work will result in an overpayment. If the treating physician indicates the employee is able to return to work with restrictions, Form CA-17, showing the ability to work, plus an explicit statement of the light-duty job offered to the employee, along with its physical requirement and documentary evidence of the offer, are to be submitted to the appropriate OWCP district office, as evidence that entitlement to COP may be terminated. The period of absence from the job which resulted in the overpayment will be determined by the OWCP. The supervisor may then require the employee to resolve any overpayment.

(2) Similarly, if an employee returns to light duty, documentation must be submitted in writing to the appropriate OWCP office, that the employee was found unfit for regular duty by the attending physician, and that the employee was placed in a light-duty job, or that the employee's regular job was modified as a result of the injury.

(3) If medical evidence shows disability is expected to continue beyond 45 days and compensation is desired after expiration of the period, Form CA-7 must be completed and filed with the appropriate OWCP district office not more than 14 workdays after the termination of the 45 days of COP. Additional Forms CA-7 should be submitted every two weeks until the employee returns to duty or is placed on automatic rolls with OWCP.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3

Cav:

SecCls:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**| 15-1.6    Responsibility for Reporting Nontraumatic Injury |(See MAOP, Part 1, 15-1.4.)|**

An injured employee, or someone acting on the employee's behalf, is required to give notice of injury and file claim for compensation for disability within 30 days after an injury in the performance of duty or in unusual cases a longer period is permissible. Form CA-2 is provided for this purpose. If the injured employee dies, dependents are required to file claim for compensation for death within the specified time, with the exception that the timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury. Notices and claims are to be filed with the employee's supervisor who will submit the notice and claim to the designated workers' compensation representative (with a copy forwarded to FBIHQ) for transmittal to OWCP. The person claiming benefits must thereafter submit any other reports and proof that OWCP may require.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3

Cav:

SecCls:

**15-1.7    Responsibility of Supervisor (Traumatic Injury Cases)**

(1) Upon receiving notice that an employee has sustained a job-related traumatic injury the division head, SAC, or appropriate supervisor will promptly authorize medical care. Form CA-16 must be issued by Bureau official within 4 hours of employee's request, or in case of emergency, at the time the need for medical treatment is recognized by the official supervisor. Provide the employee with Form CA-1 for reporting the injury and upon receipt of the completed form return to the employee the "Receipt of Notice of Injury."

(2) Advise the employee of the right to elect continuation of regular pay or use annual or sick leave, if the injury is disabling. Inform the employee whether continuation of pay will be controverted, and if so, whether it will be terminated, and the basis for such action. If the supervisor controverts the claim (whether or not pay is terminated), explanation for the controversion must be submitted on the supervisor's portion of Form CA-1 and/or by separate narrative report for consideration by the Bureau and OWCP. Form CA-1, fully completed by both employee and supervisor, together with all other pertinent information and documents, must be submitted within two workdays following the supervisor's receipt of the form from employee (and within 10 days following written notice of the employee's injury) to OWCP District Office in the appropriate geographical area (see 15-1.1.1).

(3) Form CA-16 may be released to an Army, Navy, Air Force or Department of Veterans Affairs medical officer or facility, or to a duly qualified private physician.

**SENSITIVE**

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3

Cav:

SecCls:

### **| 15-1.7.1 Selecting Medical Facility or Physician |(See MAOP, Part 1, 15-1.1.2.)|**

(1) The injured employee has the option to initially select a duly qualified private physician or hospital in the area. Generally speaking, the area is defined as within 25 miles of the employing establishment or the employee's home. The supervisor shall give the injured employee an opportunity to select the physician. The physician selected by the employee should be contacted by telephone to determine if the physician is available and will accept the employee for treatment. If not, the employee must select another qualified physician. Should the employee wish to change physicians after the initial choice, the OWCP must be contacted for approval.

(2) Medical providers (physicians) who have been convicted under a criminal statute for fraudulent activities in connection with a federal or state program for which payments are made to providers for medical services are automatically excluded from participation in the FECA program. This means that their bills for services rendered to the employee will not be honored by OWCP. OWCP will periodically distribute the names and addresses of excluded providers, along with those who have been reinstated, to federal agencies. An excluded physician may be reimbursed only for services rendered in a medical emergency. An employee whose initially chosen attending physician is excluded will be given the opportunity to choose a new physician.

(3) Authorization of medical care is valid for 60 days, unless withdrawn sooner by OWCP, by written notification to the provider|and injured employee.|

(4) OWCP will make no payment or reimbursement if a bill is submitted more than one year beyond the calendar year in which the expense was incurred or the case was first accepted, whichever is later.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3

Cav:

SecCls:

### **15-1.7.2 Physician Defined**

The term physician includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors within the scope of their practice as defined by state law. The term physician includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct an abnormal subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary of Labor. Naturopaths, faith healers, and

other practitioners of the healing arts are not recognized as physicians within the meaning of the law.

\*\*EffDte: 08/29/1990 MCRT#: 0      Div: D3      Cav:      SecCls:

### 15-1.8 Occupational Disease Cases

Upon receiving notice that an employee has sustained an occupational disease, the supervisor should provide the employee with |Form|CA-2 for reporting the occupational|disease. Upon|receipt of |the completed|form, the supervisor will|return to the employee the "Receipt of Notice of Injury." Continuation of pay is not applicable in these cases. Advise the employee to furnish supporting medical and factual information requested on the Instruction Sheet, attached to the CA-2. If possible, this information should accompany the form when it is submitted to FBIHQ. Submission of the form should not be delayed. Advise the employee of the right to elect sick or annual leave, pending adjudication of the claim by the OWCP.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3      Cav:      SecCls:

### 15-1.9 Permanent Total Disability

When an injury causes total disability, the employee is entitled to compensation until death unless the employee is medically |or vocationally rehabilitated. Compensation for total disability equals 66 2/3 percent of the employee's pay, and 75 percent when there is a dependent. The employee may receive additional compensation, not |to exceed|\$1500|per month, when the services of an attendant are |medically established and documented. These services are to be |provided by a home health aide, licensed practical nurse or similarly |trained individual.|

\*\*EffDte: 04/13/2000 MCRT#: 967      Div: D3      Cav:      SecCls:

#### 15-1.9.1 Partial Disability; Loss of Wage-Earning Capacity

An injured employee|who returns to work at a lesser paying |position|may receive compensation computed on loss of wage-earning |capacity when unable to return|to his/her position at the date of |his/her injury|because of partial disability as a result of the injury. The compensation will be paid so long as there is a loss of wage-earning capacity.



\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

### 15-1.9.2 Scheduled Awards

Compensation is provided for specified periods of time for the permanent loss, or loss of use, of each of certain members, organs, and functions of the body. Compensation for proportionate periods of time is payable for partial loss, or loss of use, of each member, organ or function. The compensation for scheduled awards will equal 66 2/3 percent of the employee's pay, and 75 percent of the pay when there is a dependent. Proper and equitable compensation, not to exceed \$3,500, may be paid for serious disfigurement of the face, head or neck. Compensation for loss of wage-earning capacity may be paid after the schedule expires.

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

### | 15-1.10 Death |(See Legal Attache Manual, Section 4.)|

Burial Expense - A sum, not to exceed \$800, may be paid for funeral and burial expenses. When an employee dies outside of the United States or away from home or official duty station an additional sum may be paid for transporting the remains to the employee's home. An additional sum of \$200 is paid to the personal representative of the decedent for reimbursement of the costs of termination of the decedent's status as an employee of the United States.

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

#### 15-1.10.1 Dependent Compensation

When there are no children entitled to compensation, the employee's widow or widower may receive compensation equal to 50 percent of the employee's pay until death or remarriage. Upon remarriage, a widow or widower will be paid a lump sum equal to 24 times the monthly compensation being paid on his or her own behalf, except that if such remarriage occurs on or after the age of 55, the lump sum payment will not be made and compensation will continue until the beneficiary's death. When there is a child entitled to compensation, the compensation for the widow or widower will equal 45 percent of the employee's pay plus 15 percent for each child, but not more than 75 percent of the employee's pay. A child is entitled to compensation until he or she dies, marries, or reaches 18 years of age, or, if over 18 and incapable of self-support, becomes capable of

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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self-support. If an unmarried child is a student when reaching 18 years of age, compensation may be continued for as long as the child remains a student or until he or she marries. It may not, however, be continued beyond the end of the semester or enrollment period after the child reaches 23 years of age or has completed four years of school beyond the high school level.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3 Cav: SecCls:

### **15-1.10.2 Minimum and Maximum Compensation**

| Maximum compensation for disability may not exceed 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule. Basic monthly pay does not include locality adjustments. This maximum compensation limit does not apply to disability sustained in the performance of duty which was due to an assault that occurred during an attempted assassination of a federal official. For total disability, minimum compensation may not be less than 75 percent of the monthly pay of the first step of grade 2 of the General Schedule or actual pay, whichever is less. Minimum compensation for death is computed on a minimum pay equal to the basic monthly pay of an employee at the first step of grade 2 of the General Schedule. The total maximum compensation may not exceed the employee's pay or 75 percent of the monthly pay of the highest step of grade 15 of the General Schedule, except that compensation in death cases is allowed to exceed the employee's monthly pay if such excess is created by authorized cost of living increases.

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

### **15-1.11 Vocational Rehabilitation**

| Vocational rehabilitation, job counseling, and placement assistance may be provided to an injured employee who is unable to return to usual employment because of permanent disability due to the injury. Additional compensation not to exceed \$200 per month may be paid if it is considered necessary for maintenance when the employee is pursuing an approved training course. Also, an employee will be paid at the rate for total disability while pursuing an OWCP-approved training course.

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3 Cav: SecCls:

### **15-1.12 Medical Information Needed for Reinstatement (See MIOG, Part 1, 67-3.9.)**

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (1) The Bureau may monitor the employee's medical progress  
| and duty status by obtaining periodic medical reports:

| (a) The form CA-17 is usually adequate for this  
| purpose.

| (b) To aid in returning an injured employee to  
| suitable employment, the employer may also contact the employee's  
| physician in writing to obtain work limitations and consideration of  
| possible light duty assignments.

| (c) The employer may also contact the injured  
| employee at reasonable intervals to request periodic medical  
| reports.

| (2) The Bureau does not have the authority to order an  
| employee or former employee receiving compensation benefits to submit  
| to a medical examination related to the accepted compensable injury  
| for the purposes of re-employment, but the Bureau may offer a medical  
| examination by a Bureau designated physician. The Bureau is obligated  
| to pay for the cost of this examination.

| (3) Where the attending physician or the OWCP notifies  
| the Bureau that the employee is partially disabled (that is, the  
| employee can perform some work but is not able to return to the  
| position held on the date of injury), the employer should act as  
| follows:

| (a) If the employee can perform a specific  
| alternative position that is available at the Bureau, written notice  
| must be provided to the partially disabled employee. The notice must  
| include all items noted in (3)(d) below.

| (b) If the employee can perform restricted or  
| limited duties only, which are not a part of an existing specific  
| position, the Bureau should determine whether an existing job can be  
| modified to accommodate the medical restrictions of the injured  
| employee. If so, the Bureau must advise the employee in writing of  
| the modified position. Such notification must include all items noted  
| in (3)(d) below.

| (c) The employer may make any job offer verbally,  
| but is required to provide the same offer in writing to the employee  
| within two business days of the verbal offer.

| (d) The written job offer must include a description  
| of the duties of the position, the physical requirements of those  
| duties, the date that the position is available and the salary rate of  
| the position. This notice must also include a date by which the  
| employee is required to either return to work or notify the Bureau of  
| his/her decision to accept or refuse the job offer. The Bureau must  
| send a complete copy of any job offer to the OWCP when it is sent to  
| the employee.

| OWCP has the final authority in determining whether any job offer that  
| is within the employee's medical limitations, is suitable.

**SENSITIVE**

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

### 15-1.13 Buy-back of Leave

(1) When disabled from work, an employee may decide to take sick or annual leave, or both, rather than compensation to avoid possible interruption of income. If the employee elects to take leave and the claim for compensation is subsequently approved, the employee may arrange with the employing agency to buy back the leave used and have it reinstated to the employee's account. The compensation to which he or she is entitled would pay a part of the buy-back cost and the employee is required to pay the balance. The amount the employee will be required to pay will depend on several factors such as the length of the period of disability and the amount of Federal income tax which is withheld from leave pay.

(2) An employee who uses leave and decides to buy it back, may file a claim on Form CA-7 while still in leave status. In the interim, the OWCP will consider and resolve any points at issue. No compensation payments may be paid, however, while the employee is still in leave status. Arrangements to buy back leave must be made with the Bureau.

(3) Under regulations of the Office of Workers' Compensation Programs, Department of Labor, an agency may establish the period in which a request for buy-back of leave will be accepted. Effective June 1, 1979, FBIHQ will not accept buy-back requests for periods which are in excess of three years retroactive. The time period during which a request will be accepted will commence on the last day of leave utilized in connection with the injury.

(4) If an employee buys back regular annual leave which is recredited to a prior leave year, and the recredit causes a leave balance at the end of that leave year to be in excess of the maximum accumulation (240 hours), the excess leave will immediately be forfeited as of the beginning of the leave year following the year to which it is recredited. In situations in which it appears that the Bureau did not inform the employee of the consequences of buying back leave which would be forfeited, the employee can be retroactively returned to an annual leave status to an extent necessary to avoid forfeiture of the repurchased leave. This procedure would also require a refund of compensation payments to OWCP for the period of annual leave.

(5) If repurchase of sick or annual leave is in the same tax year in which the leave was used, the amount is excluded from taxable income for that year.

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

### **15-1.14 Third Party Liability**

| (1) If an injury or death for which benefits are payable  
| under the FECA is caused, wholly or partially, by someone other than a  
| federal employee acting within the scope of his or her employment, the  
| injured employee can be required to take action against that third  
| party.

| (2) The OWCP has the right to reimbursement for expenses  
| incurred in a claim from any damages recovered in a case involving  
| third party liability. The recovery of these funds ultimately reduces  
| the "charge-back" amount that the Bureau is required to pay to the  
| OWCP. At the minimum, in the presence of third party liability, the  
| injured employee is required to seek damages for the injury or death  
| from the third party, either through an attorney or on his/her own  
| behalf. He or she must:

| (a) Either initiate a lawsuit within the appropriate  
| statute of limitations period or obtain a written release of this  
| obligation from OWCP or Solicitor or Labor (SOL) unless a recovery  
| is possible through a negotiated settlement prior to filing suit;

| (b) Refuse to settle or dismiss the case for any  
| amount less than the amount necessary to repay OWCP's disbursements  
| without receiving written permission from OWCP or SOL;

| (c) Provide periodic status updates and other  
| relevant information in response to requests from OWCP or SOL;

| (d) Submit detailed information about the amount  
| recovered and the costs of the suit on a "Statement of Recovery" form  
| approved by OWCP; and

| (e) Pay any required refund to OWCP.

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

### **15-1.15 Basic Compensation Forms**

FORM #	TITLE
CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation
CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation
CA-2a	Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation
CA-5	Claim for Compensation by Widow, Widower,

and/or Children

CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren
CA-6	Official Superior's Report of Employee's Death
CA-7	Claim for Compensation on Account of Traumatic Injury or Occupational Disease
CA-16	Request for Examination and/or Treatment
CA-17	Duty Status Report
CA-20	Attending Physicians Report
CA-20a	Attending Physicians Supplemental Report

\*\*EffDte: 07/16/2002 MCRT#: 1226 Div: D3 Cav: SecCls:

### **15-1.16 Penalties**

| (1) Statutory provisions make it a crime to file a false  
| or fraudulent claim or statement in connection with a claim under the  
| FECA, or to wrongfully impede a FECA claim.

| (2) Any person who makes a false statement to obtain  
| federal employees' compensation payments to which he or she is not  
| entitled is subject to criminal prosecution by the Department of  
| Justice.

| (3) In addition, administrative proceedings may be  
| initiated under the Program Fraud Civil Remedies Act of 1986 to  
| impose civil penalties and assessments against persons who make,  
| submit or present or cause to be made, submitted or presented false,  
| fictitious or fraudulent claims or written statements to OWCP under  
| the FECA.

| (4) When a beneficiary of compensation either pleads  
| guilty or is found guilty on either federal or state criminal charges  
| of defrauding the United States government in connection with a claim  
| for benefits, the entitlement to any further compensation benefits is  
| terminated. This termination is permanent and not subject to any  
| subsequent change in the employee's medical condition.

\*\*EffDte: 04/13/2000 MCRT#: 967 Div: D3 Cav: SecCls:

## **| 15-2 FEDERAL EMPLOYEES HEALTH BENEFITS|(FEHB)|PROGRAM**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           The Federal Employees Health Benefits (FEHB) Program, |  
| which became effective at the beginning of the first pay period after |  
| July 1, 1960, gives all eligible government employees an opportunity |  
| to enroll in an approved health benefits plan. The government |  
| contributes a portion of an employee's premium, and the remainder is |  
| paid by the employee through payroll deduction. The amount of the |  
| premium varies depending on the chosen plan and option (i.e., self |  
| only or self and family). |

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3

Cav:

SecCls:

## **| 15-2.1   | Available FEHB Plans and Eligibility**

|           (1) Eligible employees have the choice of enrolling in a |  
| fee for service plan or a comprehensive medical plan (often called a |  
| health maintenance organization (HMO) plan). Fee for service plans |  
| reimburse the employee or the health care provider (doctor, hospital, |  
| etc.,) for services covered by the plan, and the employee may choose |  
| any provider at any time (although these plans usually provide |  
| preferred provider options (PPOs) as an incentive to reduce costs). |  
| Fee for service plans available to FBI employees include the |  
| governmentwide Service Benefit Plan sponsored by the national Blue |  
| Cross/Blue Shield organization, the plan sponsored by the Special |  
| Agents Mutual Benefit Association (SAMBA), and a variety of plans |  
| sponsored by unions and other employee organizations. HMOs, on the |  
| other hand, designate the physicians and organizations which will |  
| serve as health care providers to enrollees of those plans, and |  
| provide their services only within defined geographic areas. HMOs |  
| generally have no deductibles and lower copayments than fee for |  
| service plans, since payments to the provider are made on a regular |  
| basis instead of for specific covered services. |

|           (2) A comparison chart of the major benefits and premiums |  
| of all FEHB plans and general information about the FEHB program |  
| are included in the U.S. Office of Personnel Management's |  
| (OPM's) Brochure RI 70-1, the Guide to FEHB Plans for Federal Civilian |  
| Employees. The complete description of benefits for each FEHB |  
| plan is described in the individual brochure for that plan. |  
| The RI 70-1, the plan brochures, and Standard Form 2809, the Health |  
| Benefits Registration Form, are available from FBIHQ's Employee |  
| Benefits Unit (EBU) and each division's insurance representative, as |  
| well as on OPM's Internet site. Regardless of which plan an employee |  
| may choose, he/she is not required to take a physical examination, and |  
| he/she (and any eligible family member) is covered without regard to |  
| any preexisting medical condition. (See MAOP, Part 1, 2-7.)

|           (3) Employees serving on permanent (i.e., career or |  
| career-conditional) appointments, term appointments, and temporary |  
| appointments in excess of one year's duration are eligible to enroll |  
| in the FEHB program within 60 days after entry on duty, as well as for |  
| the permissible changes cited in section 15-2.4 below. FEHB coverage |  
| is not available to contract employees and those temporary employees

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

| whose appointments are limited to less than one year's duration.  
| Eligible employees may enroll to cover only themselves or both  
| themselves and their eligible family members. Family members eligible  
| to be covered by an FEHB plan include an employee's current spouse and  
| his/her unmarried dependent children under age 22, including  
| stepchildren (if they live with the employee in a regular parent-child  
| relationship), foster children, adopted children, and/or recognized  
| natural children. An employee cannot register to enroll in the FEHB  
| program if he/she is covered through the FEHB registration of another  
| individual.|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3 Cav: SecCls:

## **15-2.2 Effective Dates**

| |Generally, FEHB enrollments and changes in enrollment  
| become effective on the first day of the first pay period after the  
| pay period in which an authorized FBI official receives the Standard  
| Form 2809 requesting the enrollment or change. The Standard Form 2809  
| may be received either by FBIHQ's EBU or by a field office insurance  
| representative. The effective date of a cancellation made outside the  
| annual FEHB Open Season is the end of the pay period in which the  
| Standard Form 2809 is received by an authorized FBI official. The  
| effective date of enrollments and changes made in conjunction with the  
| annual FEHB Open Season is January 1 of the year following the year in  
| which the Open Season is conducted. The effective date of an  
| enrollment or change made in conjunction with the birth or acquisition  
| of an eligible child is the first day of the pay period in which the  
| child is born or otherwise acquired. Upon an employee's specific  
| written request certifying that there are no longer any family members  
| eligible to be covered in a self and family enrollment, the effective  
| date of a change from self and family to self only made under such  
| circumstances may be retroactive to the first day of the first pay  
| period after the one in which there were no family members eligible  
| for coverage.|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3 Cav: SecCls:

## **15-2.3 SAMBA**

| |SAMBA offers a fee for service FEHB plan to all FBI  
| employees eligible for coverage in the FEHB program. However, an  
| employee may enroll in the SAMBA plan only if he/she is otherwise  
| eligible to enroll or change an FEHB enrollment due to an event cited  
| in section 15-2.4 below. Coverage under the SAMBA Health Benefit Plan  
| conveys full membership in SAMBA; employees not covered by the SAMBA  
| Health Benefit Plan may enroll in other SAMBA plans (i.e., dental and  
| vision, group term life insurance, accident, disability, etc.), but  
| must pay an associate member's fee of \$1.00 per pay period. In

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| addition, SAMBA offers a Dependent Health Benefit Plan to employees  
| under the regular SAMBA Health Benefit Plan whose children are  
| unmarried, financially dependent, and between the ages of 22 and 27.  
| This plan is outside the FEHB program and is not a part of the FEHB  
| Temporary Continuation of Coverage (TCC) provisions described in  
| section 15-2.13 below. Additional information pertaining to  
| enrollment, premiums, and benefits of the SAMBA Health Benefit Plan  
| are set forth in the FEHB plan brochure for the SAMBA plan, while  
| additional information pertaining to other SAMBA plans are set forth  
| in the separate SAMBA general brochure.|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3

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SecCls:

## **| 15-2.4 Permissible Changes |(See 15-2.1 and 15-2.3.)|**

| (1) |An eligible employee not currently enrolled in the  
| FEHB program may enroll when the following events occur:

| (a) Entry on duty, or first eligibility for  
| coverage,

| (b) The annual FEHB Open Season,

| (c) A change in family status (for example,  
| marriage, birth or death of family member, adoption, legal separation,  
| divorce, acquisition of child, or issuance of a court or  
| administrative order requiring coverage for eligible children),

| (d) A change in employment status (for example,  
| reemployment after a break in service of more than three days, return  
| to pay status following a loss of coverage due to expiration of 365  
| days of nonpay status, or termination of coverage during nonpay  
| status, restoration to a civilian position after military service,  
| change in type of appointment from temporary to a type eligible for  
| FEHB participation, or a change to or from a part-time tour of duty),

| (e) Separation from federal employment when either  
| the employee or the employee's spouse is pregnant,

| (f) A transfer to or from a post of duty outside the  
| 50 United States,

| (g) A loss of coverage by either the employee or an  
| eligible family member under either FEHB or another group insurance  
| plan (for example, loss of coverage under another FEHB enrollment due  
| to termination, cancellation, or change to self only of the covering  
| enrollment, loss of coverage under another federal health insurance  
| plan such as TRICARE, loss of membership in an employee organization  
| plan when employee is no longer a member of the organization, loss of  
| coverage under Medicaid or similar state-sponsored program, or a loss  
| of coverage for any reason under a nonfederal health plan),

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (h) The employee's spouse's loss of coverage under a  
| nonfederal health plan when the spouse follows an employee who moves  
| out of the previous home area to accept another federal position, or

| (i) A temporary employee completing one year of  
| continuous service, thereby making him/her eligible for FEHB  
| participation.|

| (2) |In addition to the above, an employee who is already  
| enrolled in an FEHB plan may change plans, or may change from self  
| only to self and family under the same plan, when the following events  
| occur:

| (a) An employee, or eligible family member, loses  
| coverage due to the discontinuance, in whole or in part, of his/her  
| FEHB plan,

| (b) An employee, or eligible family member, moves  
| out of the geographic servicing area of the HMO covering them,

| (c) An employee becomes eligible for Medicare (this  
| change may only be made once in a lifetime),

| (d) An enrolled temporary employee receives a salary  
| insufficient to make withholdings for the FEHB plan in which he/she is  
| enrolled, or

| (e) An employee enrolled in a self only plan  
| receives a court or administrative order requiring a change to a self  
| and family plan serving the area where his/her children live, in order  
| to provide health insurance coverage for his/her children.|

| (3) |An employee may cancel his/her enrollment or, if  
| enrolled for self and family, may change to self only at any time,  
| provided he/she is not under court or administrative order to maintain  
| a self and family plan to provide coverage for his/her children. In  
| such an event, and if FBIHQ receives a qualifying court order on or  
| after October 30, 2000, EBU may deny the requested change. If such a  
| change was inadvertently processed by the FBI, EBU may change the  
| enrollment back to self and family (if the plan serves the area where  
| the children live), or may change the enrollment to the standard self  
| and family enrollment of the Service Benefit Plan (if the employee's  
| own plan does not serve the area where the children live), provided  
| that the employee does not make the appropriate change on his/her own  
| within one pay period after receiving written notice from EBU of the  
| obligation to comply with the order. If otherwise eligible, a  
| cancellation or change to self only could result in loss of pretax  
| treatment of FEHB premiums (i.e., premium conversion), unless the  
| change is made in conjunction with a qualifying life event (see  
| section 15-2.14).|

| (4) The|Notice of Change in Enrollment Status|form  
| (Standard Form|2810) is for the exclusive use of|FBIHQ personnel|to  
| give official notice to employees and carriers of enrollment actions  
| and must not be|completed and/or submitted|by a field office  
| representative.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (5) | The enrollment of an employee continues without  
| change when an individual enters the service of the Bureau from  
| another government agency without a break in service of more than  
| three calendar days provided the employee was not|previously|enrolled  
| in an|HMO not covered by the new geographic area, or in a plan  
| sponsored by an employee organization of which the employee is no  
| longer eligible for membership. In such a circumstance, the|employee  
| should register again by|completing a new SF-2809.|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3 Cav: SecCls:

### **15-2.5 Nonpay Status**

| (1) Employees in|any type of nonpay status (including  
| military service, suspension, absence without leave, or approved leave  
| without pay) may terminate their FEHB coverage during nonpay status,  
| or they may continue their FEHB coverage for up to 365 consecutive  
| days of nonpay status and have both the employee share and the  
| government share of their health insurance premiums paid by the  
| Bureau. However, employees who choose continued coverage must  
| reimburse the Bureau for the employee share by either  
| submitting|payments for health benefits coverage|to the FBIHQ Payroll  
| Unit|or|having|the|accumulated premiums|withheld|from pay|upon return  
| to pay status.

| (2) |Deleted|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3 Cav: SecCls:

### **| 15-2.6 |Deleted|**

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### **| 15-2.7 |Deleted|**

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### **| 15-2.8 Retirement |(See 15-2.9.)|**

| (1) Employees who retire are eligible to continue|their  
| FEHB enrollments into retirement|if they meet all of the following  
| requirements: |be|enrolled in a health benefits plan at the time of  
| retirement; retire|on an|immediate annuity|(including an optional,

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| discontinued, or disability retirement); and|have been continuously  
| enrolled for health benefits during all service since|either the|first  
| opportunity to enroll or for the five years of service immediately  
| preceding|retirement.|

| (2) |When an employee is eligible to continue his/her  
| enrollment into retirement, FBIHQ will prepare the appropriate  
| documents to transfer his/her enrollment to the Office of Personnel  
| Management (OPM) under the Civil Service Retirement System (CSRS) or  
| Federal Employees Retirement System (FERS), as appropriate.|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3 Cav: SecCls:

## **| 15-2.9 |Reemployed Annuitants**

| CSRS and FERS annuitants who are reemployed in the Bureau  
| and who had their FEHB coverage transferred to OPM at the time they  
| retired may continue their health insurance as retirees, and need not  
| re-register for FEHB coverage upon returning to duty. CSRS and FERS  
| annuitants who either lose their annuities upon reemployment or who  
| did not meet the five-year participation requirement for continuing  
| FEHB coverage after retirement may re-register for FEHB coverage upon  
| returning to duty, provided they have been appointed in positions  
| eligible for FEHB coverage. In addition, a CSRS or FERS annuitant may  
| ask OPM to transfer his/her FEHB coverage back to the Bureau upon  
| reemployment in order to participate in the premium conversion (i.e.,  
| pre-tax treatment of premiums) program. Reemployed annuitants who  
| are covered by the FEHB program as employees may have their FEHB  
| coverage transferred to OPM upon final separation, provided they meet  
| the five-year participation requirement in section 15-2.8 above.|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3 Cav: SecCls:

## **15-2.10 Survivors**

| A survivor of an enrolled employee or annuitant is  
| eligible to continue|FEHB coverage after the death of the employee or  
| annuitant if the employee or annuitant was enrolled for self and  
| family at the time of death, and if at least one member of the family  
| (i.e., the current spouse or any eligible child) is entitled to a  
| survivor benefit under CSRS or FERS (either a continuing annuity or  
| the FERS Basic Employee Death Benefit). Continued coverage for all  
| eligible family members will be automatic when the title to the  
| qualifying survivor benefit is established, provided the above  
| qualifications are met. If the survivor benefit is insufficient to  
| pay the monthly FEHB premium, the eligible survivor may establish a  
| direct payment plan with OPM to continue the FEHB coverage.|

\*\*EffDte: 07/09/2001 MCRT#: 1117 Div: D3 Cav: SecCls:

**SENSITIVE**

### 15-2.11 Federal Employees' Compensation Act

An employee or former employee who receives benefits under the Federal Employees' Compensation Act is eligible to continue enrollment if all of the following requirements are met: is enrolled in a health benefits plan at the time compensation starts; has been continuously enrolled for health benefits during all of service since first opportunity to enroll, or for the five years of service immediately preceding the start of compensation under the Federal Employees' Compensation Act, or, from on or before December 31, 1964, until the start of compensation; receives "monthly compensation"; and is determined by the Secretary of Labor to be unable to return to duty.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

### | 15-2.12 Civil Service Retirement Spouse Equity Act

|            The Civil Service Retirement Spouse Equity Act of 1984 and  
| the Federal Employees Benefits Improvement Act of 1986 amended the  
| Federal Employees Health Benefits Act to permit certain former spouses  
| of civil service employees, former employees and annuitants to enroll  
| in a health benefit plan under the Federal Employees Health Benefits  
| Program (FEHBP). Former spouses who are eligible for health benefits  
| must pay both the employee's and the Government's share of the premium  
| and must register to enroll in the program with the agency where the  
| employee is or was employed at the time the marriage was dissolved.|

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

#### 15-2.12.1 Conversion Rights and Temporary Extension of Coverage

          The former spouse of an employee is covered for health benefits for 31 days after divorce with the right to convert to a nongroup plan. To prevent loss of health benefits coverage, the former spouse may desire to convert to the nongroup policy with the employee's health benefit carrier while waiting for health benefits eligibility under the Spouse Equity Act to be established and the enrollment to become effective. |Since the National Finance Center sends information to carriers on the first and fifteenth of each month and it takes insurance carriers at least two weeks after receipt to establish enrollees on their systems, enrollees should prepare for the delay between the time they sign up for insurance and the time they receive their identification cards from the carriers. Enrollees should stock up on needed medication and make doctor appointments

| during the 31-day extension of coverage. (See MAOP, Part I, 15-2.13.3  
| (3).)|

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

## **15-2.12.2 Eligibility Requirements for Health Benefits**

The former spouse must meet the following requirements to be eligible to enroll in a health benefit plan:

(1) The former spouse must not have remarried before age 55;

(2) The former spouse must have been covered as a family member in an FEHBP plan at some time during the 18 months preceding the date of the dissolution of marriage; and,

(3) The former spouse must provide evidence of future entitlement to any of the following benefits:

(a) A portion of the employee's annuity based on a qualifying court order under Title 5, United States Code (USC), Section 8345 (j), which requires that the Office of Personnel Management (OPM) shall pay (in part or in whole) another person other than the employee, if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to such court decrees.

(b) Survivor annuity benefits based on a qualifying court order under Title 5, USC, Section 8341 (h), which states that a former spouse of a deceased employee, member, or annuitant is entitled to a survivor annuity if and to the extent expressly provided for in an election under Section 8339 (j)(3), or in terms of any decree of divorce, annulment, court order, or court-approved property settlement agreement incident to such decree.

(c) A survivor annuity elected by the employee under Title 5, USC, Section 8339 (j)(3), which refers to an election to provide survivor annuity to a former spouse which shall be made at the time of retirement or, if later, within two (2) years after the date the marriage to the employee or member is dissolved, subject to a deposit in the fund by the retired employee or member, within a two-year period, the amount to be determined by the OPM. An election under this paragraph shall not be effective if it conflicts with any court order or decree or in case an employee or member has remarried; then the spouse's written consent is required.

(4) A special eligibility rule exists for a former spouse who was married to an employee who retired prior to May 7, 1985. Such a former spouse must not be remarried before age 55 and must have been enrolled in a health benefits plan as a family member at any time

during the 18 months preceding the dissolution of marriage. Additionally, it is required that either the employee annuitant elected before May 9, 1986, to provide a survivor annuity to the former spouse, or the former spouse satisfies all the following conditions:

(a) the former spouse's marriage to the retiree was dissolved after September 14, 1978;

(b) the former spouse was married to the retiree for at least 10 years of the retiree's creditable civilian service;

(c) the former spouse is not receiving any other employer-produced retirement or survivor annuity;

(d) the spouse has not married before reaching age 55;

(e) the former spouse applies to OPM for a survivor annuity before May 9, 1987; and

(f) the former spouse is at least 50 years old when filing the application.

(5) A special eligibility rule also exists for a former spouse who was married to an employee who died prior to May 7, 1985. Such a person is eligible for enrollment if (1) the deceased employee had been eligible for an immediate annuity on or before the date of death; (2) the former spouse has not remarried before the age of 55; (3) the former spouse was enrolled as a family member in an FEHBP health benefits plan at any time during the 18 months preceding the dissolution of marriage; and (4) the former spouse satisfies all the conditions for a survivor annuity described above.

(6) A former spouse of an employee who separates from Federal service before becoming eligible for immediate annuity is eligible to enroll only if the marriage to the former employee was dissolved before the employee left Federal service.

| (7) When a former spouse who has continued coverage  
| remarries during the 36 months following the divorce or annulment,  
| he/she is eligible for temporary continuation of coverage. This  
| coverage expires on the same date it would have expired if the person  
| had never been eligible for coverage under the spouse equity  
| provisions.

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

### **||15-2.12.3 Procedure for Establishing Eligibility**

| (1) OPM will determine the former spouse's entitlement to  
| a survivor annuity or a portion of the employee's retirement annuity

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| as a prerequisite to the former spouse's eligibility to enroll in the  
| FEHBP. The former spouse should send a written request to the Office  
| of Personnel Management, Compensation Group, Office of Retirement  
| Programs, Post Office Box 17, Washington, D.C. 20044, for the  
| determination. The former spouse should include a certified copy of  
| the court order, the employee's or retiree's name, date of birth,  
| social security number, the last employing agency and, if applicable,  
| the date of retirement.

| (2) After reviewing the information provided by the  
| former spouse, OPM will send the former spouse a written decision  
| concerning the former spouse's entitlement to a future survivor  
| annuity. The former spouse must submit a copy of OPM's decision to  
| Headquarters along with a copy of the divorce decree. Upon receipt,  
| the employee's file will be reviewed to determine if the former spouse  
| was covered as a family member in an FEHBP plan at any time during the  
| 18 months preceding the date of dissolution of marriage, to verify the  
| former spouse's age, and if under age 55, that he or she has not  
| remarried. The former spouse is required to certify that the  
| qualifications for eligibility to enroll have been met and that the  
| former spouse will notify the employing office within 31 days of an  
| event that disqualifies eligibility.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **|15-2.12.4 Registration Procedures**

| If it is determined that the former spouse is eligible,  
| the former spouse will be advised and furnished the appropriate  
| information. To enroll, the former spouse should complete the Health  
| Benefits Registration Form (SF-2809), using his or her own name, date  
| of birth and social security number. The name, date of birth, and  
| social security number of the employee, former employee or annuitant  
| should be entered in the "Remarks" section of the SF-2809. A  
| certification must be obtained from the former spouse that the  
| employing office will be notified within 31 days of an event which  
| would terminate eligibility.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

#### **|15-2.12.5 Denial of Enrollment**

| If it is determined that the former spouse is ineligible  
| for health benefit coverage, the former spouse will be notified in  
| writing and furnished the reason for the denial. The former spouse  
| will be advised in writing of the right to request OPM's  
| reconsideration of the denial within 31 days of the date of the letter  
| stating that coverage has been denied. The former spouse should send  
| a request to the Office of Personnel Management, Compensation Group,

**SENSITIVE**



| Office of Insurance Programs, Program Coordination and Control, Post  
| Office Box 436, Washington, D.C. 20044.|

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

### **| |15-2.12.6    Office Where Former Spouse Must Enroll|(See MAOP, Part I, 15-2.13.3(3).)|**

(1) Former spouses who are receiving payment of survivor annuity or a portion of an employee annuity from OPM must enroll through OPM and pay premiums directly to OPM. Former spouses whose marriages dissolved after the employee retired must also register with and pay premiums to OPM.

(2) Former spouses who have future entitlement to a survivor annuity or portion of an employee annuity but are not yet receiving them, must register with and pay premiums to the|National Finance Center.|

\*\*EffDte: 12/16/1993 MCRT#: 171    Div: D3      Cav:      SecCls:

### **| |15-2.12.7    Time Limitation for Enrollment**

|                    An eligible former spouse must apply for health benefits  
| coverage by the latest of the following dates:

|                    (1) February 27, 1987; or

|                    (2) within 60 days after the dissolution of the marriage,  
| or if the marriage is dissolved after retirement, 60 days after the  
| dissolution or after the retired employee elects to provide a survivor  
| annuity for the former spouse; or

|                    (3) within 60 days after the employee annuitant elects to  
| provide a former spouse annuity or after OPM notice of entitlement to  
| a former spouse annuity.|

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

### **| |15-2.12.8    Choice of Plan**

|                    A former spouse may enroll in either of the two  
| Governmentwide plans (Service Benefit Plan and Indemnity Benefit  
| Plan), the employee organization plans or the comprehensive medical  
| plans which are available for a specific geographical area. The

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

| former spouse is not restricted to the same plan that the employee  
| enrolled under prior to the divorce. To enroll in an employee  
| organization plan, the former spouse must become a member of the  
| sponsoring organization and pay the annual or one-time only membership  
| dues. Former spouses who enroll in the SAMBA Health Benefit Plan are  
| not eligible for the various insurance programs offered by SAMBA.|

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

### **|15-2.12.9 Type of Enrollment**

|            A former spouse who is eligible to enroll in the FEHBP may  
| elect coverage for self only or for self and family. A family  
| enrollment covers only the former spouse and any unmarried dependent  
| natural or adopted children of the former spouse and the employee,  
| former employee or annuitant, provided the child is not also covered  
| by another FEHBP enrollment. To be eligible for coverage a child must  
| be single and under age 22. An unmarried child over age 22 who is  
| incapable of self-support because of a mental or physical disability  
| existing before age 22 is eligible for coverage.|

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

### **|15-2.12.10 Effective Date of Enrollment**

|            The effective date of the former spouse's enrollment will  
| be the first day of the pay period beginning more than 30 days after  
| the employing office receives the SF-2809 and satisfactory proof of  
| eligibility.|

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

### **|15-2.12.11 Payment of Premiums|(See MAOP, Part I, 15-2.13.3(3).)|**

|            The former spouse must submit payment (both the employee's  
| and Government's share) of the premiums|on a monthly basis to the  
| National Finance Center.| If the|National Finance Center|does not  
| receive payment by the due date, the former spouse will be notified  
| that coverage will be cancelled if payment is not paid within 15 days  
| after receipt of the notice which is sent by certified mail, return  
| receipt requested. The effective date of a termination for failure to  
| pay premiums within the time frame is the last day of the pay period  
| for which payment has been received. Once the enrollment is  
| cancelled, the former spouse will not be entitled to the temporary  
| extension of coverage for conversion, cannot convert to an individual

**SENSITIVE**

contract, and cannot reenroll.

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

### **| |15-2.12.12 Opportunities to Change Enrollment**

|           The following events will allow the former spouse to  
| enroll or change enrollment:

|           (1) A former spouse may change enrollment to self only at  
| any time. If a former spouse changes enrollment to self only, any  
| family members who lose coverage are not entitled to the temporary  
| extension of coverage for conversion, and may not convert to an  
| individual contract.

|           (2) The former spouse may make an enrollment change  
| during open season or upon the occurrence of one of the following  
| events, in accordance with regulations issued by OPM:

|                   (a) birth or acquisition of a child,

|                   (b) move from an area served by a comprehensive  
| medical plan,

|                   (c) termination by an employee organization plan,

|                   (d) termination of plan in which enrolled,

|                   (e) eligibility for Medicare,

|                   (f) change from self only to self and family if an  
| eligible child loses coverage under another FEHBP enrollment.|

\*\*EffDte: 10/27/1986 MCRT#: 0 Div: D3 Cav: SecCls:

### **| |15-2.12.13 Cancellation of Enrollment by Former Spouse**

|           A former spouse may cancel enrollment at any time by  
| executing an SF-2809. The coverage will be cancelled the last day of  
| the pay period following the pay period in which the SF-2809 is  
| received. However, once the enrollment is cancelled, the former  
| spouse and family members, if any, are not entitled to the temporary  
| extension of coverage for conversion and cannot convert to an  
| individual contract for health benefits. Once the enrollment is  
| cancelled, the former spouse may not enroll.|

\*\*EffDte: 10/27/1986 MCRT#: 0 Div: D3 Cav: SecCls:

**| 15-2.12.14 Termination of Enrollment|(See MAOP, Part I, 15-2.13.1(3).)|**

Upon terminating an enrollment, the former spouse will be furnished a copy of the SF-2810. The former spouse has 36 months in which to convert to nongroup coverage if eligible under temporary continuation of coverage. At the end of the 36 months, the former spouse has an additional 31 days to convert his/her coverage. Once a former spouse's enrollment has been terminated, the former spouse may not reenroll. A former spouse's enrollment terminates, subject to the temporary extension of coverage for conversion, at midnight of the last day of the pay period in which the earliest of the following events occurs:

(1) Qualifying court order ceases to provide entitlement to survivor annuity or a portion of retirement annuity under a retirement system for Government employees.

(2) Former spouse remarries before age 55.

(3) Former spouse remarries the employee, separated employee, or annuitant on whose service the benefits are based.

(4) Former spouse dies.

(5) Employee on whose service the benefits are based dies, and no survivor annuity is payable.

(6) Separated employee, on whose service the benefits are based dies before meeting the requirements for a deferred annuity.

(7) Employee on whose service benefits are based leaves Federal service before establishing title to a deferred annuity.

(8) OPM refunds retirement contributions to the separated employee on whose service the health benefits are based.

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

**| 15-2.12.15 Termination of Coverage of Family Members**

The coverage of a family member of a former spouse terminates, subject to the temporary extension of coverage for conversion, at midnight of the earlier of the following dates:

(1) The day on which the individual ceases to be a member of the family (family members who lose coverage because the former spouse cancels have no temporary extension or conversion rights);

(2) The day the former spouse ceases to be enrolled.

\*\*EffDte: 10/27/1986 MCRT#: 0 Div: D3 Cav: SecCls:

### **| |15-2.13 Temporary Continuation of Coverage**

|           On December 27, 1989, the Office of Personnel Management  
| (OPM), issued implementing regulations to Title II of Public Law 100-  
| 654, "Federal Employees Health Benefits Program (FEHB) Amendments Act  
| of 1988." These regulations went into effect on January 1, 1990, to  
| provide for the temporary continuation of health benefits coverage for  
| certain individuals who lose their coverage. These include former  
| employees who separate from the Bureau, children of Bureau employees  
| or annuitants who lose their status as family members, and certain  
| former spouses of employees or annuitants who lose their status as  
| family members. |

    \*\*EffDte: 12/16/1993 MCRT#: 171   Div: D3           Cav:           SecCls:

#### **| |15-2.13.1 Eligibility Requirements and Length of Coverage**

|           (1) Three groups of individuals are eligible for  
| temporary continuation of coverage based on the following qualifying  
| events:

|                   (a) Employees who separate from service (voluntarily  
| or involuntarily) unless the separation is due to gross misconduct and  
| would not otherwise be eligible for continued coverage.

|                   (b) Children who were covered under an employee's,  
| former employee's or an annuitant's enrollment, but no longer meet the  
| requirements for coverage. This includes children who:

- |                               1. marry before reaching age 22
- |                               2. reach age 22
- |                               3. lose status as stepchildren or foster  
| children
- |                               4. not recognized as natural children
- |                               5. disabled children age 22 or older who marry,  
| recover from their disability, or become self-supporting

|                   (c) Former spouse who was enrolled in an FEHB plan  
| as a family member at some time during the 18 months before the  
| marriage ended and has since remarried before reaching age 55, or is  
| otherwise not entitled to a portion of the employee or annuitant's  
| annuity benefit or a survivor benefit based on the employee or  
| annuitant's service.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           (2) Individuals who ARE NOT eligible for temporary  
| continuation of coverage include:

|           (a) Family members who lose coverage when an  
| employee changes to self only or cancels coverage.

|           (b) Employees who lose coverage after 12 months in a  
| nonpay status.

|           (c) Civil Service Retirement System (CSRS)  
| annuitants and survivor annuitants who lose coverage because their  
| annuities are insufficient to cover premiums.

|           (d) Annuitants whose annuities terminate. This  
| applies primarily to disability annuitants whose annuities stop  
| because of recovery or restoration to earning capacity.

|           (e) Compensationers who lose coverage because their  
| compensation terminates.

|           (f) Survivor annuitants whose annuities terminate,  
| unless the terminating event is one that allows temporary continuation  
| of FEHB coverage.

|           (g) Employees who transfer to a position that is  
| excluded from FEHB coverage by law.

|           (h) Widow(er)s and children who lose coverage  
| because of the death of an employee or annuitant and who are not  
| eligible for survivor benefits.

|           (i) Children whose survivor annuities stop because  
| they are no longer students.

|           (j) Employees who separate from the Bureau due to  
| gross misconduct cannot participate.

|           (3) The length of temporary coverage for individuals is  
| as follows:

|           (a) Former employees - 18 months after the date of  
| separation from service.

|           (b) Children and former spouses of employees and  
| annuitants - 36 months after the date of the change in status.

|           (c) Children and former spouse of former employees  
| with temporary continuation of coverage - 36 months after the date the  
| employee separated from the Bureau. (See MAOP, Part I, 15-2.12.14.)|

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**|15-2.13.2 Notification of Eligibility**

|           (1) Eligible individuals have 60 days from the time they  
| lose coverage to notify Employee Benefits Unit (EBU) that continuation  
| of temporary coverage is desired. If the EBU is not notified of a  
| child or former spouse's eligibility for temporary continuation of  
| coverage within the 60-day time limit, the OPPORTUNITY to elect  
| coverage ENDS 60 days after the qualifying event in the case of a  
| child and 60 days after the change in status in the case of a former  
| spouse unless circumstances beyond the enrollee's control occurs which  
| prevent him/her from advising of the qualifying event within the  
| appropriate time frame. HOWEVER, A LACK OF KNOWLEDGE OF THE  
| REGULATIONS DOES NOT CONSTITUTE CAUSE BEYOND HIS/HER CONTROL.

|           (2) Separating employees will be notified by the employee  
| conducting the exit interview of their opportunity to elect temporary  
| continuation of coverage no later than 30 days after their coverage  
| ends. Former employees must submit their election of continued  
| coverage to the EBU within 60 days after the date of separation.

|           (3) In the case of children who become eligible, the  
| covered employee has the responsibility of notifying EBU of the change  
| in the child's status within 60 days after the event that caused the  
| loss of coverage. EBU will send an enrollment form and pertinent  
| literature. The child MUST respond within 60 days after the  
| qualifying event or notification by the Bureau to elect coverage in  
| order to ensure temporary continuation of coverage.

|           (4) If a former spouse becomes eligible for temporary  
| continuation of coverage, EITHER THE EMPLOYEE OR THE FORMER SPOUSE  
| must notify EBU within 60 days after the change in status. Within 14  
| days EBU will contact this individual with a detailed explanation of  
| the program and enrollment procedures. The former spouse must submit  
| the election of continued coverage within 60 days after the later of  
| the date of qualifying event, date coverage under spouse equity  
| provisions is lost, or within 60 days from date notification from the  
| Bureau was received.|

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

**|15-2.13.3 Enrollment and Payment of Premiums**

|           (1) To enroll, the eligible individual should complete an  
| SF-2809, Health Benefits Enrollment Form. An individual electing  
| continued coverage may enroll in any plan or option for which he or  
| she is eligible, not necessarily the plan they were in at the time  
| they became eligible for temporary continuation of coverage. After  
| their initial enrollment, individuals may change enrollment during the  
| FEHBP "Open Season" or when there is an event which allows a change in  
| enrollment.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           (2) Individuals must pay the full cost of the premium  
| (theirs and the Government's share), plus a 2 percent administrative  
| charge. Once eligibility has been established and enrollment is  
| allowed, EBU will send all necessary materials required for processing  
| to the United States Department of Agriculture, National Finance  
| Center, New Orleans, Louisiana. The Center will establish and  
| maintain enrollee's accounts, perform billing and collection  
| functions, respond to inquiries, and make other appropriate  
| determinations such as cancellation of enrollments and eligibility to  
| make other changes in enrollments.

|           (3) National Finance Center (NFC) (See MAOP, Part I,  
| 15-2.12.1, 15-2.12.6, 15-2.12.11.)

|           (a) The NFC acts as the central processing office  
| for collection of premiums and the administrative fee. NFC will issue  
| coupons directly to the enrollee for payment of monthly premiums,  
| conduct open season each year for eligible enrollees, perform billing  
| and collection functions, generate termination or cancellations of  
| enrollees, correspond with enrollees regarding the Direct Premium  
| Remittance System, and maintain computer system operations regarding  
| this program.

|           (b) Since the NFC sends information to insurance  
| carriers on the first and fifteenth of each month and it takes  
| carriers at least two weeks after receipt to establish enrollees on  
| their systems, enrollees should prepare for the delay between the time  
| they sign up for insurance and the time they receive their  
| identification cards from the carriers. Enrollees should stock up on  
| needed medication and make doctor appointments during the free 31-day  
| extension of coverage.

|           (c) Enrollees should be aware coverage is  
| retroactive to the 32nd day after termination of regular group  
| coverage. If there are delays in notification and processing of  
| enrollment forms, enrollees may have to pay a sizeable LUMP SUM  
| PAYMENT at the time of the first billing for coverage.

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

#### **| 15-2.13.4 Changing Enrollment**

|           (1) Enrollees may change their enrollment from self and  
| family to self only at any time. If an enrollee changes to self only,  
| family members who lose coverage are entitled to the free 31-day  
| temporary extension of coverage before conversion to an individual  
| contract.

|           (2) Enrollees may change coverage during open season or  
| upon the occurrence of one of the following events: change in family  
| status; change to self alone; move from area served by comprehensive

**SENSITIVE**



| plan, termination of an employee organization plan, termination of the  
| plan in which enrolled, eligibility for Medicare coverage, or child's  
| coverage under another enrollment ends. |

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

### **|15-2.13.5 Termination of Enrollment**

| (1) Former employees and family members who lose coverage  
| other than by cancellation (including cancellation by nonpayment of  
| premiums) or discontinuance of the plan have a 31-day temporary  
| extension of coverage for the purpose of converting to a nongroup  
| contract with their health benefits plan. This is true even when they  
| also have the right to elect temporary continuation of FEHB coverage.  
| The first 31 days of the period of eligibility for coverage under  
| Public Law 100-654 run simultaneously with the 31-day temporary  
| extension of coverage. If they elect continued coverage under Public  
| Law 100-654, their enrollment charges begin on the day after the free  
| 31-day temporary extension of coverage ends. If they elect temporary  
| continuation of FEHB coverage instead of conversion policy, they have  
| another 31-day extension of coverage (with no cost to them) and  
| another opportunity to convert to nongroup coverage when the temporary  
| continuation ends (unless it ends due to cancellation or  
| discontinuance of the plan).

| (2) An enrollee may cancel his/her enrollment at any  
| time. However, once canceled, neither the enrollee nor any family  
| member covered by the enrollment will be entitled to a 31-day  
| extension of coverage for conversion to a nongroup plan. In addition,  
| once canceled, the former enrollee cannot reenroll.

| (3) If an enrollee does NOT make payments to the NFC  
| within the specified time frame, he/she is considered to have  
| voluntarily canceled his/her enrollment effective with the last day  
| for which premiums were paid. Enrollees whose coverage is canceled by  
| nonpayment of premiums may NOT reenroll or be reinstated unless they  
| were prevented by circumstances beyond their control from making  
| payment within the specified time frame.

| (4) An enrollee whose coverage is canceled due to  
| nonpayment of premiums is NOT entitled to the free 31-day temporary  
| extension of coverage NOR to conversion to an individual contract.

| (5) Enrollment ends either because the period of  
| temporary continuation expires or enrollee cancels enrollment  
| (including cancellation by nonpayment of premiums). If the enrollment  
| ends because of expiration of the period of temporary continuation of  
| coverage, the enrollee IS entitled to free 31-day temporary extension  
| before conversion to an individual contract.

| (6) Coverage of family members ends when the covering  
| enrollment ends or when the person ceases to meet the requirements for

| being considered a family member. A family member who loses the  
| continued coverage for any reason other than cancellation of the  
| covering enrollment (including cancellation by nonpayment of premiums)  
| IS entitled to the 31-day extension of free coverage before conversion  
| to an individual contract.|

\*\*EffDte: 12/16/1993 MCRT#: 171 Div: D3 Cav: SecCls:

## **|15-2.14 Pre-Tax FEHB Premium Payments (Premium Conversion)**

| (1) As of the first pay period after October 1, 2000,  
| employees covered by FEHB plans will have their health insurance  
| premiums withheld from their paychecks before taxes are applied to the  
| remainder of their salaries. Legally speaking, a Bureau employee  
| allots a part of his/her salary back to the FBI under this procedure;  
| the Bureau in turn pays the employee's share of his/her FEHB premium  
| without that share being subject to federal, state, or social security  
| taxes (of course, the Bureau still pays the government's share of the  
| premium as well). This is known as "premium conversion" and is  
| authorized by part 892 of Title 5, Code of Federal Regulations, and by  
| section 125 of the Internal Revenue Code.

| (2) All FEHB-covered employees are eligible to participate  
| in premium conversion, and it is automatic unless an employee elects  
| not to participate by submitting a signed document to the Employee  
| Benefits Unit, Administrative Services Division. An employee may  
| submit such a document only at his/her initial enrollment in the FEHB  
| program, at the initial premium conversion offering in September 2000,  
| within 60 days after experiencing a qualifying life event (QLE), or at  
| the annual FEHB Open Season. As premium conversion is otherwise  
| automatic, no signed document will need to be submitted in order to  
| elect to participate in premium conversion, except when an employee  
| chooses to return to premium conversion during an Open Season or  
| following a QLE after previously waiving participation.

| (3) An employee may decline participation in premium  
| conversion, or return to participation if he/she previously declined,  
| in conjunction with a QLE even if the employee does not make a change  
| in his/her FEHB enrollment due to the QLE. Any election to decline,  
| or return to, premium conversion is effective prospectively: on the  
| effective date of an Open Season change for declinations/elections  
| filed in conjunction with the Open Season, and on the first day of the  
| first pay period after receipt in the employing office for  
| elections/declinations made in conjunction with a QLE. A QLE is  
| defined as:

- | (a) Addition of a dependent
- | (b) Birth or adoption of a child
- | (c) Changes in entitlement to Medicare or Medicaid for  
| an employee and/or the employee's spouse or dependent

| (d) Change in work site

| (e) Change in the employee's, spouse's, or dependent's  
| employment status from full-time to part-time, or the reverse

| (f) Death of the employee's spouse or dependent

| (g) Divorce or annulment

| (h) Loss of a dependent

| (i) Marriage

| (j) Significant change in the employee's or spouse's  
| health coverage related to the spouse's employment

| (k) Start or end of an unpaid leave of absence for  
| either the employee or his/her spouse

| (l) Start or end of a spouse's employment

| (4) An employee who is participating in premium conversion  
| may elect to cancel his/her enrollment or change from self-and-family  
| to self-only coverage either at the annual FEHB Open Season or in  
| conjunction with, and consistent with, a QLE.

| (5) An employee who is placed in nonpay status may continue  
| participation in premium conversion if he/she (1) elects to prepay  
| his/her share of the FEHB premium to the Finance Division before  
| nonpay status begins, or (2) elects to pay his/her share of the FEHB  
| premium to the Finance Division through direct "catch-up" payroll  
| withholding after he/she returns to pay status. An employee who  
| elects to pay his/her share of the FEHB premium to the Finance  
| Division through direct periodic payments while in nonpay status will  
| not have those payments subject to premium conversion; they will be  
| made on an after-tax basis.

| (6) Premium conversion may not be carried into retirement.  
| However, an annuitant who is reemployed by the Bureau is eligible to  
| participate in premium conversion, provided that he/she is reemployed  
| in a position which would convey eligibility to FEHB coverage, and  
| his/her health insurance would be transferred from his/her retirement  
| system to the Bureau. At the time of reemployment, the reemployed  
| annuitant has the right to request that the insurance not be  
| transferred (keeping him/her out of premium conversion) if he/she so  
| desires. |

\*\*EffDte: 09/21/2000 MCRT#: 1013 Div: D3 Cav: SecCls:

### **| 15-3 | FBI EMPLOYEE ASSISTANCE PROGRAM (EAP)|**

\*\*EffDte: 02/14/1992 MCRT#: 0 Div: D3 Cav: SecCls:

## **| 15-3.1   |Definition of Terms**

|           (1)   Alcoholism/Alcohol Abuse - A treatable  
| disorder/disease characterized by repeated episodes of excessive  
| drinking which interferes with an employee's health, social  
| adjustment, and work performance.

|           (2)   Community Resources - Agencies and individual  
| practitioners available to provide professional services to FBI  
| employees referred to them by the Employee Assistance Program (EAP).  
| These agencies and individual practitioners include, but are not  
| limited to: hospitals and other inpatient treatment facilities,  
| mental health clinics, counseling centers, marriage counselors,  
| psychologists, social workers, psychiatrists, financial counseling  
| services, and attorneys.

|           (3)   Drug Abuse - A treatable disorder/health problem  
| characterized by a pattern of repeated episodes of drug use which  
| interferes with an employee's health, social adjustment, and work  
| performance.

|           (4)   Drug Deterrence Program (DDP) - A comprehensive  
| program, within the FBI, which is consistent with the President's  
| Drug-Free Federal Workplace initiative, consisting of: urinalysis  
| testing for drugs of abuse, referral to the EAP for counseling and  
| rehabilitation, employee education, and supervisory training about  
| drug abuse issues.

|           (5)   Emotional/Behavioral/Mental Health Problems - A wide  
| range of personal problems any of which may be characterized by  
| feelings of distress and/or impairment of an employee's health, social  
| adjustment, work performance, and psychological well-being.

|           (6)   Illegal Drug - A controlled substance as defined by  
| Section 802(a) of the Controlled Substances Act, Title 21, United  
| States Code (USC), the possession of which is unlawful. This does not  
| include the use of a controlled substance pursuant to a valid  
| prescription or other uses authorized by law.

|           (7)   Management Official - An employee required or  
| authorized by the FBI to formulate, determine, interpret, or influence  
| the policies of the FBI.

|           (8)   Supervisor - An employee required or authorized by  
| the FBI to direct or assign work to other employees and who, through  
| observation and the exercise of independent judgment, is able to  
| evaluate their performance.

|           (9)   Employee Assistance Counseling - Confidential  
| counseling by FBI Headquarters EAP staff, Field Coordinators, or other  
| duly authorized individuals, which may include, but is not limited to,

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| basic short-term counseling and referral services for employees with  
| personal problems that adversely affect their work performance.

|           (10) Self-Referral - The voluntary request for assistance  
| made directly to an EAP staff member by an employee who is, or has a  
| family member who is, experiencing a life problem which may have a  
| negative impact on his or her job performance.

|           (11) Short-Term Counseling - Approximately one to three  
| sessions required to assess presenting and/or underlying problems and  
| concerns to determine a source for referral. This term is defined on  
| a case-by-case basis as some situations may require longer assessment  
| to identify problems or extended follow-up following referral and  
| treatment.

|           (12) Supervisory/Management Referral - The referral of an  
| employee to the EAP by a supervisor as a result of recognized  
| deteriorating job performance, conduct problems, and or noticeable  
| distress impacting on employee behavior.|

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: D3            Cav:            SecCls:

### **| 15-3.2 Policy**

It is the policy of the FBI to provide confidential, short-term counseling and referral assistance to employees who have personal problems that adversely affect their job performance and health. Ordinarily, an employee will overcome personal life problems independently and there may be little or no effect on job performance. If the employee cannot resolve such problems alone, traditional supervisory practices may serve as the needed motivation or guidance necessary to return the employee's job performance to an acceptable level. In some cases, however, neither the efforts of the employee nor the supervisor are effective at resolving the employee's problems and unsatisfactory job performance persists. The EAP will be available to deal with such persistent employee problems within the following framework:

(1) The FBI recognizes that almost any human problem is treatable if identified early and referral is made to the appropriate community resource for care. These problems include, but are not limited to: alcoholism, drug abuse, physical illness, mental or emotional distress, marital and family problems, and financial and legal concerns.

(2) For the purposes of this policy, alcoholism is a preventable and treatable disease in which the employee's job performance may be impaired as a direct consequence of the abuse of alcohol.

(3) With regard to drug abuse, the FBI recognizes that this is a treatable health problem and employees with this problem

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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will receive the same offer of assistance as that extended to employees having any other illness or health problem. However, the Bureau cannot condone employee drug activity which is contrary to law. When illegal drug use is involved, an individual's participation in the EAP will not preclude the Bureau from taking appropriate disciplinary/administrative action against the employee for his or her use of illegal drugs, except as provided herein for self-referrals. Disciplinary action in accordance with Executive Order 12564 can be initiated and could include the full range of disciplinary/administrative actions up to and including dismissal.

(4) When supervisors have reasonable cause to believe that an employee's problem also involves criminal conduct directed toward or potentially harmful to the person or property of others, this information should be reported to the appropriate authority in accordance with existing policy set out in the MAOP, Part 1 Section 1-4, entitled, "Illegal Activities" and Part 1, Section 13, "Disciplinary Matters."

(5) The EAP is not bound to extend assistance to an individual who persists in conduct that is against the law, openly discusses illegal activities, or plans or exhibits behavior that would threaten either his/her own life or the lives of others.

(6) Employees will not have their job security, promotional opportunities, or retirement eligibility jeopardized on account of their request for assistance and participation in the EAP.

(7) Employees found to be using illegal drugs as a result of urinalysis drug testing pursuant to the FBI's Drug Deterrence Program (DDP), or who have otherwise been identified by management officials to have used illegal drugs, shall be referred to the EAP. An employee's decision to participate in the EAP when he or she has been referred under these circumstances will be taken into consideration by management officials and disciplinary/administrative action will be decided on a case-by-case basis depending on all mitigating factors and the totality of the circumstances. Such considerations will include, but are not limited to, the sensitivity of the employee's position and whether the employee's conduct has undermined the Bureau's confidence in his/her trustworthiness. The intent of the EAP policy is rehabilitative and not punitive.

(8) Information concerning individuals who participate in the EAP is confidential and governed by federal regulations which impose certain criminal penalties for improper disclosure. Records and EAP counselor's notes pertaining to an individual's participation in this program are protected and WILL NOT be referred to or made part of an employee's Official Personnel Folder. The confidentiality of these records/information, whether recorded or not, will be maintained in accordance with Title 42, Confidentiality of Alcohol and Drug Abuse Records (CFR), Part 2, the Privacy Act, Title 5, USC, Section 552a, 1984 and all other relevant laws and regulations. (See MAOP, Part 1, 15-3.3.1 (1).)

(9) Employees who decide to undergo a prescribed program of treatment or rehabilitation which will require absence from work

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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will be granted sick leave as is the case with any other health problem. If the individual has an insufficient amount of accrued sick leave available, advanced sick leave, annual leave, or leave without pay may be granted for this purpose in accordance with the LEAVE POLICY MANUAL. Administrative leave should be allowed, within reasonable constraints, when an employee meets with an EAP Coordinator/Counselor.

\*\*EffDte: 11/18/1999 MCRT#: 935 Div: D3 Cav: SecCls:

### **15-3.3 Administration of Program**

(1) In order to be an effective and viable program, supervisors must realize the EAP policy is positive--not punitive--and that in cases other than "self-referrals," it will be the supervisor who is in the best position to recognize an employee's problem through job deterioration manifesting itself through such things as absenteeism, changes in quality of performance, and behavioral changes. The supervisor, however, is cautioned not to diagnose; this is the function of a trained clinician. Further, since sensitivity to employee problems and support of the EAP are integral to good leadership, FBI managers are expected to facilitate employee assistance and outreach efforts. To underscore the importance of these efforts, all management and supervisory personnel will be held directly accountable for any inaction on their part under circumstances which reasonably require their intervention. (See MAOP, Part I, 1-30.1 through 1-30.4.)

(2) The management officials and supervisors are responsible for:

(a) Supporting the EAP by continually observing and evaluating the work performance of all employees under their supervision.

(b) The identification and documentation of specific instances of deteriorating work performance and employee behavior that fails to meet acceptable standards of conduct.

(c) Consulting with the EAP Counselor when the employee's problem(s) cannot be resolved by traditional supervisory practices alone and there may be a need for referral to the EAP for corrective action. Managers and supervisors must be able to effectively document and describe the employee's behavior as it relates to work performance but they are not to attempt to diagnose or draw conclusions about an individual's personal problem(s). The preliminary assessment of the nature of the employee's problem(s) is an EAP function, especially when it may involve mental health and/or substance abuse problems.

(d) Determining, after consultation with and the concurrence of EAP staff, that referring the employee to the EAP is

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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appropriate.

(e) Conducting an interview with the employee focusing on the behavior that is directly related to poor job performance or deteriorating conduct. Whether or not the employee indicates that his/her difficulty is caused by a personal problem, the supervisor should inform the employee about the EAP services available and offer to refer him/her to the EAP. If the problem persists after the initial consultation with EAP staff, the supervisor should present a firm choice for the employee by encouraging referral acceptance and by describing the consequences of continued unsatisfactory work performance. Participation in the EAP is voluntary and does not preclude supervisors from taking necessary disciplinary action. An employee's acceptance, refusal or cooperation with the EAP, if indicated, should be taken into consideration by a supervisor before he/she proceeds with administrative/disciplinary action. If the employee refuses help and performance continues to be unsatisfactory, the supervisor has complied with his/her program responsibilities and is then obligated to take the necessary adverse action.

(f) Ensuring that their referral to the EAP is documented in writing as well as orally. The written documentation is the supervisor's record that the employee has been offered EAP assistance. The EAP staff can assist the supervisor in preparing a memorandum for this purpose, during supervisory consultation sessions. The memorandum will NOT be placed in the employee's Official Personnel Folder. The memorandum will be maintained by the supervisor as part of his/her recordkeeping system, and the Privacy Act prevents its disclosure beyond the EAP without the employee's written consent. In the event that administrative/disciplinary action is instituted against an employee who has had a documented offer of EAP assistance and who subsequently denies having received it, the memorandum may become part of the adverse action file to dispute the validity of the employee's claim.

(g) Refraining from discussing with the employee the possibility that his/her work performance difficulties may be related to alcohol or drug problems. Again, the supervisor should focus on the employee's job performance only. However, when the employee is at work and does not appear to be in full control of his/her faculties, the supervisor should immediately inquire about the employee's physical/medical condition while being aware that behavioral symptoms commonly associated with alcohol intoxication and drug abuse can be caused by other health problems. Where applicable, the employee should be immediately referred to the Health Service/Occupational Health Nurse for assessment and emergency treatment. Locations that have no medical personnel should refer the employee to a private physician, community health service or hospital. Further, any employee who experiences problems with substance abuse must be encouraged to seek professional assistance on an immediate basis. We must be assertive in reaching out to coworkers in need of EAP services and take steps to ensure those in need are promptly afforded whatever counseling, treatment or assistance may be necessary.

Ultimately, if the employee's behavior was determined to be related to alcohol or drug intoxication, the supervisor and/or medical personnel

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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should discuss the facts of the situation with the employee and refer him/her to the EAP.

(3) The Employee Assistance Administrator (EAA) will be assigned on a full-time basis and has the lead role in providing technical expertise, as well as direct program administration, which will include planning, budgeting, organization, implementation, supervision and training responsibilities for the Bureauwide program. In addition, the EAA will be responsible for:

(a) The technical and administrative supervision of the field office and Headquarters EAP Coordinators;

(b) Establishing field office EAP Coordinators and providing them with technical supervision and assistance;

(c) Overseeing the preparation and submission of annual EAP statistical accomplishment reports to the OPM;

(d) Providing consultation to management officials and supervisory staff concerning organizational matters and employees with behavioral problems. Organizational matters are not limited to administrative/operational issues but also include the identification of occupational stressors unique to the FBI, their impact on job related employee problems and resolution strategies;

(e) Ensuring coordination of training services between the EAP and the Behavioral Science Unit;

(f) Ensuring that the policies and procedures set forth in this manual and all supporting federal directives are followed by all employees under his/her supervision. This includes the adherence to confidentiality requirements and other standards of ethical practice;

(g) Providing for the design and implementation of training programs for managers, supervisors and employees concerning their roles within the program and publicizing the services that are available;

(h) Making recommendations to management officials and supervisory staff concerning the continuing education requirements necessary for EAP personnel;

(i) Developing and maintaining a nationwide listing/register of community rehabilitation and treatment resources available for the referral of employees and/or their family members in need of such assistance;

(j) Representing the FBI through liaison with national, state and local organizations which are public, private and professional on matters concerning EAPs;

(k) Conducting the necessary evaluation, research and monitoring to ensure program effectiveness;

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(l) Ensuring that counseling, assessment and referral services are provided to all employees referred by others or upon self-referral;

(m) Overseeing coordination and follow-up of employee rehabilitation through communication with community treatment resources;

(n) Hiring and supervising contractors, personnel, and other resources in order to accommodate EAP needs;

(o) Establishing and maintaining budgetary needs to accomplish program effectiveness.

(4) The EAP Coordinator is responsible for:

(a) The implementation and operation of the EAP within his/her local area (field/Headquarters).

(b) Providing short-term counseling and referral services to all employees referred to the EAP by others or upon self-referral.

(c) Providing consultation with supervisory staff concerning the identification and management of employees with problems that may be adversely affecting job performance.

(d) Providing educational materials and training to supervisors in order to familiarize them with their roles and responsibilities within the program.

(e) Publicizing the EAP and ensuring that all employees are aware of the services available.

(f) Coordination with the DDP Coordinator in order to educate employees about illegal drug abuse in the workplace and the relationship between the DDP and the EAP. (EAP Coordinators are not to be assigned any responsibilities or duties directly under the DDP which would involve the actual drug testing of employees.)

(g) Referring employees in need of assistance to community treatment/rehabilitation resources and monitoring the employee's progress, through appropriate follow-up, during and after the rehabilitation period.

(h) Adhering to all policies and procedures set forth in the EAP policy and all supporting federal directives. This includes strict adherence to federal confidentiality regulations and other standards of ethical practice.

(i) Preparing and submitting to the EAA biannual statistical accomplishment reports on employee participation in the program. Information provided in these reports will be for statistical purposes only and will not contain any data that would either directly or indirectly reveal the identity of a participating employee.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(j) Conducting periodic evaluations of program effectiveness and, when appropriate, providing feedback to management officials and the EAA.

(k) Maintaining a local listing/register of community rehabilitation and treatment resources utilized for the referral of employees and/or their family members in need of such assistance.

(l) Periodically visiting community treatment/rehabilitation resources for assessment and quality assurance purposes.

(m) Maintaining his/her skills and the knowledge base necessary for the effective delivery of EAP services, by participation in continuing education programs.

\*\*EffDte: 03/16/1995 MCRT#: 387 Div: D3 Cav: SecCls:

### **| 15-3.3.1 Employee Responsibility/Self-Referral Procedure**

(1) Employees who suspect that their work performance has been negatively affected by an emotional, behavioral, alcohol, or drug abuse problem are encouraged to contact the EAP. In addition, EAP services are offered to the members of an employee's family, to the extent feasible, who may also need assistance with a personal problem. Employees seeking assistance can contact the EAP Coordinator in their respective field office/division or the EAA at FBI Headquarters. Communications between an employee's family members and EAP personnel are subject to all applicable confidentiality requirements previously cited in 15-3.2(8).

(2) When an employee in good faith voluntarily seeks EAP assistance for an illegal drug abuse problem, EAP personnel will not require the employee to waive his/her right to confidentiality before assistance will be provided. These employees, however, must remain drug free as a subsequent finding of illegal drug use will result in the initiation of disciplinary action as detailed in the DDP. Furthermore, if the employee's illegal use of drugs comes to the attention of management subsequent to the employee's receiving EAP assistance or successfully completing a rehabilitative program, no disciplinary action will be taken against the employee for illegal drug use. For example: The employee is treated, rehabilitated, and returned to work. One year later management is informed of the employee's previous drug use for which he/she was treated the previous year. No disciplinary action can be taken against this employee.

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**SENSITIVE**

### **15-3.3.2 On-Call Schedule**

(1) In the event of an emergency during after-duty hours, all employees and their family members are authorized to contact the FBIHQ EAP on-call counselor.

(2) A monthly schedule of counselors on call will be forwarded to the Assistant Director of the Personnel Division and the FBIHQ switchboard.

(3) The switchboard operator will connect the caller directly to the counselor on call that evening.

(4) All major emergencies must be fielded through the EAP Administrator.

\*\*EffDte: 04/21/1994 MCRT#: 226 Div: D3 Cav: SecCls:

### **15-3.4 Implementation of the Program**

(1) Personnel in charge of field offices and regional support centers are responsible for:

(a) Designating an individual to serve, on a full-time or part-time basis, as an EAP Coordinator. To avoid potential conflicts of interest, the EAP Coordinator (or counselor) or anyone administering the EAP should not also be assigned the responsibilities of Security Countermeasures Program Manager and/or Security Officer. (See MIOG, Part I, 261-1.)

(b) Knowing the Federal confidentiality regulations cited in this manual section and ensuring that EAP Coordinators adhere to these requirements and other standards of ethical practice.

(c) Ensuring that EAP Coordinators are allowed sufficient time, as part of their official duties, to effectively implement the program.

(d) Providing the necessary space, equipment and other resource needs required to ensure individual confidentiality and the accomplishment of program goals.

(e) Ensuring that employees under their supervision in need of EAP services are referred to the EAP Coordinator for assistance.

(f) Providing for the training of managers, supervisors, and employees concerning their roles within the program and publicizing the services that are available.

(g) Allowing EAP Coordinators the opportunity to

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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participate in continuing education programs in order to maintain their skills and the knowledge base necessary for the effective delivery of services.

(2) This program should not be construed as a relaxation of FBI standards of conduct. FBI policy continues to require that employees should never cause themselves to be mentally or physically unfit for duty.

(3) While Public Law 91-616 and Merit Systems Protection Board decisions generally require rehabilitation efforts to be made before disciplinary action for unsatisfactory job performance be taken, they do not preclude agency action if rehabilitation fails, is refused, if job performance does not improve, or either actions or activities are present and constitute employee misconduct.

(4) No employee's job security will be threatened by self-referral for counseling or referral assistance provided by the EAP staff.

\*\*EffDte: 11/15/1993 MCRT#: 139 Div: D3 Cav: SecCls:

### **|15-3.4.1 FBI's Critical Incident Response Program**

#### **| (1) Basic Definitions**

| (a) Critical Incident - A turning point event. A  
| critical incident is often called a crisis event. A critical  
| incident is any event which has a stressful impact sufficient enough  
| to overwhelm the usually effective coping skills of either an  
| individual or a group. Critical incidents are typically sudden,  
| powerful events which are outside of the range of ordinary human  
| experiences. Because they are so sudden and unusual, they can have a  
| strong emotional effect even on well-trained, experienced people. If  
| the critical incident is extreme in nature, it may serve as the  
| starting point for the psychiatric disorder called "Post-Traumatic  
| Stress Disorder."

| (b) Post-Traumatic Stress Disorder (PTSD) - A  
| psychiatric disorder which may result from exposure to traumatic  
| events and critical incidents. Symptoms include flashbacks related  
| to the event, sleep difficulties, problems in concentration,  
| withdrawal, difficulty controlling anger and problems in  
| relationships. PTSD is common in professionals who are routinely  
| exposed to traumatic events in the course of their employment and may  
| be mistaken for depression. PTSD negatively impacts the ability of a  
| professional to function effectively at their job.

| Research demonstrates that PTSD can be reduced significantly by  
| pre-incident education programs and by debriefings provided by  
| Critical Incident Stress Management Teams. Individuals who are  
| experiencing PTSD can have symptoms reduced or eliminated, often

**SENSITIVE**

| quickly, by experienced mental health professionals who have  
| been trained in techniques to treat PTSD.

|                   (c) Debriefing - Generic term for the Critical  
| Incident Stress Debriefing process developed by Dr. Jeffrey T.  
| Mitchell (see (d)).

|                   (d) Critical Incident Stress Debriefing (CISD) - A  
| group meeting or discussion about a distressing critical incident.  
| Based upon core principles of crisis intervention, the CISD is  
| designed to mitigate the impact of a critical incident and to assist  
| the personnel in recovering as quickly as possible from the stress  
| associated with the event. The CISD is run by a specially trained  
| FBI team which includes a mental health professional and peer support  
| personnel.

|                   (e) Critical Incident Stress Management (CISM) - A  
| wide range of programs and intervention strategies which have been  
| designed to prevent stress in emergency personnel and to assist them  
| in managing and recovering from significant stress should they  
| encounter it in their work. CISM is much broader than just Critical  
| Incident Stress Debriefings (CISD). It contains many special  
| programs and strategies including pre-incident education, significant  
| other support programs, individual consults, peer counseling, initial  
| discussions, crisis intervention training, disaster preparedness, and  
| disaster assistance programs. The best way to think of CISM is as a  
| comprehensive approach to stress management. CISD is only one of the  
| many techniques under the heading of CISM.

|                   (f) On-Scene Support Services - Whenever direct  
| support services are provided at the scene of a traumatic incident,  
| while the event is still going on, the services are called "on-scene"  
| support services. There are three basic supports which are provided  
| at the scene: 1) brief interventions with FBI personnel who are  
| showing significant signs of distress, 2) advice and counsel to the  
| commanders, and 3) assistance to victims, survivors and family members  
| who are directly involved with the incident. On-scene services are  
| provided by trained FBI peer support personnel. It is extremely  
| important to remember that no group services are ever provided at the  
| scene since group services at the scene will invariably cause more  
| distress in the personnel. On-scene support services to FBI  
| personnel are limited to one-to-one contacts, not groups.

|                   (g) Spouse and Significant Other Support Services -  
| Support for the emergency services personnel is inadequate unless it  
| also includes special support services for the spouses and  
| significant others. Greater emphasis is being placed on the loved  
| ones of the emergency worker. They also hurt and are indirectly  
| negatively impacted by the same traumatic events which affect the  
| emergency services personnel (tertiary victims). Many CISM teams are  
| adding significant others to the teams in order to better serve the  
| loved ones of emergency personnel who have been distressed by the  
| traumatic events. Many special programs already exist to assist the  
| significant others of emergency personnel. There are educational  
| programs, debriefings after traumatic events, small ongoing support  
| groups, grief seminars and family fairs.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           (h) Follow-Up Services - Every time an on-scene  
| support service, a defusing or a debriefing is provided, it is  
| necessary to follow these actions up with one or more types of  
| follow-up services. Follow-up services include telephone calls,  
| office visits, chaplain contacts, small group meetings, contacts with  
| SACs, peer visits, one-on-one services, family contacts, referral for  
| professional contact and any number of other helpful outreach  
| programs which can be thought of in the aftermath of a tragic event.

|           (2) General Principles of Critical Incident Stress  
| Debriefing (CISD):

|           (a) CISD is not psychotherapy.

|           (b) Following most well-defined and delineated  
| traumatic events, the ideal time for a debriefing is after the first  
| 24 hours and before 72 hours. There will, of course, be some  
| variation on the best time for a debriefing depending on the nature  
| of the event, the level of distress in the personnel, schedule  
| considerations, the needs of the group, and the demand of the job.  
| Some debriefings, particularly those for line-of-duty deaths, may be  
| provided before the end of the first day. Certainly, many debriefings  
| have been given much later than the 72-hour time frame because  
| circumstances warranted a later debriefing. In the final analysis,  
| debriefings are ideally utilized when the participants are most  
| psychologically receptive.

|           (c) CISD is primarily prevention but can be used to  
| mitigate post-traumatic stress as well.

|           (d) CISD accelerates the rate of normal recovery, in  
| normal people, who are having normal reactions to abnormal events.

|           (e) CISD is not an operational critique of a crisis  
| situation or traumatic event.

|           (3) The Employee Assistance Unit (EAU), under the  
| auspices of the FBI, has advanced the initiative to better safeguard  
| and promote the psychological well-being of its employees following a  
| critical incident through the Critical Incident Response  
| Program/Critical Incident Stress Management (CISM).

|           (4) Critical Incident Response Teams

|           In June, 1995, the FBI instituted four Critical Incident  
| Response Teams throughout the United States for immediate response to  
| critical incidents which include, but are not limited to:

|           (a) Death of employee, spouse, or family member

|           (b) Major disaster or man-made catastrophe  
| (earthquake, bombing, etc.)

|           (c) Taking a life in the line of duty

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- | (d) Suicide of an employee, spouse, or family member
  - | (e) Violent traumatic injury to an employee
  - | (f) Witnessing/handling multiple fatalities
  - | (g) SWAT operation where dangers are present
  - | (h) Hostage taking/barricaded suspect negotiation
  - | (i) Observing an act of corruption, bribery, or other  
| illegal activity by a fellow worker
  - | (j) Suspension and/or threat of dismissal
- | (5) The purpose of the FBI's CISM policy is to afford  
| those individuals who were exposed to critical incidents (shooting,  
| death, or serious injury, suicide, homicide, hostage situation,  
| Special Weapons And Tactics (SWAT) activities, etc.) a confidential  
| program that will mitigate the adverse effects of the critical  
| incident through peer counseling, CISD, defusing, family assistance  
| and support, and follow-up services. Like EAP, the CISM is available  
| to help all employees and their family members readjust to life  
| following a traumatic incident.
- | (6) CISDs/defusings will be provided to the individual or  
| group of individuals exposed to or experiencing a critical incident.  
| This will be decided by the EAU after consultation with the  
| appropriate division head. Debriefings are most effective when they  
| are mandatory because individuals who are the most traumatized by an  
| incident are usually the most resistant to talking about their  
| reactions.
- | (7) The trauma of a critical incident is catastrophic to  
| the person experiencing the event. A critical incident is not only  
| one single situation in a person's life, but it can also be a series  
| of events which add up to cumulative stress. No two individuals have  
| the same reaction to a critical incident. One-third have a serious  
| reaction; one-third have a medium reaction; and one-third have a  
| minimal reaction. How an individual responds to a critical incident  
| depends upon the nature and extent of the emotional baggage he or she  
| is carrying. The failure to resolve personal issues often leads to a  
| variety of negative patterns. Some individuals overreact to  
| perceived threats; some underact to clear dangers; and, for some,  
| neither real nor perceived threats evoke any discernible reaction.  
| While some employees quit the job prematurely, others develop  
| discipline problems due to increased absenteeism, burnout, stress  
| disorders, alcohol abuse problems or a host of other personal  
| problems that can interfere with functioning at home and on the job.
- | (8) Agents are given training, firearms and bulletproof  
| vests to equip them to survive critical incidents. The FBI also has  
| the responsibility to equip its employees so they are able to deal  
| constructively with and survive the emotional aftermath of critical  
| incidents. A CISM program represents a set of interventions that can  
| help FBI employees cope with emotional effects of a critical

**SENSITIVE**



| incident.|

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### **| |15-3.5 Confidentiality of Information**

|           The law requires that information relating to the identity  
| diagnosis, prognosis, or treatment of an employee, which is developed  
| and maintained in connection with an EAP function, is confidential and  
| may be released to others only under the following circumstances:

|           (1) With employee's written consent.

|           (a) This includes disclosures about the fact that an  
| employee has ever contacted EAP personnel, participated in the program  
| in any way or about any information regarding the employee's problem,  
| unless the employee consents to such disclosure in writing. EAP  
| personnel must discuss this issue during their first contact with an  
| employee to determine the extent and nature of information, if any, to  
| be disclosed to supervisors and/or management officials.

|           (b) Persons authorized to receive information  
| provided for in an initial disclosure are prohibited from making any  
| redisclosure of this information unless further disclosure is  
| expressly permitted by written consent. This prohibition includes  
| disclosures by EAP personnel to supervisors, management officials,  
| and/or community treatment resources.

|           (c) Example of circumstances when disclosure can be  
| made with employee consent are:

- |           1. For purposes of diagnosis, treatment, and  
| rehabilitation (e.g., referral to community resources).
- |           2. To an employee's attorney.
- |           3. To an employee's family.
- |           4. To an insurance company, third-party payers,  
| or other funding sources; and
- |           5. To a supervisor or management official.

| In all of the above situations, EAP personnel must ensure that  
| consent was given voluntarily and granting the request for disclosure  
| will not be harmful to the employee or the EAP's capacity to provide  
| services.

|           (2) Without employee written consent:

|           (a) These conditions are purposely limited and  
| include medical emergencies and court orders.

| (b) If the EAP Coordinator believes:

| 1. The employee's mental or physical condition

| is a threat to the employee's safety or to the safety of others or

| would otherwise affect the national security or law enforcement

| operations; or

| 2. The employee's behavior in conjunction with

| his/her problem undermines the investigative process, the EAP

| Counselor should immediately advise the EAA at FBI Headquarters an

| appropriate action will be determined.|

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**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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## **SECTION 16. SERVICES AVAILABLE TO EMPLOYEES**

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**SENSITIVE**

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**16-2      HOUSING (FIELD)**

Housing registers in field offices need not be maintained except in those areas where housing facilities are so scarce that a register or guide is necessary to assist employees coming to that office in finding suitable housing. The necessity of maintaining such a register is left to the SAC. If the register is maintained, set a tickler to review the situation at least once each year. Each SAC should endeavor to ensure that employees are not living in disreputable or questionable quarters. If the register is maintained, following instructions apply:

(1) The register should contain a list of those apartment developments where furnished and unfurnished apartments are available. Liaison should be maintained with the management of larger apartment projects for the purpose of assisting Bureau personnel, particularly Agents on transfer to field offices, to obtain suitable living accommodations.

(2) This register should contain a list of private homes where suitable furnished rooms may be obtained for both male and female personnel. In those cities where business residences for female employees are in existence, female employees arriving on transfer or entering on duty from other areas of the country may have the opportunity to secure suitable accommodations. It shall be the responsibility of the SAC to arrange for inspection of places recommended to personnel for housing, and the names of individuals operating rooming houses or residences should be checked through office indices.

(3) This register should contain a list of hotels in the field office territory so that accommodations may be secured for Bureau personnel desiring hotel rooms.

(4) In larger field offices, it may be helpful to have available a photocopied list of apartment developments to provide employees on transfer so that it may be used as a guide in seeking suitable living quarters.

\*\*EffDte: 04/23/1991 MCRT#: 0      Div: D3      Cav:      SecCls:

## **16-3 BUREAU-APPROVED RECREATIONAL ASSOCIATION**

\*\*EffDte: 09/25/1987 MCRT#: 0      Div: D3      Cav:      SecCls:

### **16-3.1 General**

(1) Employees of FBI Headquarters (FBIHQ), field offices, resident agencies, or Legats may join together and form a Recreation Association (RA). Each office's association may be operated separate and distinct from any other association.

(2) The purpose of the association shall be to promote and encourage athletic, social, and welfare activity among all members thereof so that there may exist among the FBI employees who are association members a realization of their common interests and goals as well as a feeling of good fellowship and a spirit of camaraderie. So that these objectives may be achieved, the RA of each office shall sponsor and/or encourage athletic, recreational, and welfare activities.

(3) This association shall not knowingly operate in violation of the regulations and/or policies of the FBI. Employees are not to participate in recreational-type activities, i.e., athletic, social, etc., during their official working hours. The association shall look to the FBI for guidance to ensure that the activities of the association do not violate the regulations and/or policies of the FBI. This shall be accomplished by reference to established written codifications and sources of FBI regulations and policies such as the FBI's manuals of regulations and memoranda, and through seeking the advice of FBIHQ whenever such written codifications are not available or applicable.

\*\*EffDte: 09/25/1987 MCRT#: 0      Div: D3      Cav:      SecCls:

### **16-3.2 FBIRA Membership**

(1) All FBI employees working at Headquarters, a field office, resident agency, or Legat, shall be eligible to join an RA operating in that office. Depending on the nature of the association's activities, the association may restrict membership to those paying membership dues, which are to be established by the individual association, board, or executive committee. Membership in a field office association does not necessarily afford members the rights or benefits available to other field office association members; each local association may restrict its benefits to current FBI employees who are assigned to the particular field office and are members of that office's association. However, nothing is to preclude any RA from using its organization to notify other

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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employees in other offices of recreational activities, or other information of interest to such employees.

(2) Each local association should determine when the membership drive should begin and should have procedures in place for the election of association officers and/or Board of Directors.

\*\*EffDte: 09/25/1987 MCRT#: 0 Div: D3 Cav: SecCls:

### **16-3.3 FBIRA Funds**

(1) If any local association collects money from dues, bake sales, sales of FBI memorabilia, or the like, the association must maintain records and books for such income and expenditures in line with appropriate accounting practices. These records and books will be reviewed by the Inspection Division audit staff during each office's inspection process.

(2) Each local association earning profits or income from its operation must properly report such income to the state income tax entity (if appropriate) and to the Federal Internal Revenue Service (IRS). It should be noted that field office associations, if they restrict the source of their income and limit their membership to only local FBI employees, may qualify as a tax exempt organization, and after receiving that status from IRS will not need to file taxes with IRS thereafter. They should also seek tax exempt status from the state and local taxing authorities and operate accordingly.

(3) FBIRA funds are to be used to promote office recreational and social activities for FBIRA members. The FBIRA fund may be used to purchase flowers or gifts in the event of illness, hospitalization, or death of member/employees. Gifts in lieu of flowers may include items like books or fruit, or, in case of death, cards or contributions to favorite charities. Gifts from FBIRA funds are not to be provided in connection with resignations, retirements, promotions, transfers, departures on military leave or maternity reasons, weddings, birthdays, baby showers, and the like. However, FBIRA funds can be expended to buy plaques or gifts recognizing employees who have volunteered their time and effort in connection with RA activities.

\*\*EffDte: 08/24/1987 MCRT#: 0 Div: D3 Cav: SecCls:

### **16-3.4 Formal Organization**

(1) A field office association should adopt a constitution and bylaws. The constitution, at a minimum, should set forth the association's purpose, eligibility for membership in the association, the governing body and how they are elected/appointed,

**SENSITIVE**

| the existence of bylaws, provisions for amending the constitution and  
| bylaws.

|                   (2)    The bylaws should explain in detail the following:

|                    (a)    eligibility for membership in the field office  
| association;

|                    (b)    officers of the association, how they are  
| elected/appointed, and their responsibilities; the existence of an  
| executive committee, if any, and its functions and responsibilities;

|                    (c)    sources of the RA's income and provisions for  
| approval of each expenditure;

|                    (d)    provisions for maintenance of financial  
| records and timely filing of tax returns;

|                    (e)    provisions for the auditing of each office's  
| financial records; and

|                    (f)    language reflecting that the activities of the  
| association must conform with Bureau regulations and policies. |

\*\*EffDte: 08/24/1987 MCRT#: 0      Div: D3           Cav:           SecCls:

### **16-3.5   Merchandising**

(1) The use of the FBI name, initials, and seal are governed by federal laws and regulations. Title 18, United States Code (USC), Section 709, prohibits, without the written permission of the Director, the use of the name or initials "FBI," or any colorable imitation of such words or initials in any manner which reasonably conveys the impression that the FBI approves, endorses, or authorizes a particular product or business.

(2) In conjunction with this, Title 41, Code of Federal Regulations, Section 128-1.5007(b), provides that "requests for permission to reproduce the seal(s) of the FBI... shall be referred to the head of the Departmental organization for decision." It has been the position of the Bureau to deny all requests for commercial reproduction of the FBI's name and initials where a particular product was to be marketed to the public at large.

(3) The Washington Metropolitan FBIRA has authorization from the Director to market various items bearing the FBI's seal, badge, name, and initials through the Washington Metropolitan FBIRA Store. The use of a single authorization source ensures the integrity of items purchased by Bureau employees. Therefore, all field office FBIRAs must obtain from the Washington Metropolitan FBIRA a copy of the necessary procedures for purchase of items either from the Washington Metropolitan FBIRA Employee Store, Room 8704, 935

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Pennsylvania Avenue, NW, Washington, DC 20535-0001, or directly from the Washington Metropolitan FBIRA-approved vendors. Only the Washington Metropolitan FBIRA may approve vendors. Authority to approve the use of the FBI's seal, badge, name, and initials on merchandise sold at the FBI Academy PX, Quantico, Virginia, has been delegated to the Assistant Director, Training Division. Requests to use FBI indicia and violations of related federal laws should be coordinated with the Administrative Law Unit, Office of the General Counsel.

(4) All offices should be alert to the unlawful use of the FBI seal or initials on products without authorization. Any violations should be referred to the Criminal Investigative Division to determine whether there is a violation of Title 18, USC, Section 709.

\*\*EffDte: 07/15/2002 MCRT#: 1212 Div: D9 Cav: SecCls:

## **16-4 LITERATURE**

\*\*EffDte: 08/24/1987 MCRT#: 0 Div: D3 Cav: SecCls:

### **| 16-4.1 |Deleted|**

\*\*EffDte: 12/06/1999 MCRT#: 938 Div: D3 Cav: SecCls:

### **16-4.2 Recreational Literature**

The Personnel Assistance Section receives and distributes literature and announcements on various non-Bureau social functions being held in the Washington area to the various divisions. It is the responsibility of the various division heads to ensure that material is properly posted and that the bulletin boards are maintained in a current condition.

\*\*EffDte: 12/06/1999 MCRT#: 938 Div: D3 Cav: SecCls:

### **16-4.3 Distribution of Literature**

All floaters and announcements of FBIRA activities are distributed to FBIHQ division heads and field offices for information of employees by the FBIRA activity promoter.

\*\*EffDte: 04/23/1991 MCRT#: 0 Div: D3 Cav: SecCls:

**SENSITIVE**



**| 16-5    FBI HEALTH CARE PROGRAMS UNIT: J. EDGAR HOOVER (JEH) F.B.I.  
BUILDING AND FIELD OFFICES |(See MAOP, Part 1, Section 24.)|**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 16-5.1    |Deleted|**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 16-5.1.1    |Moved to 24-1|**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 16-5.1.2    |Moved to 24-1.1|**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 16-5.1.3    |Deleted|**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 16-5.2    |Moved to 24-1.2|**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**16-6       VOLUNTEER BLOOD DONORS**

\*\*EffDte: 04/23/1991 MCRT#: 0              Div: D3                      Cav:                      SecCls:

**16-6.1    American Red Cross**

Through arrangements with the American Red Cross Blood  
| Center, the Personnel|Assistance|Section of the|Administrative

| Services|Division schedules and operates bloodmobiles in the JEH Building for employees desiring to donate blood at the American Red Cross.

\*\*EffDte: 12/06/1999 MCRT#: 938 Div: D3 Cav: SecCls:

### **16-6.1.1 Benefits**

Since the Bureau is an active participating member of the Red Cross blood donor program, blood is furnished free of charge when needed to Bureau employees and relatives defined as spouse, parent, minor child of a donor or a participant, or any other relative living in the same household and economically dependent upon the employee. Employees may secure blood replacements when needed, by contacting their supervisors or the central blood donor representative. The person hospitalized must advise the hospital that the Red Cross should be notified if blood is needed.

\*\*EffDte: 04/23/1991 MCRT#: 0 Div: D3 Cav: SecCls:

### **16-6.1.2 Requirements**

An employee may donate every eight weeks, but only five times in any 12-month period. A donor is accepted from ages 18 through 65; however, from 18 to 21 years, a parent's permission is required unless the donor is married or living away from parental household and self-supporting. A permit must be presented at the center for each time a minor donates. This permit, as well as additional information as to the medical history requirements, may be obtained from the blood donor representative in either the  
| Personnel|Division or the|Criminal Justice Information  
| Services|Division.

\*\*EffDte: 04/21/1994 MCRT#: 226 Div: D3 Cav: SecCls:

### **16-6.1.3 Field Offices**

Field offices should ensure that employees are made aware of and encouraged to participate in the blood donor program. In the offices in which no blood donor program is available, periodic contact should be made with the American Red Cross or similar facility to determine if a program is being established. FBIHQ should be advised of any change.

\*\*EffDte: 11/28/1983 MCRT#: 0 Div: D3 Cav: SecCls:

## **| 16-6.2   |Deleted|**

\*\*EffDte: 11/28/1983 MCRT#: 0      Div: D3              Cav:              SecCls:

## **16-6.3    Leave**

|                    No leave is to be charged for the time necessary for|the|  
| purpose of donating blood. |At FBIHQ, each employee who  
| successfully completes a blood donation is authorized to receive  
| two hours of administrative leave for recuperative purposes  
| immediately following his/her blood donation. A slip certifying  
| the donation is to be provided as each donor leaves the donation  
| area. The administrative leave is intended to be used  
| immediately following a donation; however, employees and their  
| supervisors may arrange a more mutually convenient time that day  
| to use the leave if Bureau needs prevent the leave from being  
| immediately used. Since the leave is being granted for  
| recuperative purposes, it is not to be used beyond the day it is  
| granted. Other FBI offices which host or regularly participate  
| in blood donor programs may establish a similar grant of  
| recuperative administrative leave along these guidelines.|

\*\*EffDte: 06/21/2001 MCRT#: 1123 Div: D3              Cav:              SecCls:

## **16-7      FEDERAL EMPLOYEES' GROUP LIFE INSURANCE (FEGLI)**

\*\*EffDte: 11/28/1983 MCRT#: 0      Div: D3              Cav:              SecCls:

### **16-7.1    General Information**

(1) Group life insurance first became available to federal employees by law effective August 29, 1954. Effective February 14, 1968, all eligible employees (including those who previously waived coverage) were permitted to acquire Regular Insurance coverage of (a) a minimum of \$10,000, if they earned less than \$8,000 per year, or (b) their annual salary (rounded to the next highest \$1,000) plus \$2,000, if they earned \$8,000 or more per year. Employees covered by Regular Insurance could also elect Optional Insurance of an additional \$10,000. Effective April 1, 1981, all previous enrollments and waivers of FEGLI were cancelled, and all eligible employees were permitted to acquire Basic (formerly Regular Insurance), Option A - Standard (formerly Optional Insurance), Option B - Additional, and Option C - Family. Open enrollment periods, during which eligible employees could enroll or change their FEGLI

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| coverage without restriction, were held in|1985, 1993, and 1999;|  
| those actions took effect August 1, 1985,|May 30, 1993, and  
| April 23, 2000,|respectively. A limited open enrollment period took  
| place in 1995 which allowed employees who had previously waived FEGLI  
| coverage to enroll only for FEGLI Basic coverage; those enrollments  
| became effective the first day of the first pay period after they were  
| processed by FBIHQ. |(See 16-7.4 (2).)|

(2) FEGLI Basic coverage is equal to an employee's annual basic pay (rounded to the next highest \$1,000) plus \$2,000. Locality pay authorized by the Federal Employees' Pay Comparability Act of 1990 is included in basic pay, as is Availability Pay for Special Agents. Basic coverage has an Accidental Death and Dismemberment feature which is equal to the basic insurance amount at the time of an employee's accidental death, or varying percentages in the event of loss of  
| |vision or limbs.| This feature is discontinued at retirement. An  
| extra benefit is given to employees under age 45 at no cost.  
| Beneficiaries of employees who die under age 36 receive double the  
| amount of Basic coverage. The extra benefit payable to beneficiaries  
| of employees who die between|ages|36 and 44 is reduced by 10 percent  
| for each year over age 35 at the time of death; no extra benefit is  
| payable if an employee dies after reaching age 45. The extra benefit  
| is not subject to Accidental Death and Dismemberment coverage.  
| Employees who have Basic coverage may also be covered by Options A, B,  
| and C. Option A - Standard provides \$10,000 of coverage. Like Basic,  
| Option A - Standard has Accidental Death and Dismemberment coverage  
| which is discontinued at retirement. Under Option B - Additional,  
| employees may elect an amount equal to one, two, three, four, or five  
| times their annual basic pay (rounded to the next highest \$1,000).  
| Accidental Death and Dismemberment coverage is not included in Option  
| B - Additional. Option C - Family insures the employee's spouse for  
| |a minimum of|\$5,000 and each of the employee's eligible children under  
| |age 22 for|a minimum of|\$2,500. |An employee electing Option C -  
| |Family may elect amounts of coverage equal to one, two, three, four,  
| |or five times the minimum amounts stated above.| Children incapable of  
| self-support are eligible for coverage after age 22. Accidental Death  
| and Dismemberment coverage is not included in Option C - Family.

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

## **16-7.2 Cost of FEGLI Coverage**

(1) The cost per biweekly pay period of FEGLI Basic  
| insurance to employees is|\$0.155|per \$1,000 of coverage. This  
| represents two-thirds of the Basic premium; the government pays the  
| other third.

(2) The cost per biweekly pay period of Option A -  
Standard insurance to employees is the full cost of the premium and  
varies by age as follows: (See MAOP, Part 1, 16-7.7(2).)

WITHHOLDING FOR

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

AGE GROUP	\$10,000 INSURANCE
Under age 35	\$0.30
Ages 35 - 39	0.40
Ages 40 - 44	0.60
Ages 45 - 49	0.90
Ages 50 - 54	1.40
Ages 55 - 59	2.70
Ages 60 - 64	6.00
Ages 65 - 69	6.00
Age 70 and over	6.00

(3) The cost per biweekly pay period of Option B - Additional insurance to employees is the full cost of the premium and varies by age as follows: (See MAOP, Part 1, 16-7.7 (3) and 20-28.4.)

Age Group	Withholding per \$1,000 Insurance
Under age 35	\$0.03
Ages 35 - 39	0.04
Ages 40 - 44	0.06
Ages 45 - 49	0.10
Ages 50 - 54	0.15
Ages 55 - 59	0.31
Ages 60 - 64	0.70
Ages 65 - 69	0.70 (1999), 0.90 (after)
Age 70 and over	0.70 (1999), 1.40 (after)

(4) The cost per biweekly pay period for each multiple of Option C - Family insurance to employees is the full cost of the premium and varies by age as follows: (See MAOP, Part 1, 16-7.7(4).)

Age of Employee	Withholding per multiple (\$5,000 spouse, \$2,500 child)
Under age 35	\$0.27
Ages 35 - 39	0.34
Ages 40 - 44	0.46
Ages 45 - 49	0.60
Ages 50 - 54	0.90
Ages 55 - 59	1.45
Ages 60 - 64	2.60
Ages 65 - 69	2.60 (1999), 3.00 (after)
Age 70 and over	2.60 (1999), 3.40 (after)

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

### **16-7.3 Electing FEGLI Coverage (See MAOP, Part 1, 16-7.5(5).)**

Employees are automatically under FEGLI Basic coverage

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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upon entry-on-duty and will remain so unless they complete a Standard Form (SF) 2817 to decline such coverage. Within 31 days after entry-on-duty, employees should complete a SF-2817 to indicate whether they desire to keep FEGLI Basic coverage, and if so, whether they want to elect any or all of the options. A copy of the completed SF-2817 is filed in the employee's Official Personnel Folder at FBIHQ. Once completed, this form must be promptly forwarded with the other entry-on-duty forms to the Administrative Services Division for processing. Employees may also elect Basic and/or any optional coverages during any FEGLI Open Season designated by the United States Office of Personnel Management (OPM). However, employees eligible to participate in the 1995 Open Season were limited to enrolling only in FEGLI Basic coverage. During the 1999 Open Season, employees made their FEGLI elections on a special FEGLI 1999 Open Enrollment Election Form (Form RI 76-27) rather than the SF-2817.

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

#### **16-7.4 Effective Dates of Coverages**

(1) FEGLI Basic coverage is effective on an employee's first day in pay and duty status. Coverage under Options A, B, and C is effective on his or her first day in pay and duty status occurring on or after the date the completed SF-2817 is received at FBIHQ.

(2) FEGLI Open Season changes are effective on the first day of the first pay period following the date prescribed by OPM and following a pay period in which the employee was in both pay and duty status for at least half of his or her tour of duty. However, no date was prescribed for enrollments in the 1995 Open Season; those enrollments took effect under the provisions of Section 16-7.4(1) above. (See 16-7.1 (1) above re effective date of 1999 Open Season.)

(3) A waiver of coverage by a new employee is effective the day his or her SF-2817 is received at FBIHQ, if it is received during the employee's first pay period. If an SF-2817 waiving any FEGLI coverage is received after an employee's first pay period, the waiver is effective on the last day of the pay period in which it is received at FBIHQ. (See MAOP, Part I, 16-7.9.1.)

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

#### **16-7.5 Conditions for Changing Elections**

(1) Employees who waive coverage and later decide to request Basic and/or any of the options may do so during a FEGLI Open Season regardless of age or medical condition; however, they must enroll in or maintain Basic coverage in order to elect any option. At times other than an Open Season, an employee who desires to cancel a

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

| previous waiver of Basic, Option A, and/or Option B, |or to add as many  
| multiples of Option B as desired without changing family status, |can  
| do so only if (a) at least one year has passed since his or her last  
| change in FEGLI coverage, and (b) the employee provides satisfactory  
| evidence of insurability. To meet the latter requirement, the  
| employee should have a physician complete an SF-2822 (Request for  
| Insurance); the cost of any examination given to complete this form is  
| the responsibility of the employee.

| The employee should notify the |Administrative Services |Division in  
| writing of his or her desire to cancel a previous FEGLI waiver so that  
| an SF-2822 may be provided to him or her.

| (2) Employees may waive any FEGLI |coverage, or reduce the  
| number of multiples previously elected under Option B and/or Option  
| C, |by completing an SF-2817 to show what coverages, if any, they  
| choose to keep in force.

| (3) Upon marriage, or the birth, adoption, or other  
| acquisition of an eligible child, employees who have Basic coverage  
| may enroll under Option B - Additional. The number of salary  
| multiples of Option B coverage an employee may elect is limited to the  
| number of eligible family members the employee acquires with the  
| qualifying event. For example, an employee who marries someone with  
| no children may elect one multiple of Option B, while an employee who  
| marries someone with three children who become the employee's  
| stepchildren may elect four multiples. A married employee who  
| previously had no Option B coverage and who |acquires a child |may  
| elect one multiple, not two. If an employee already has Option B  
| coverage and either marries or acquires new children, he or she may  
| elect as many additional multiples of Option B (up to the maximum of  
| five) as the number of family members he or she acquired with the  
| qualifying event. |If an employee loses his or her spouse by death or  
| divorce, he or she may elect as many additional multiples of Option B  
| (up to the maximum of five) as he or she has dependent children. For  
| example, an employee who divorces and who has three children may elect  
| up to three additional multiples for this event. | No SF-2822 is  
| required to make these changes in Option B coverage; however, the  
| employee must file a new SF-2817 to make the changes within 60 days  
| after the date of the qualifying event.

| (4) Employees who have Basic coverage are eligible to  
| enroll |or increase multiples of coverage |under Option C - Family after  
| marrying or acquiring an eligible child. |The number of multiples of  
| Option C coverage an employee may elect is limited to the number of  
| eligible family members the employee acquires with the qualifying  
| event (up to the maximum of five). If an employee loses his or her  
| spouse by death or divorce, he or she may elect as many additional  
| multiples of Option C (up to the maximum of five) as he or she has  
| dependent children. | No SF-2822 is required to |make these changes  
| in Option C coverage; |however, an employee must file a new SF-2817 to  
| |make the changes |within 60 days after the date of the qualifying  
| event.

| (5) Employees who return to federal service after a break  
| in service of 180 days or more are treated as new employees for FEGLI

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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purposes. This means that all previous waivers of FEGLI coverage are cancelled, and the returning employee is automatically under FEGLI Basic coverage from the date he or she returns to service. This coverage will remain in effect unless the employee waives it. As in 16-7.3 above, the employee should file an SF-2817 within 31 days after returning to service, indicating whether he or she wants to continue Basic coverage and, if so, whether he or she wants to enroll in any of the options. No SF-2822 will be required to enroll in any FEGLI coverage the employee desires under these circumstances.

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

### **| 16-7.6 Designation of Beneficiaries (See MAOP, Part 1, 16-7.12|and 16-7.13.)|**

It is not necessary to name a beneficiary if an employee wishes to have FEGLI death benefits paid in accordance with the following order of precedence:

- (1) the employee's widow or widower,
- (2) the employee's children, in equal shares, with the share of any deceased child distributed among that child's descendants,
- (3) the employee's surviving parent(s), in equal shares if both parents are living,
- (4) the duly appointed executor or administrator of the employee's estate, or
- (5) the employee's next of kin, as determined by the laws of the employee's state of domicile at the time of his or her death.

| |However, if there is a court order in effect naming a specific person  
| or persons to receive life insurance benefits upon the employee's  
| death, the benefits under the employee's FEGLI Basic, Option A, and  
| Option B coverage will be paid to the person(s) named in the court  
| order, instead of those who would otherwise be entitled under the  
| order of precedence.|

| Employees who wish to name a beneficiary other than|those provided  
| in the order of precedence,|or who wish to change the order of  
| precedence with regard to a beneficiary named above, may file an  
| SF-2823 (Designation of Beneficiary). Beneficiaries can be  
| designated ONLY by filing an SF-2823, and that form must be received  
| by|the Employee Benefits Unit, Administrative Services Division,|  
| prior to the death of the employee. A person who signs an SF-2823 as  
| a witness may not be designated as beneficiary of that FEGLI payment.  
| A trust may be named as a beneficiary; such a designation must  
| indicate that the FEGLI benefit is payable to the trustee or successor  
| trustee, give the name of the trust (if any), and show the name(s) of

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| the person(s) who signed the trust document and the signature|date,  
| and acknowledge that no further claim may be filed with FEGLI for the  
| insurance benefit if the trustee is paid and then fails to distribute  
| the benefit in accordance with the terms of the trust.| Any  
| designation of beneficiary on an SF-2823 remains in effect until  
| revoked by the employee through another SF-2823. An employee who  
| simply wishes to revoke a previous designation|and thereby  
| reinstitute the order of precedence|is not required to name a new  
| beneficiary if he or she is satisfied with the above order of  
| precedence; the revoking SF-2823 need only state, "Cancel previous  
| designations."

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

### **16-7.7 Continuation of FEGLI Coverage After Retirement (See MAOP, Part 1, 16-7.10.)**

(1) Employees may continue their FEGLI Basic coverage (without the Accidental Death and Dismemberment supplement) into retirement if they (a) retire on an immediate annuity, (b) have had Basic coverage for the five years of service immediately before retiring (or all service since their FIRST chance to enroll, if less than five years), and (c) do not convert the Basic insurance into an individual policy (see Section 16-7.9.2). A retiring employee who wants continued Basic coverage after retirement must file|Standard Form 2818 (Continuation of Life Insurance Coverage as a Retiree or Compensationner),|electing whether to have the Basic insurance amount reduced by 75 percent, 50 percent, or zero after he or she reaches age 65. The amount of Basic insurance carried into retirement is the amount in force on the date of separation, and that amount remains fixed until the month after the employee reaches age 65. If the 75 percent reduction has been chosen, the Basic insurance begins reducing at that point by 2 percent each month until the chosen level has been reached; the reduction is 1 percent each month if the 50 percent reduction has been chosen. Employees who elect the 75 percent reduction will pay a premium of|\$0.3358|per \$1,000 of coverage until they reach age 65; after then, the Basic coverage is free. Employees who elect the 50 percent reduction will pay a premium of|\$0.8558|per \$1,000 of coverage until they reach age 65; after then, the premium is \$0.52 per \$1,000 of coverage. Employees who elect no reduction will pay a premium of|\$2.0258|per \$1,000 of coverage until they reach age 65; after then, the premium is \$1.69 per \$1,000 of coverage. Employees who desire to continue coverage under Options A, B, or C after retirement must also continue their Basic coverage.

(2) Employees may continue their coverage under Option A - Standard into retirement if they have had such coverage for the five years of service immediately before retiring (or all service since their FIRST chance to enroll, if less than five years) and if they do not convert the Option A coverage to an individual policy. Employees who retire before age 65 and continue Option A into retirement will pay the normal Option A premium for their age (see

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Section 16-7.2(2)) until they reach age 65; after then, the Option A coverage is free. At age 65, the amount of Option A coverage (\$10,000) begins to reduce by 2 percent per month until it reaches \$2,500 (a 75 percent reduction), where it remains for the rest of a covered employee's life unless cancelled.

(3) Employees may continue their coverage under Option B - Additional into retirement if they have had such coverage for the five years of service immediately before retiring (or all service since their FIRST chance to enroll, if less than five years) and if they do not convert the Option B coverage to an individual policy. At the time of retirement, employees covered by Option B must note on an SF-2818 or its accompanying attachment whether they wish to continue the amount of their Option B unreduced after age 65, or to allow it to begin reducing at age 65 by 2 percent per month for 50 months until Option B coverage ends. Employees who retire before age 65 and continue Option B into retirement will pay the normal Option B premium (per \$1,000 of coverage) for their age (see Section 16-7.2(3)) until they reach age 65. After then, employees who elected to continue Option B unreduced will continue to pay the normal Option B premium for their age; employees who elected to allow Option B to reduce will pay no further premium after reaching age 65. A retiring employee may carry into retirement only the lowest number of multiples of Option B coverage he or she had during the five years of service immediately before retiring. However, he or she may elect to reduce the number of multiples at any time before or after retirement by completing an SF-2817.

(4) Employees may continue their enrollments in Option C - Family into retirement if they have been enrolled in Option C for the five years of service immediately before retiring (or all service since their FIRST chance to enroll, if less than five years). A retiring employee may carry into retirement only the lowest number of multiples of Option C coverage he or she had during the five years of service immediately before retiring; however, those employees enrolled in Option C prior to April 24, 1999, who elect additional multiples of Option C during 1999, are still in service on April 23, 2000, and who retire before April 23, 2005, will be able to carry into retirement the number of multiples elected during 1999. As with Option B above, he or she may elect to reduce the number of multiples at any time before or after retirement by completing an SF-2817. At the time of retirement, employees covered by Option C must note on an SF-2818 or its accompanying attachment whether they wish to continue the amount of their Option C unreduced after age 65, or to allow it to begin reducing at age 65 by 2 percent per month for 50 months until Option C coverage ends. Employees who retire before age 65 and continue Option C into retirement will pay the normal Option C premium (per multiple of coverage) for their age (see Section 16-7.2(4)) until they reach age 65. After then, employees who elected to continue Option C unreduced will continue to pay the normal Option C premium for their age; employees who elected to allow Option C to reduce will pay no further premium after reaching age 65.

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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## **16-7.8 Effect of Leave Without Pay (LWOP) on FEGLI Coverage (See MAOP, Part 1, 16-7.9.1.)**

An employee on LWOP continues his or her FEGLI coverage for up to 365 consecutive days in LWOP status. No premium is due for this coverage during LWOP. The insurance terminates after 365 consecutive days on LWOP; if the employee returns to the federal service afterward in a FEGLI-covered position, the insurance he or she had at the time of termination is restored upon reentry on duty. An employee on LWOP due to a work-related injury or disease may continue FEGLI coverage as a compensationner (see Section 16-7.10) and would not be subject to the 365-day coverage limit.

\*\*EffDte: 04/20/1999 MCRT#: 889 Div: D3 Cav: SecCls:

## **16-7.9 Termination and Conversion of FEGLI Coverage**

\*\*EffDte: 05/08/2002 MCRT#: 1196 Div: D3 Cav: SecCls:

### **16-7.9.1 Termination**

FEGLI coverages terminate when an employee files a waiver (see Section 16-7.4(3)), is separated from the Federal service, has been on LWOP more than 365 days (see Section 16-7.8), or transfers to a job where he or she is excluded from FEGLI coverage by law or regulation. The employee's FEGLI Basic and optional coverages (without the Accidental Death and Dismemberment feature) are extended without cost for 31 days after the day the coverages terminate.

\*\*EffDte: 10/14/1993 MCRT#: 118 Div: D3 Cav: SecCls:

### **16-7.9.2 Conversion**

(1) Upon resignation or retirement, employees may convert their FEGLI coverages to individual life insurance policies (for other than term insurance). The Payroll Unit, Finance Division, will issue a separating employee covered by FEGLI an SF-2819 (Notice of Conversion Privilege). To convert, a former employee should request an SF-2821 (Agency Certification of Insurance Status) from the Employee Benefits Unit, Administrative Services Division, FBIHQ. The former employee should send this form, together with the SF-2819 and other documentation outlined on the form, to the Office of Federal Employees Group Life Insurance (OFEGLI), Post Office Box 2627, Jersey City, New Jersey 07302-2627. OFEGLI will then inform the

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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former employee how much insurance he or she may convert and with which participating insurance companies he or she may purchase coverage. The former employee may then contact a participating insurance company as directed by OFEGLI's notice. A retiring employee has the same conversion privilege as a separating employee if he or she retires on an immediate annuity and does not choose to carry some or all of his or her FEGLI coverage into retirement (see MAOP, Part 1, 16-7.7 (1).)

(2) Effective January 1, 1987, employees who entered the military on active duty, including active duty for training purposes, could continue their FEGLI coverage for up to 365 days in the same manner as coverage is continued for employees in other types of nonpay status. At the end of 365 days of military service, an SF-2819, (Notice of Conversion Privilege) will be furnished to employees still in the military in order for them to convert their coverage.

\*\*EffDte: 05/08/2002 MCRT#: 1196 Div: D3 Cav: SecCls:

### **| 16-7.9.3 |Deleted|**

\*\*EffDte: 05/08/2002 MCRT#: 1196 Div: D3 Cav: SecCls:

### **| 16-7.10 |FEGLI Coverage During|Workers' Compensation|(See MAOP, Part I, 16-7.8.)|**

Employees entitled to benefits from the Office of Workers' Compensation Programs (OWCP) for a job-related illness or injury may continue FEGLI coverage as a "compensationner." FEGLI Basic coverage is continued during the first 365 consecutive days of LWOP without cost, and the cost for any of the three options will be withheld from the compensation payments. Following the 365 day LWOP period, FEGLI coverage may be continued through OWCP (with no Accidental Death or Dismemberment feature) for employees receiving benefits from that agency. The qualifications to continue coverage are the same as in Section 16-7.7 for continuing coverage as a retiree.

\*\*EffDte: 10/14/1993 MCRT#: 118 Div: D3 Cav: SecCls:

### **| 16-7.11 |FEGLI Coverage for|Reemployed Annuitants**

A Federal retiree whose annuity continues during reemployment keeps FEGLI coverage in one of two ways. If the retiree is reemployed in a position which does not carry eligibility for life insurance as an employee, his or her FEGLI coverage continues through the retirement system and is administered by OPM. If the retiree is

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| reemployed in a position which carries the right to life insurance as  
| an employee, the coverage as a retiree is suspended and the retiree  
| reacquires FEGLI coverage as an employee (including Accidental Death  
| and Dismemberment benefits). Premiums are withheld from the  
| reemployed annuitant's salary as they would be for other covered  
| employees. If the reemployed annuitant waives or declines any FEGLI  
| coverage while he or she is reemployed, the waiver or declination will  
| also apply to FEGLI coverage as a retiree when he or she retires  
| again. A reemployed annuitant whose annuity is RECALCULATED (not  
| merely supplemented) upon the second retirement has his or her FEGLI  
| retirement coverage determined by the amounts and types of FEGLI  
| coverage in effect on the day of the second separation.

\*\*EffDte: 10/14/1993 MCRT#: 118 Div: D3 Cav: SecCls:

### **16-7.12 Filing for FEGLI Death Benefits (Previously Section 16-7.9.3)**

When an employee dies, the person entitled to be paid the  
FEGLI death benefits (see Section 16-7.6) must complete a Form FE-6  
(Claim for Death Benefits). Following the death of a Bureau employee,  
the completed FE-6 (with a certified copy of the death certificate) is  
sent to FBIHQ, which files the FE-6 with the Office of Federal  
Employee's Group Life Insurance (OFEGLI), 200 Park Avenue, New  
York, New York 10166-0114. When the spouse or child of an employee  
covered by Option C - Family dies, the employee completes a Form FE-6  
DEP (Statement of Claim). A Bureau employee in this situation would  
send the FE-6 DEP (and certified copy of the death certificate) to  
FBIHQ, which would file it with OFEGLI. The appropriate survivor of a  
retired federal employee would obtain the FE-6 from OPM and, upon  
completion, file it directly with that agency.

\*\*EffDte: 07/19/1995 MCRT#: 424 Div: D3 Cav: SecCls:

### **| 16-7.13 Living Benefits**

| Effective 7/25/95, a terminally ill employee who is  
| determined by his or her physician to have nine or fewer months to  
| live may apply to be paid all of his or her FEGLI Basic insurance  
| amount, or any multiple of \$1,000 up to the total of the FEGLI Basic  
| insurance amount (less approximately five to six percent of the  
| requested amount, which OFEGLI will retain to represent lost interest  
| to the FEGLI program). No Living Benefits payment may be made from  
| the employee's FEGLI optional insurance amounts, and when the employee  
| dies, any FEGLI optional insurance still in force and any FEGLI Basic  
| amount not previously paid as Living Benefits will be paid to the  
| employee's beneficiaries as described in Section 16-7.6. Should the  
| employee be paid Living Benefits and not die as expected, the employee  
| may not subsequently reenroll in FEGLI Basic insurance. An employee  
| desiring Living Benefits should obtain Form FE-8 (Application for

**SENSITIVE**

| Living Benefits) from OFEGLI and, upon completion, file it directly  
| with OFEGLI.

\*\*EffDte: 07/19/1995 MCRT#: 424 Div: D3 Cav: SecCls:

#### **| 16-7.14 Assignment of Ownership of FEGLI**

| Employees covered by FEGLI may assign ownership of their  
| FEGLI insurance policies to someone other than themselves, including  
| any firm, corporation, trust, or other legal entity. Assignment  
| transfers from the employee to the new owner of the policy all rights  
| and title to the policy, including the right to designate  
| beneficiaries and the right to decide whether the employee may make  
| changes in his/her FEGLI coverage (including cancellation).  
| Assignment of shares of the policy may be made to more than one new  
| owner; however, if the employee assigns any part of his/her FEGLI  
| policy to a new owner, he or she may not retain any part of the FEGLI  
| policy -- the remainder must also be assigned to someone else.  
| Following assignment, the employee will still be liable for paying the  
| legal FEGLI premiums described above for his/her coverage. Assignment  
| of a FEGLI policy may be made for any reason; but assignment is an  
| irrevocable action. However, the new owner may subsequently assign  
| the policy back to the employee if the new owner so desires.  
| Employees who wish to assign ownership of their FEGLI policies may  
| obtain Form RI 76-10 (Assignment of Federal Employees Group Life  
| Insurance) from the Personnel Division. |

\*\*EffDte: 07/19/1995 MCRT#: 424 Div: D3 Cav: SecCls:

#### **16-8 UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES**

| Unemployment compensation benefits are available to  
| eligible separated federal employees after terminal leave expires.  
| Tax-free basic benefits extend generally for 26 weeks in a benefit  
| year, but vary in amount per week depending upon the state. Some  
| states augment benefits with additional allowances made for  
| dependents. Eligibility determination rests solely with state  
| unemployment insurance offices. Generally, claimants must register  
| with those offices, must be unemployed, and must be able and available  
| to work when work is offered, or must be in a leave-without-pay status  
| for seven days or more. Employees should be furnished an SF-8 at the  
| time of the exit interview notifying them of their rights to claim  
| such benefits.

\*\*EffDte: 10/31/2000 MCRT#: 1034 Div: D3 Cav: SecCls:

## **16-9      FEDERAL SAFETY COUNCILS**

The Federal Safety Council and its field affiliates, Regional Federal Safety Councils, are administered by the Secretary of Labor. The Council and its regional affiliates periodically hold meetings for the purpose of assisting Government agencies in preventing and reducing accidents, and developing and maintaining safety organizations to eliminate work hazards and health risks. The President and the Secretary of Labor have in the past requested the cooperation of all Government agencies in this endeavor, and Federal regulations require that agencies should participate in such councils. Accordingly, FBIHQ desires that the SAC or SAC's designated representative participate in such councils in your area in an "observer" status when a local council requests your attendance or when information to be provided would be of benefit to employees or office operations. Only extreme operational requirements should be allowed to justify any given instance of nonparticipation.

\*\*EffDte: 03/26/1992 MCRT#: 0      Div: D3      Cav:      SecCls:

## **16-10      CHARITY CAMPAIGNS**

Since 1956 the guidelines for charity campaigns in the FBI have been governed by the White House policy and program overseeing charitable fundraising within the Federal establishment. See the administrative file for details regarding the policies and procedures. A copy of Executive Order 10927 regarding fundraising within the Federal service is also maintained in the administrative file.

\*\*EffDte: 03/26/1992 MCRT#: 0      Div: D3      Cav:      SecCls:

### **| 16-10.1      Fundraising Activities**

- |            (1) An employee may engage in fundraising only in  
| accordance with the restrictions in part 950 of 5 CFR on the  
| conduct of charitable fundraising in the federal workplace and in  
| accordance with paragraphs (3) and (4) of this section.
- |            (2) DEFINITIONS OF TERMS:
  - |            (a) Fundraising means the raising of funds for a  
| nonprofit organization, other than a political organization as defined  
| in Title 26, USC, Section 527 (e), through:
    - |            1. Solicitation of funds or sale of items; or

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|                   2. Participation in the conduct of an event by  
| an employee where any portion of the cost of attendance or  
| participation may be taken as a charitable tax deduction by a person  
| incurring that cost.

|                   (b) PARTICIPATION IN THE CONDUCT OF AN EVENT means  
| active and visible participation in the promotion, production, or  
| presentation of the event and includes serving as honorary  
| chairperson, sitting at a head table during the event, and standing in  
| a reception line. The term does not include mere attendance at an  
| event provided that, to the employee's knowledge, his/her attendance  
| is not used by the nonprofit organization to promote the event. While  
| the term generally includes any public speaking during the event, it  
| does not include the delivery of an official speech as defined in the  
| following paragraph or any seating or other participation appropriate  
| to the delivery of such a speech. Waiver of a fee for attendance at  
| an event by a participant in the conduct of that event does not  
| constitute a gift for purposes of 5, CFR, Part 2635, Subpart B.

|                   (c) OFFICIAL SPEECH means a speech given by an  
| employee in his/her official capacity on a subject matter that relates  
| to his/her official duties, provided that the employee's agency has  
| determined that the event at which the speech is to be given provides  
| an appropriate forum for the dissemination of the information to be  
| presented and provided that the employee does not request donations or  
| other support for the nonprofit organization. Subject matter relates  
| to an employee's official duties if it focuses specifically on the  
| employee's official duties, on the responsibilities, programs, or  
| operations of the employee's agency as described in 5, CFR,  
| 2635.807(a) (2) (i) (E), or on matters of Administration policy on  
| which the employee has been authorized to speak.

|                   (d) PERSONALLY SOLICIT means to request or otherwise  
| encourage donations or other support either through person-to-person  
| contact or through the use of one's name or identity in correspondence  
| or by permitting its use by others. It does not include the  
| solicitation of funds through the media or through either oral  
| remarks, or the contemporaneous dispatch of like items of mass-  
| produced correspondence, if such remarks or correspondence are  
| addressed to a group consisting of many persons, unless it is known to  
| the employee that the solicitation is targeted at subordinates or at  
| persons who are prohibited sources as defined in MAOP, Part I,  
| 1-13.2.1. It does not include behind-the-scenes assistance in the  
| solicitation of funds, such as drafting correspondence, stuffing  
| envelopes, or accounting for contributions.

|                   (3) Fundraising in an official capacity. An employee may  
| participate in fundraising in an official capacity if, in accordance  
| with a statute, Executive order, regulation or otherwise as determined  
| by the agency, he/she is authorized to engage in the fundraising  
| activity as part of his/her official duties. When authorized to  
| participate in an official capacity, an employee may use his/her  
| official title, position and authority. (See (1).)

|                   (4) Fundraising in a personal capacity. An employee may  
| engage in fundraising in his/her personal capacity provided that

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| he/she does not:

|                   (a) Personally solicit funds or other support from a  
| subordinate or from any person known to the employee to be a  
| prohibited source.

|                   (b) Use or permit the use of his/her official title,  
| position or any authority associated with his/her public office to  
| further the fundraising effort, except that an employee who is  
| ordinarily addressed using a general term of address, such "The  
| Honorable," "Doctor" or a former military rank, may use or permit the  
| use of that term of address or rank for such purposes; or

|                   (c) Engage in any action that would otherwise  
| violate the Office of Government Ethics standards of conduct. (See  
| (1).)|

\*\*EffDte: 07/12/1994 MCRT#: 271 Div: D9D3 Cav: SecCls:

## **16-11 PAYROLL MATTER - VOLUNTARY ALLOTMENTS TO FINANCIAL ORGANIZATIONS**

(1) Regulations provide that employees can have: a maximum of two deductions made from their salary for savings allotment(s) purposes and sent to a financial organization(s); the entire amount of net pay (after all other deductions) sent to a financial organization for credit to a checking account; separate voluntary allotments for SATI and/or SAMBA life insurance premiums; | voluntary allotments for dues to an association of management officials and/or supervisors (including membership dues for the FBIAA, | SES and BADGE); charitable contributions to the Combined Federal | Campaign; Special Agents' Insurance Fund membership assessment; income | tax withholdings; savings for an employee assigned to a post of duty | overseas; and a voluntary allotment for child support and/or alimony payments.

(a) Employees desiring to enroll in the Savings Allotment Program and/or net pay checking must execute SF-1199A (Direct Deposit Sign-Up Form) bearing revision date of July, 1984. Public Law 103-356, dated October 13, 1994 mandates that all newly hired employees, who begin to receive federal wage or salary payments on or after January 1, 1995, must be paid by electronic funds transfer. All newly hired employees must sign up for direct deposit, as a condition of employment, within 45 days of their EOD date. This form should also be used to increase or decrease the savings allotment(s). The government agency copy of the completed SF-1199A should be forwarded to FBIHQ, Attention: Payroll Administration and Processing Unit, Accounting Section. The financial organization and the employee should retain the other completed copies of SF-1199A.

(b) Cancellations of savings and net pay allotments to financial organizations may be accomplished by executing FD-434

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (Request for Cancellation of Savings|or|Checking Account Allotments).  
The completed form should be forwarded to FBIHQ, Attention: Payroll  
Administration and Processing Unit, Accounting Section. The request  
for cancellation should be processed by the Payroll Office prior to  
the account being cancelled at the financial organization.

| (2) Amounts withheld for SATI and SAMBA life insurance  
| premiums; Combined Federal Campaign; Special Agents' Insurance Fund  
| membership assessment; and income tax withholdings|are deducted as  
separate voluntary allotments and will not affect the two savings  
allotments.

(3) Optional Form 299 (Request by Employee for Action on  
Allotment of Pay) must be used to authorize a voluntary allotment for  
child support and/or alimony payments. A new form should be submitted  
to increase or decrease the amount of the allotment or to cancel the  
allotment. The original copy of the completed form should be  
forwarded to FBIHQ, Attention: Payroll Administration and Processing  
Unit, Accounting Section. One copy each of the form should be  
retained by the recipient of the allotment and by the employee.

Extreme care must be exercised when completing Optional Form 299;  
particularly item eight must show the correct name and mailing address  
of the recipient of the allotment since the biweekly payments will be  
forwarded to the recipient by the Department of the Treasury rather  
than by the FBI. The amount of the allotment will be deducted each  
pay period and forwarded to the recipient. No deduction will be made  
when an employee is on leave without pay for a part of the pay period  
in which the pay is insufficient to cover the entire allotment. An  
amount will not be withheld for a voluntary allotment from the final  
salary payment upon separation from the FBI.

(4) A supply of Forms SF-1199A, FD-434 and Optional Form  
299 may be ordered by requisition from Bureau supply.

\*\*EffDte: 10/19/1995 MCRT#: 464 Div: FD Cav: SecCls:

## **16-12 THE SPECIAL AGENTS INSURANCE FUND**

(1) The Special Agents Insurance Fund (SAIF) was  
organized on January 29, 1935, for the purpose of providing a sum of  
money for the families of Agents killed in the line of duty. The  
policy at that time was to pay to the beneficiary the entire sum  
collected at the time of death; thus the initial payment was  
\$4,136.17. Because of the disparity in death benefits paid as a  
result of this policy, the membership voted during September, 1939,  
to thereafter pay the sum of \$5,000 to each beneficiary. During  
November, 1940, the membership voted to extend payments to the  
beneficiaries of Agents who died from any cause, rather than  
requiring that the Agent's death be caused by violence. During 1943,  
the Agent membership voted to increase member contributions to \$10  
and to increase the survivor benefits to \$10,000. Assessments and

**SENSITIVE**

benefits remained constant until April 12, 1967, when the membership voted to increase the assessment to \$20 and to increase the survivor benefits to \$20,000. Effective January 1, 1980, the Board of Governors increased the benefits payable to \$30,000 with no increase in the \$20 assessment. The purpose of the fund is to merely supplement, not replace, the Agent's insurance coverage and to provide funds which are immediately available to the surviving spouse.

(2) Historically, an assessment of the membership has been called after six successive deaths or when the assets of the fund fall below a predetermined amount, presently \$500,000. This fund is reinsured with Life Insurance Company of North America (INA) so that in the event of five or more deaths in any one incident (24-hour period) the fund will pay the beneficiary of the first five and INA will then pay the next 90 beneficiaries.

(3) Membership is limited to Special Agents, Inspectors, Assistant Directors, Assistants to the Director, the Associate Director, the Deputy Director, Associate Deputy Directors and the Director of the Federal Bureau of Investigation who are on active duty. To apply for membership in the SAIF prospective members should execute Form FD-253, Application/Renewal of Membership and Designation of Beneficiary.

(4) Because the purpose of SAIF is to provide immediate funds to the beneficiaries of deceased Special Agents, only individuals may be designated as primary beneficiaries. Estates and trust funds may be designated as contingent or secondary beneficiaries. If a minor child is listed as the beneficiary, a delay of payment of the fund may be incurred until a guardian is appointed.

\*\*EffDte: 09/28/1990 MCRT#: 0      Div: D3      Cav:      SecCls:

## **16-12.1 Bylaws of the Special Agents Insurance Fund**

### "BYLAWS OF THE SPECIAL AGENTS INSURANCE FUND

#### "ARTICLE I "Name

"Section 1. The name of this beneficial association shall be the Special Agents Insurance Fund, hereinafter referred to as SAIF or the Fund.

#### "ARTICLE II |"Objective|

| "Section 1. The|objective|of SAIF is to provide a sum of money by voluntary contributions from members for payment to the designated beneficiary or beneficiaries of a deceased member, or the Fund member's estate if no beneficiary has been designated, upon the death

of a member.

"ARTICLE III  
"Membership

"Section 1. The membership of SAIF shall be limited to the Special Agents, Inspectors, Assistant Directors, Deputy Director, and the Director of the Federal Bureau of Investigation (FBI) who are law enforcement officers and who are on active duty.

"Section 2. Membership of a person eligible under Section 1 of this Article shall commence with the acceptance of an application and initial assessment by an authorized representative and continues until terminated by any of the following events, except as otherwise provided in Sections 3, 4, and 5 of this Article:

(a) Death of the member.

(b) Separation from the rolls of the FBI by the member's retirement, resignation, dismissal, or transfer to another federal agency. Membership shall terminate as of the date and time active duty in the FBI ceases.

(c) Commencement of leave without pay (LWOP) for active service in the United States Armed Forces. Membership shall terminate as of the date and time active duty in the FBI ceases.

(d) Failure to pay an assessment within thirty (30) calendar days from the date upon which the SAIF Board of Governors has declared an assessment is due and payable. Membership shall terminate as of close of business on the thirtieth day.

"Section 3. For each newly appointed Special Agent of the FBI, membership in SAIF shall commence immediately upon the administration of the Oath of Office. Membership shall continue only if formal application is made and initial assessment paid by the newly appointed Agent within thirty calendar days of entering on duty as an Agent. Should the new Agent die within the thirty-day period, and before making formal application for membership and payment of the initial assessment, the initial assessment will be withheld from the death benefit. Failure of the new Agent to make formal application for membership and to pay the initial assessment within thirty days of entering on duty will result in an immediate termination of membership.

"Section 4. Any member of the Fund who is carried on the rolls of the FBI in the status of Leave Without Pay (LWOP) due to illness, any member on LWOP due to a special assignment, and any member on detail to another federal agency or Congressional Committee who is not paid under the FBI's payroll system, shall continue as a member of SAIF provided that all assessments are paid directly to the Fund.

"Section 5. A retired member who has returned to active duty in the FBI is eligible for membership.

"Section 6. Persons on active duty and eligible for membership, but who have not previously been members of the Fund, may become members upon the acceptance of an application and payment of an initial assessment and all prior assessments since the date they first became

eligible for membership in the Fund.

"Section 7. Former members of the Fund who are on active duty and continue to be eligible for membership under Section 1 of this Article, may become members upon the acceptance of an application and payment of all prior assessments occurring after the termination of their membership and while they were on active duty and eligible for membership.

**"ARTICLE IV**  
**"Member's Voting Privileges**

"Section 1. Each member shall be entitled to cast one vote, by ballot, on all matters submitted to the membership for vote. The Assistant Director of the Personnel Division (PD) shall furnish written proposals and ballots to the membership for voting on any occasion required by the Board of Governors or any occasion covered elsewhere in these Bylaws. The Assistant Director, PD, shall supervise the election process, tally all votes cast and submit a written report of the results to the Chairman of the Board of Governors.

"Section 2. A majority vote cast by the members shall govern in all matters properly submitted to the membership for vote, except as provided in Section 3 of this Article.

"Section 3. In elections held for the purpose of selecting a new Board of Governors, the five (5) nominees with the greatest individual accumulations of votes cast shall constitute the newly elected Board.

**"ARTICLE V**  
**"Board of Governors**

"Section 1. The Board of Governors of the Fund shall consist of five (5) members elected by the members of SAIF. The Board of Governors shall serve for a term of three (3) years. Governors may serve no more than two consecutive terms. A newly elected Board of Governors shall take office on December 1, 1985, and each third year thereafter.

"Section 2. Governors will automatically cease to hold office upon termination of their membership in the Fund.

"Section 3. Except as provided in Section 2 of this Article, unless a Governor resigns, the Board shall hold office until a new Board is elected. Completion of term of office shall not be considered disqualifying for the purpose of this Section.

"Section 4. Any vacancy on the Board of Governors shall be filled for the remainder of the unexpired term by appointment of a Fund member by the Chairman of the Board of Governors.

"Section 5. The Board of Governors shall act as a nominating committee to submit to the membership a list of ten (10) nominees for election of a new Board before the expiration of its term of office.

"Section 6. The Board of Governors shall act as advisors to the

Director of the FBI, in his capacity as Trustee of the Charles S. Ross Fund, on matters regarding investment of Ross funds and payment of benefits.

"ARTICLE VI  
"Organization and Meetings of  
The Board of Governors

"Section 1. The Board of Governors shall elect from the Governors, a Chairman who shall hold such office for the remainder of the Board's term or until the Board's successors are elected. The Chairman shall be the presiding officer of the Board, and shall perform all of the duties usually incident to such office.

"Section 2. The Board of Governors shall appoint a Fund member as Recording Secretary to maintain a record of the Governing Board's deliberations. The Recording Secretary serves at the pleasure of the Board of Governors.

"Section 3. There shall be no stated meetings of the Board of Governors, except that the Board must meet at least once annually. The Chairman shall convene meetings of the Board from time to time as required by pending business.

"Section 4. Three members of the Board of Governors shall constitute a quorum capable of transacting any business that may come before the Board, except as provided in Section 1 of Article IX.

"Section 5. The following shall be the order of business at meetings:

1. Reading of Minutes of previous meeting
2. Reports of Recording Secretary
3. Unfinished Business
4. New Business
5. Adjournment

"ARTICLE VII  
"Powers and Duties of the Board of Governors  
in addition to those covered elsewhere  
in these Bylaws

"Section 1. The business management and affairs of SAIF shall be under the direction and control of the Board of Governors. The Board of Governors shall have authority to levy assessments on the membership, authorize contracts, incur liabilities, expend and invest funds, and such other matters and things connected with the conduct of the Fund as they may determine. The Board of Governors shall act with due care and diligence and exercise ordinary skill with respect to the management and administration of the affairs of the Fund and in the use or preservation of its property and assets.

"Section 2. The Board of Governors may grant special or general authority to others, and may likewise withdraw such authority, all upon such terms and conditions as the Board of Governors may determine, except that the Assistant Director of the Personnel Division (PD) of the FBI will receive and account for all monies of

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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the Fund. The Assistant Director, PD, shall take necessary steps to announce assessments as required by the Board of Governors and to collect same, and shall disburse benefit payments in appropriate instances. The Assistant Director, PD, shall prepare and submit in writing to the Board of Governors, an annual report on the financial condition of the Fund. All financial, administrative and other records of the Fund shall be placed in the care, custody, and control of the Assistant Director, PD, and be made available to the Board of Governors upon request.

"Section 3. The funds of SAIF shall be deposited only in regular (interest-bearing) savings accounts, certificates of deposit, or money market funds, in such banks and financial institutions as the Board of Governors may determine, to be withdrawn only as may be determined by the Board of Directors, except as otherwise provided in Section 4 of this Article.

"Section 4. All transactions concerning investments of SAIF funds shall be approved by the Chairman of the Board of Governors. This approval shall be recorded in memoranda format from the Recording Secretary to the Chairman. In the event time is of the essence, the Chairman may orally authorize the investment of SAIF funds to be confirmed by follow-up memorandum. In the Chairman's absence, another Governor shall be designated by the Chairman to act in his stead.

"Section 5. The Board of Governors shall consider all matters pertinent to the operation of the Fund and all suggestions submitted by members of the Fund and shall submit to the membership of the Fund for vote only those matters deemed appropriate by the Board. When a matter is submitted to the membership of the Fund for vote, the submission shall be in writing and shall be accompanied by a ballot.

"Section 6. The Board of Governors shall cause the financial statements of the Fund to be audited annually by Special Agent Accountants of the FBI and advise the membership of the results of all audits conducted.

**"ARTICLE VIII**

**"Assessments, Benefits and Disbursements**

"Section 1. The initial assessment for each new member shall be twenty dollars (\$20) and subsequent assessments in the amount of twenty dollars (\$20) may be levied on the entire membership from time to time by the Board of Governors, as the state of the Fund may require, except as provided in Section 2 of this Article.

"Section 2. A newly appointed Special Agent shall be required to pay an initial assessment of twenty dollars (\$20) to become a Fund member but shall not be required to pay any assessments payable before the completion of New Agents' Training at the FBI Academy.

"Section 3. Members failing to pay an assessment within thirty (30) calendar days from the date upon which the assessment is due shall forfeit all rights under the Fund until they shall have paid the assessment missed and any subsequent assessments. Should a member die within the thirty-day grace period provided for payment of the

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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assessment, the assessment amount will be withheld from the death benefit payable.

"Section 4. The primary beneficiary designated by a member shall be a person or persons. Estate and trust funds shall not be designated by a member as the primary beneficiary, but may be designated as the contingent beneficiary.

"Section 5. The 'Application for Membership, Designation of Beneficiary Form' (FD-253) shall be executed by all eligible persons | to apply for SAIF|membership|and to designate Fund beneficiaries. | Form FD-253 must again be executed in its entirety|to change | beneficiaries. A change in beneficiaries, to be valid, must be | received and processed by the Personnel Division prior to the death of | the member.|

| "Section 6. |Except as otherwise provided under Article III, Section | 4, of these Bylaws, the initial assessment and all subsequent | assessments must be paid through payroll allotment. Payroll allotment | Form FD-818 has been established for this purpose. Any member failing | to properly execute an FD-818, or who cancels their SAIF payroll | allotment, shall immediately forfeit all rights under the Fund.|

| "Section|7.| The liability of the Fund shall not under any | circumstances exceed the amount of monies in the Fund at the time any | liability shall occur.

| "Section|8.| Except as provided in Sections|7|and|9|of this Article, | payment shall be made|upon|the death of a member of the Fund in the | amount of thirty thousand dollars (\$30,000). Payment shall be made to | the designated beneficiary or beneficiaries, or|to|the estate of the | decedent if no beneficiary has been designated.

| "Section|9.| In the event death of a member is by suicide, no payment | shall be made unless the member has been a member of the Fund for a | continuous period of at least two years at the time of death.

| "Section|10.| One signature from each of two groups of signatories | shall be required for any and all disbursements of monies from the | Fund. One group of signatories shall be composed of all members of | the Board of Governors; the second group of signatories shall be | composed of the Assistant Director, Personnel Division, the FBI | Personnel Officer and the Recording Secretary.

**"ARTICLE IX  
"Changes in Bylaws**

"Section 1. These Bylaws may be altered, amended, or changed only by a majority vote of the Board of Governors.

"Section 2. The membership must be notified in writing of any changes to these Bylaws approved by the Board of Governors"

\*\*EffDte: 07/13/1995 MCRT#: 406 Div: D3 Cav: SecCls:

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**16-13 CHARLES S. ROSS FUND**

(1) The Charles S. Ross Fund was established on December 15, 1944, by Mrs. May C. Ross, widow of Charles S. Ross, with the Director of the FBI as trustee. This charitable trust was established to provide a payment of \$1,500 to the beneficiary of any Special Agent killed in the line of duty. There is no cost for membership in this fund.

(2) In 1980, the U.S. District Court was petitioned to relieve the Director from the \$1,500 limitation on the amount which may be paid to the beneficiary of Agents killed in the line of duty. The Court ruled to allow the Director to pay a sum which is approximately equivalent to the purchasing power of \$1,500 in 1944 dollars. Annually, the amount paid is reevaluated and increased accordingly to the purchasing power of the 1944 dollar.

(3) The Board of Governors for the SAIF serves in an advisory capacity to the Director of the FBI for the Charles S. Ross Fund. Form FD-253, Application/Renewal of Membership and Designation of Beneficiary, is also used for Special Agents to designate a beneficiary for the Charles S. Ross Fund.

\*\*EffDte: 01/23/1986 MCRT#: 0      Div: D3      Cav:      SecCls:

**16-14 PUBLIC SAFETY OFFICERS' DEATH AND DISABILITY BENEFITS (See MIOG, Part 1, 184-9.)**

(1) The Public Safety Officers' Benefit Act, as amended (Title 42, USC, Section 3796(a) through (f)), provides a lump-sum benefit to survivors of federal law enforcement officers killed in the line of duty or accidentally while on duty. The benefit shall be \$259,000, adjusted annually by the percentage increase in the Consumer Price Index. Eligibility for this benefit will be determined by the Department of Justice.

(2) Congress has provided in this Act that the surviving spouse of a qualifying law enforcement officer will receive the entire benefit if there are no surviving children. One-half of the benefit will be divided equally among the law enforcement officer's surviving children, with the other half of the benefit paid to the surviving spouse. The surviving children would share the entire benefit equally if there is no surviving spouse. If the law enforcement officer is survived by neither a spouse nor any children, the benefit will be divided in equal shares among the officer's surviving parent(s). If the law enforcement officer is survived by no spouse, child, or parent, no benefit will be paid. Law enforcement officers may not designate any beneficiary to receive the benefit under this Act.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) Congress has provided by amendment to this Act that the lump-sum benefit described in paragraph (1) shall be paid to any federal law enforcement officer who has become permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty on or after November 29, 1990. Eligibility for this benefit will be determined by the Department of Justice. However, the following prerequisites must be met to receive the disability benefit:

(a) An award of maximum compensation must be granted; and

(b) The disability must result in the law enforcement officer's permanent and complete separation from his or her employing agency.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3

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## **16-15 HUMANITARIAN EXPENSE FUND**

(1) On 10/27/90 Congress passed Public Law 101-647, 104 Stat. 4916, the Crime Control Act of 1990 (CCA of 1990). For lack of specific statutory authorization, the FBI was never able to provide assistance to survivors (i.e., spouse, parents, children, and in-laws) of employees who were wounded or killed in the line of duty. Under Title 28, United States Code, Section 3201(a), authority was granted to the Director of the FBI to appropriate \$25,000 per fiscal year to pay humanitarian expenses incurred (1) by an employee of the Bureau as a result of a serious illness, serious injury, or death occurring while on official business, or (2) by a member of the immediate family of such employee, incident to the serious injury or death occurring while on official business.

(2) Authority for administering the Humanitarian Expense Fund has been delegated to the Employee Benefits Unit (EBU), |Personnel|Division|(PD), |with all approved expenses incurred on behalf of FBI employees or their immediate families charged to the EBU's cost code - 0344.

(3) Since the Humanitarian Expense Fund has a cap set by law of \$25,000 per fiscal year, the FBI is not permitted to supplement it by additional funding from other sources. Therefore, in order to ensure funds are disbursed in an equitable and uniform manner, direct reimbursement is limited to \$1,000 per individual and \$3,000 per family. This policy ensures equal treatment and that one accident or other covered matter would not use all the available funding. However, the EBU is authorized to exceed the \$1,000 and \$3,000 limitations in unusual situations.

(4) The fund will be reconsidered in September of each year, if funds are available, to determine whether additional reimbursements can be made. Only those unpaid expenses which are

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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appropriate and which would have been paid in the first place if funding had allowed it at the time will be considered.

(5) Expenses generally fall into two categories, (1) professional services such as psychological counseling, and (2) travel expenses associated with transporting the family to the hospital, when remote from the office of assignment, and survivors to attend funerals, memorial services, and critical incident seminars.

(6) The following procedures are to be used to request use of Humanitarian Expense Funds:

(a) Requests are to be submitted to the EBU with full details and justification for requested expenses. Requests must identify the employee and/or immediate family members involved and detail the nature of the expenses and estimated costs, including travel cost (detail travel on Travel Request Form FD-540), of any FBI employee(s) required to travel with the employee's family members.

(b) Upon approval or disapproval of request by the Assistant Director of PD, the EBU will notify the requestor and provide instructions and financial limitations, if appropriate.

(c) Professional services approved by the EBU should be documented on Requisition for Supplies and/or Equipment (FD-369) which will be converted into a purchase order. In addition, the vendor may submit invoices for services to the EBU.

(d) Travel-related expenses will require extensive involvement of an on-scene assistance officer, assigned by the field office or FBIHQ entity, who is to coordinate all travel arrangements, pay all related bills, and submit a travel voucher for the expenses incurred by the individuals being provided humanitarian assistance and any accompanying FBI employee. Travel expenses will be limited to the levels currently established by Federal Travel Regulations.

(e) The assistance officer is to make hotel reservations and pay the hotel bill and expenses such as food, taxi, etc., or provide the family with cash to pay their own expenses, ensuring costs are within the per diem rate limits. An advance of funds may be obtained for this purpose.

(f) The assistance officer is to prepare the travel voucher to account for all travel expenses and submit same to EBU for review and approval.

\*\*EffDte: 04/21/1994 MCRT#: 226 Div: D3 Cav: SecCls:

## **16-16 EMPLOYEE BENEVOLENT FUND (See also MAOP, Part 1, 16-16.1)**

(1) The Employee Benevolent Fund (BF), also known as the Benevolent Fund, was established on April 9, 1997. This fund

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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provides immediate financial assistance to the family of any FBI employee who dies from any cause during his or her service with the FBI. The BF is open to all employees.

(2) The cost of membership in the BF is \$1.00 per pay period, payable through payroll deduction, and will include the following coverage:

(a) If a member of the BF dies while a Bureau employee, the designated beneficiary will be paid a minimum of \$15,000 by check within one workday after the death is reported to the Employee Benefits Unit, Administrative Services Division. The check will be sent to the beneficiary by the BF's administrator. (If death is caused by suicide, no payment will be made unless the member, at the time of death, had been a member of the BF for a continuous period of two years.) Unlike conventional life insurance, there will be no need for survivors to fill out a claim form or get a certificate of death in order to receive the money. The money is guaranteed, as the BF is backed by the Special Agents Mutual Benefit Association (SAMBA).

(b) If the employee dies due to a terrorism-related incident, SAMBA has agreed to pay an additional \$100,000 payment to the beneficiary, for a minimum of \$115,000, as long as the employee does not already have such protection through another SAMBA plan.

(3) There are two types of beneficiaries an employee may designate to receive proceeds from the BF.

(a) Primary beneficiaries are those persons who would immediately receive the money if they are still living when the employee dies. The employee may designate as many of these as he or she wishes and divide the money between them, but may only designate individuals (not businesses, trusts, or other entities) to be primary beneficiaries.

(b) Secondary beneficiaries are the beneficiaries who the employee chooses to receive the money if the primary beneficiaries have died by the time the employee dies. Secondary beneficiaries may be individuals, or may be designated as trusts, corporations, schools, charities, or any other legal entities.

(4) Membership in the BF ends when an employee separates from active-duty employment in the FBI for any reason, including retirement.

(5) The BF is governed by a five-member Board of Governors. The initial Board was appointed by Aegis, the Support Employees Advisory Committee to the Director, and took office December 1, 1996. Future Boards will be elected by vote of the Fund's members. Board members serve a term of three years and may serve no more than two consecutive terms.

(6) Persons eligible for membership may become members only during an "open season" and upon the execution and delivery

**SENSITIVE**

of the forms FD-862 (payroll allotment authorization form) and FD-863 (enrollment form) to an authorized representative. The initial open season shall extend for 30 calendar days. Open seasons are expected to be infrequent and cannot be held more frequently than once every two years. Open seasons are initiated at the discretion of the Board of Governors.

(a) New employees are enrolled in the BF upon taking the oath of office; however, to remain enrolled they must execute and deliver forms FD-862 and FD-863 to an authorized representative within 30 calendar days of entering on duty.

(b) A former member who has returned as a permanent or term employee is eligible for membership upon reinstatement, and must complete and deliver forms FD-862 and FD-863 to an authorized representative within 30 calendar days of reinstatement.

(7) Execute FD-862 (payroll allotment authorization form) to cancel allotments. Execute FD-863 (enrollment form) to change beneficiaries.

(8) See MAOP, Part 1, 16-16.1, for complete BF Bylaws.

\*\*EffDte: 05/16/2000 MCRT#: 976 Div: D3 Cav: SecCls:

## **16-16.1 "Bylaws of the Employee Benevolent Fund (See MAOP, Part 1, 16-16.)**

### **"ARTICLE I "Name**

"Section 1. The name of this beneficial association shall be the Employee Benevolent Fund Inc., hereinafter referred to as BF or the Fund. The Fund is a nonprofit corporation formed under the laws of the District of Columbia.

### **"ARTICLE II "Objective**

"Section 1. The objective of BF is to provide a sum of money by voluntary contributions from members for payment to the designated Primary beneficiary(ies) or Contingent beneficiary(ies) of a deceased member, or the Fund member's estate should the employee die prior to executing and delivering the required "Application of Membership and Designation of Beneficiary Form" (FD-863) and Allotment Form (FD-862) during his/her first 30 days of service.

### **"ARTICLE III "Membership**

"Section 1. Membership in the BF is limited to employees of the FBI who are permanent or term employees, Full-time or part-time. Temporary employees are ineligible to join. All permanent or term

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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employees on the FBI personnel rolls 30 calendar days after the date that these bylaws become effective, and all employees who enter on duty thereafter, are eligible to join the BF.

"Section 2. Except as provided for in Section 3 of this Article, membership of a person eligible under Section 1 of this Article shall commence with the execution and delivery of the "Application of Membership and Designation of Beneficiary Form" (FD-863) and the Allotment Form (FD-862) to an authorized representative and continues until terminated by any of the following events, except as otherwise provided in Sections 3, 4, and 5 of this Article:

"(a) Death of the member.

"(b) Separation from the rolls of the FBI by the member's retirement, resignation, removal, or transfer to another Federal agency. Membership shall terminate as of 12:01 A.M., of the calendar day after the effective date of the member's separation from the personnel rolls of the FBI.

"(c) Leave without pay (LWOP) for any reason for more than 365 consecutive days.

"(d) Voluntary cancellation of the payroll allotment (FD-862) as of 12:01 A.M., of the calendar day after the effective date of the cancellation.

"Section 3. For each new employee of the FBI, membership in BF shall commence immediately upon the administration of the Oath of Office. Membership shall continue only if the "Application of Membership and Designation of Beneficiary Form" (FD-863) and Allotment Form (FD-862) are executed and delivered to an authorized representative within thirty calendar days of entering on duty. Failure to execute and deliver the forms within thirty calendar days of entering on duty will result in an immediate termination of membership.

"Section 4. A former member who has returned as a permanent or term employee in the FBI is eligible for membership upon reinstatement. Membership shall continue only if the "Application of Membership and Designation of Beneficiary Form" (FD-863) and Allotment Form (FD-862) are executed and delivered to an authorized representative within thirty calendar days of reinstatement. Failure to execute and deliver the forms within thirty calendar days will result in an immediate termination of membership.

"Section 5. Persons eligible for membership may become members only during an "open season" and upon the execution and delivery of the "Application of Membership and Designation of Beneficiary Form" (FD-863) and Allotment Form (FD-862) to an authorized representative. The initial open season shall extend for 30 calendar days. Open seasons are expected to be infrequent and cannot be held more frequently than once every two years. Open seasons are initiated at the discretion of the Board of Governors.

**"ARTICLE IV**

**"Member Voting Privileges**

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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"Section 1. Each member shall be entitled to cast one vote, by ballot, on all matters submitted to the membership for vote. The Assistant Director of the Administrative Services Division (ASD) shall be requested to furnish written proposals and ballots to the membership for voting on any occasion required by the Board of Governors or any occasion covered elsewhere in these Bylaws. The Board shall request the Assistant Director, ASD, to supervise the election process, to tally all votes cast and submit a written report of the results to the Chairman of the Board of Governors.

"Section 2. A majority vote cast by the members shall govern in all matters properly submitted to the membership for vote, except as provided in Section 3 of this Article.

"Section 3. In elections held for the purpose of selecting a new Board of Governors, the five (5) nominees with the greatest individual accumulations of votes cast shall constitute the newly elected Board.

**"ARTICLE V**

**"Board of Governors**

"Section 1. The Board of Governors of the Fund shall consist of five (5) members elected by the members of BF. The Board of Governors shall serve for a term of three (3) years. Governors may serve no more than two consecutive terms. A newly elected Board of Governors shall take office on December 1, and each third year thereafter.

"Section 2. Governors will automatically cease to hold office upon termination of their membership in the Fund.

"Section 3. Except as provided in Sections 2 and 6 of this Article, unless a Governor resigns, the Board shall hold office until a new Board is elected. If at the completion of term of office a new board is not elected, the current board will preside until such elections may occur.

"Section 4. Any vacancy on the Board of Governors shall be filled for the remainder of the unexpired term by appointment of a Fund member by the Chairman of the Board of Governors.

"Section 5. The Board of Governors shall act as a nominating committee to submit to the membership a list of ten (10) nominees for election of a new Board before the expiration of its term of office.

"Section 6. A minimum of three Board members is required to call an emergency meeting of the entire Board for the purpose of removing a fellow Board Member. All five Board members must be present at such a meeting and all Board members must vote on whether to remove a Board member. A majority vote will be required to remove the Board member for cause only.

**"ARTICLE VI**

**"Organization and Meetings of  
The Board of Governors**

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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"Section 1. The Board of Governors shall elect from the Governors, a Chairman who shall hold such office for the remainder of the Board's term or until the Board's successors are elected. The Chairman shall be the presiding officer of the Board, and shall perform all of the duties usually incident to such office.

"Section 2. The Board of Governors shall appoint a Fund member as Recording Secretary to maintain a record of the Governing Board's deliberations. The Recording Secretary serves at the pleasure of the Board of Governors.

"Section 3. The Board must meet at least once annually. The Chairman shall convene other meetings of the Board from time to time as required by pending business. Meetings may also be called as set forth in Article V, Section 6.

"Section 4. Three members of the Board of Governors shall constitute a quorum capable of transacting any business that may come before the Board, except as provided in Article IX, Section 1 and Article V, Section 6.

"Section 5. The following shall be the order of business at meetings:

1. Reading of Minutes of previous meeting
2. Reports of Recording Secretary
3. Unfinished Business
4. New Business
5. Adjournment

**"ARTICLE VII**

**"Powers and Duties of the Board  
of Governors in addition to those  
covered elsewhere in these  
Bylaws**

"Section 1. The business management and affairs of BF shall be under the direction and control of the Board of Governors. The Board of Governors shall have authority to adjust the level of contributions on the membership, authorize contracts, incur liabilities, expend and invest funds, accept gifts, contributions, donations, bequests, and devises and such other matters and things connected with the conduct of the Fund as they may determine. The Board of Governors shall act with due care and diligence and exercise ordinary skill with respect to the management and administration of the affairs of the Fund and in the use of preservation of its property and assets.

"Section 2. The Board of Governors may grant special or general authority to others, and may likewise withdraw such authority, all upon such terms and conditions as the Board of Governors may determine, except that the Assistant Director of the Administrative Services Division (ASD) of the FBI will be requested to receive and account for all monies of the Fund. At the request of the Board of Governors the Assistant Director, ASD, shall take necessary steps to announce open seasons and/or allotment adjustments as required by the

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Board of Governors, and shall disburse benefit payments in appropriate instances. The Assistant Director, ASD, will be requested to prepare and submit in writing to the Board of Governors, an annual report on the financial condition of the Fund. All financial, administrative, and other records of the Fund shall be placed in the care, custody, and control of the Assistant Director, ASD, and be made available to the Board of Governors upon request.

"Section 3. The funds of BF shall be deposited only in regular (interest-bearing) savings accounts, certificates of deposit, or money market funds, in such banks and financial institutions as the Board of Governors may determine, to be withdrawn, only as may be determined by the Board of Governors except as otherwise provided in Section 4 of this Article.

"Section 4. All transactions concerning investments of BF funds shall be approved by the Chairman of the Board of Governors. This approval shall be recorded in memoranda format from the Recording Secretary to the Chairman. In the event time is of the essence, the Chairman may orally authorize the investment of BF funds to be confirmed by follow-up memorandum. In the Chairman's absence, another Governor shall be designated by the Chairman to act in his/her stead.

"Section 5. The Board of Governors shall consider all matters pertinent to the operation of the Fund and all suggestions submitted by members of the Fund and shall submit to the membership of the Fund for vote only those matters deemed appropriate by the Board. When a matter is submitted to the membership of the Fund for vote, the submission shall be in writing and shall be accompanied by a ballot as set forth in Article IV.

"Section 6. The Board of Governors shall cause the financial statements of the Fund to be audited annually and advise membership of the results of all audits conducted.

**"ARTICLE VIII  
Costs, Benefits, and  
Disbursements**

"Section 1. The fund shall be funded through contributions to be paid by the use of payroll allotments. The contribution is initially set at \$1.00 per pay period, per member. The contribution for the entire membership may be adjusted from time to time by the Board of Governors, as the state of the Fund may require.

"Section 2. Allotment adjustments to match required contributions will be automatic. Membership will be advised at least two pay periods in advance to any payroll adjustments.

"Section 3. The primary beneficiary designated by a member shall be a natural person or natural persons. Estates and trusts shall not be designated by a member as the primary beneficiary, but may be designated as the contingent beneficiary.

"Section 4. The "Application of Membership and Designation of

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Beneficiary Form" (FD-863) and Allotment Form (FD-862) shall be executed by all eligible persons to apply for BF membership and to designate Fund beneficiaries. Form FD-863 must again be executed in its entirety to change beneficiaries. A change in beneficiaries, to be valid, must be delivered to the Administrative Services Division prior to the death of the member.

"Section 5. Except as otherwise provided under Article III, Section 4, of these Bylaws, all contributions will be made through payroll allotment. The BF Allotment Form (FD-862) has been established for this purpose.

"Section 6. Except as provided in Section 7 of this Article, payment shall be made upon the death of a member of the Fund in the amount of no less than \$25,000. In the event the death is caused by a terrorist act as defined by SAMBA Terrorist Protection Insurance, and the member is not already covered by SAMBA Terrorist Protection Insurance, the amount of payment will increase by \$100,000. Payment shall be made to the Primary beneficiary(ies) or Contingent beneficiary(ies) of a deceased member, or the Fund member's estate should the employee die prior to executing and delivering the required "Application of Membership and Designation of Beneficiary Form" (FD-863) and Allotment Form (FD-862) during his/her first 30 days of service.

"Section 7. In the event death of a member is by suicide, no payment shall be made unless the member has been a member of the Fund for a continuous period of at least two years at the time of death.

"Section 8. Two signatures shall be required for any and all disbursements of monies from the Fund. Signatories shall be composed of all members of the Board of Governors.

**"ARTICLE IX  
"Changes in Bylaws**

"Section 1. These Bylaws may be altered, amended, or changed only by a majority vote of the Board of Governors.

"Section 2. The membership must be notified in writing of any changes to these Bylaws approved by the Board of Governors.

\*\*EffDte: 02/18/1999 MCRT#: 863 Div: D3 Cav: SecCls:

## **| 16-17 DEATH GRATUITY PAYMENT (DGP)**

| Public Law 104-208, effective September 30, 1996, gave  
| federal agencies the authority to pay up to \$10,000 as a death  
| gratuity to the "personal representative" of an employee who died from  
| an injury sustained in the line of duty on or after August 2, 1990.  
| This includes an employee who dies after separation from service.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| This DGP is to be paid from appropriations in an amount when combined  
| with certain other payments, that does not exceed \$10,000. Other  
| payments that must be considered in determining the amount of the  
| gratuity are:

|           (1) \$200 payable by Office of Workers' Compensation  
| Programs (OWCP) for reimbursement of the costs of termination of the  
| decedent's status as an employee; and

|           (2) Up to \$800 payable by OWCP for funeral and burial  
| expenses in cases of employees who die as a result of an injury  
| sustained in the performance of duty.|

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

## **| |16-18 FEDERAL LAW ENFORCEMENT DEPENDENTS ASSISTANCE ACT**

|           The Federal Law Enforcement Dependents Assistance Act of  
| 1996 provides financial assistance for the purpose of higher education  
| to the dependents (i.e., spouses and children) of federal law  
| enforcement officers who died or became disabled in the line of duty  
| on or after May 1, 1992. Like the Public Safety Officers' Death and  
| Disability Benefit, this program is administered and paid by the  
| Department of Justice.|

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

## **| |16-19 PROFESSIONAL LIABILITY INSURANCE**

|           Professional liability insurance is insurance which provides  
| coverage for legal liability for damages as a result of injuries to  
| other persons, damage to their property, or other damages or losses to  
| such other persons (including the expenses of litigation and  
| settlement) resulting from or arising out of any tortious act, error,  
| or omission while acting within the scope of official duties.  
| Coverage also includes the cost of legal representation for a covered  
| individual in connection with any administrative or judicial  
| proceeding (including investigative or disciplinary proceedings)  
| relating to any act, error, or omission while acting within the scope  
| of official duties.

|           (1) The law implementing reimbursement of professional  
| liability insurance mandates reimbursement of this insurance to  
| certain qualified employees. For purposes of this section the term  
| "qualified employee" includes law enforcement officers, attorneys,  
| supervisors, and management officials. Only those employees occupying  
| the above positions are eligible for reimbursement of up to one-half  
| the cost incurred for the purchase of professional liability  
| insurance, not to exceed \$115 per year. However, for good cause, this

**SENSITIVE**

| amount may be reduced to not less than \$50 a year.

|           (2) Qualified employees who have purchased professional  
| liability insurance through Wright and Company (SATI) will  
| automatically be reimbursed for up to one-half of the cost of the  
| insurance. No action is required on behalf of qualified employees to  
| obtain reimbursement. The reimbursement will always be paid in  
| arrears, after the fiscal year ends. Thus, reimbursement for  
| insurance purchased for fiscal year 2001 (October 1, 2000 to  
| September 30, 2001) will not be paid until after October 1, 2001 and  
| so on.

|           (3) Qualified employees who have purchased professional  
| liability insurance outside of Wright and Company must submit a claim  
| for reimbursement of the insurance. Only one payment will be  
| authorized each fiscal year as reimbursement for professional  
| liability insurance. Therefore, it is recommended that employees wait  
| until payment has been made in full each fiscal year before submitting  
| a claim for reimbursement of professional liability insurance.

|           (a) Claims for reimbursement of the insurance should  
| be made through submission of a properly executed FD-794, Draft  
| Request Form, supported by a copy of the insurance certificate/policy  
| and proof of payment for the applicable year. The employee must  
| indicate his/her title on the FD-794. The completed request should be  
| forwarded to the Travel Advance and Payment Unit, Room 1270, for  
| processing and issuance of payment.|

\*\*EffDte: 11/15/2001 MCRT#: 1155 Div: FD           Cav:           SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

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## SECTION 17. RESIGNATIONS

### 17-1 RESIGNATIONS

#### 17-1.1 Notice of Resignation

Employees should give reasonable period of advance notice. FBIHQ approval need not be secured for an employee to cease active duty for purpose of resigning, even though employee will cease duty on same day resignation is submitted. (For resignations submitted during personnel action inquiries, refer to Part I, Section 13-12 of this manual.)

#### 17-1.2 Manner of Submission

Each employee who resigns must do so in writing and the reason for resignation must be documented on the Standard Form (SF) 52. When an employee is leaving the FBI to accept employment without a break in service in another federal agency, the personnel action processed is a Termination-Appt In (agency) rather than a resignation.

(1) The following procedures will be followed when an employee RESIGNS their employment with the FBI:

(a) The employee will send an e-mail or provide a written notice stating the effective date and the reason for resignation to his/her supervisor with a copy to the head of division.

(b) When the employee resigns orally, he/she is also required to provide written confirmation. The person who received the oral resignation shall request an e-mail or written notice from the employee. If this is not provided, the person who received the oral resignation must document this in writing.

(c) The head of division is responsible for sending the request for resignation to the Staffing Unit, Administrative Services Division. The request must be accompanied by an FD-193, Report of Exit and Separation, or FD-193a, Report of Exit and Separation for Temporary Employment.

(d) The Staffing Unit representative will prepare and input the SF-52 into the Bureau Personnel Management System and then process the personnel action.

(2) The following procedures will be followed when an employee leaves the FBI to TRANSFER to another federal agency:

(a) The employee will send an e-mail or provide a written notice with the pertinent information (name of agency, effective date, etc.) to his/her supervisor with a copy to the head of division.

(b) The head of division is responsible for sending the separation notice to the Staffing Unit, Administrative Services Division. The notice must be accompanied by an FD-193, Report of Exit and Separation, or FD-193a, Report of Exit and Separation for Temporary Employment.

(c) The Staffing Unit representative will prepare and input the SF-52 into the Bureau Personnel Management System and then process the personnel action.

**17-1.3 Deleted****17-1.4 Effective Dates of Resignations and Payment for Unused Leave****17-1.4.1 Routine Resignations**

Resignations are normally effective at the close of business on the day the employee ceases active duty, and the employee is paid a lump-sum payment for unused annual leave.

**17-1.4.2 Other Types of Resignations**

(1) For details on employees entering military service, see Part I, Section 10 of this manual.

(2) An employee resigning for maternity purposes is generally paid for accrued sick leave for the period of incapacitation and the resignation will become effective upon expiration of accrued sick leave. In order for the employee to be paid for sick leave, a medical certificate must be furnished certifying as to her inability to continue working after the date she will cease active duty, and the date of expected delivery. This certificate must be submitted with the employee's letter of resignation. Employee is paid a lump-sum for any unused annual leave in the year of separation.

(3) For an employee resigning to accept a position at another Federal agency, the resignation is normally effective on the date the employee ceases active duty. Annual and sick leave are transferred to the hiring agency upon request of that agency, provided that agency is subject to the same Annual and Sick Leave Act as the FBI. If this is not the case, the employee will normally be paid for accrued annual leave and forfeit sick leave.

**17-1.5 Withdrawal of Resignation**

Once a resignation is submitted, it may be withdrawn or revoked up until the time it becomes effective, unless a sound administrative reason exists for not permitting the withdrawal, in which case the matter should be coordinated with the Administrative Services Division. If a submitted resignation is later withdrawn, FBIHQ should be notified on a timely basis.

**17-1.6 Final Payment for Salary and Lump-Sum Leave Payment**

Separated employees receive payment for any workdays worked during the pay period in which resignation becomes effective on regular payday for that pay period. If employees are carried on the rolls until expiration of sick leave, their final payment is sent to their bank. Lump-sum leave payments are included in employee's final salary payment. Where any restored leave is not used before separation and if separation occurs before the specified time limit for use, the employee will receive a lump-sum payment for unused restored leave. Restored annual leave included in a lump-sum payment is not subject to refund of the lump-sum payment and may not be recredited if the employee is reemployed prior to the expiration of the lump-sum period.

**17-1.7 Return of Government Property (See MIOG, Part 2, 12-1.3, 12-3.)**

Upon resignation, separation, or suspension, SAC shall collect all Government property which has been issued to the employee.

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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**17-1.7.1 Field Procedures (See MAOP, Part 1, 17-1.7.4, Part 2, 6-10.2(3); MIOG, Part 2, 12-1.3, 12-3, 12-5.)**

In the field, the Bureau Personnel Management System, Issued Personal Property Subsystem and the Property Management Application are to be reviewed for property assigned to an employee prior to completing Form FD-367 and submitting to FBIHQ with appropriate property. In addition, all division manual and automated records are to be reviewed for property assigned to employees before separating from the Bureau. Any property that consists of credentials (Agent and non-Agent) and badges is to be packed separately from any other item and forwarded to FBIHQ, Attention: Property Procurement and Management Section, Property Management Unit (PMU), by registered mail. All telephone calling cards must be forwarded to FBIHQ, Attention: Operations Section, Telecommunications Services Unit, Information Resources Division, by registered mail. Legal Handbooks for Special Agents are to be packed separately and forwarded to FBIHQ, Attention: Manuals Desk. Upon resignation, any field personnel files, including subfiles, should be retained in the field office for 120 days after employment has terminated, and then destroyed. FBI identification cards, U.S. government licenses, and FBI Employee Handbooks should be disposed of by each field division. Each field division must notify the PMU by submitting an FD-367 for any of the above property. Firearms and Ballistic Protective Undergarments (BPU) are to be packed separately and forwarded to FBI Academy, Room 110, DN Building, Quantico, Virginia, 22135, by registered mail, along with a copy of the FD-367. A notation must be made on the original FD-367 that the firearm and BPU have been forwarded directly to Quantico under separate cover.

**17-1.7.2 Manuals (See MAOP, Part 2, 6-10.2 (4).)**

Manuals that are returned to the Manuals Desk, FBIHQ, must have Form FD-474 attached to each manual returned.

**17-1.7.3 FBIRA Membership Cards**

Current FBIRA membership cards of employees who are leaving service shall be secured from employees in every instance and shall be destroyed by SAC. Advise FBIHQ of destruction in communication reporting property return. If employee was not a member of FBIRA, such fact should be reported in communication or on return property receipt.

**17-1.7.4 Support Employee Identification Cards**

Upon resignation of support employee, FBI identification card should be secured and destroyed in field and Bureau advised.

**17-1.7.5 FBIHQ Procedures**

At FBIHQ, all badges, credentials and identification badges should be secured and forwarded to the PMU, PPMS, FD with a signed FD-281. Telephone calling cards are to be forwarded to Telecommunications Services Unit, Operations Section, Information Resources Division, along with a signed FD-281. All weapons are to be forwarded to the FBI Academy, Room 110, DN Building, Quantico, Virginia, by registered mail, along with a copy of the FD-367 and a signed FD-281.

SENSITIVE

#### **17-1.7.6 JEH Building Access Cards**

Security access badges issued to employees for access to the JEH Building should be returned to the Protective Security Unit, Security Division, Room 1358, with a signed FD-281.

#### **17-1.8 Return of Employee and Family to Continental United States Following Separation from Duty (See Legal Attache Manual, Part 1, 5-8.)**

Employees returning to the Continental United States from service abroad for separation purposes, including retirement, must begin travel and transportation of household goods no later than six months from the date of the employee's separation, unless delayed travel is authorized. To qualify for return travel and transportation expenses, the employee must have completed the agreed-upon period of service abroad. Employees hired locally are not eligible for return travel and transportation expenses.

(1) Employees requesting separation travel must submit a written request to the Travel Advance and Payment Unit (TAPU), Accounting Section, Room 1396, to exercise their entitlement to this benefit. If the employee does not exercise his/her entitlement to separation travel within six months of his/her separation date, the employee will be considered to have waived his/her entitlement to return travel and transportation expenses.

(2) If additional time is required to complete separation travel, the employee must submit a written request to the TAPU, Room 1396, not later than 30 days from the end of the six-month period, setting forth the circumstances that have precluded him/her from completing separation travel and the length of time needed to complete the travel. Reasons for delay may include, but are not limited to, children's completion of school year, unable to sell current residence (must document efforts), serious illness or death of an immediate family member, Act of God.

(a) Requests for delayed travel because of outside employment will not be approved.

(b) When delayed travel is authorized, all travel and transportation (including delivery of household goods) must be completed no later than two years from the date of the employee's separation.

(3) The following relocation benefits are reimbursable in connection with separation travel: one-way travel, transportation of household goods, and shipment of one privately owned vehicle, if shipped abroad, to his/her actual place of residence in the United States.

(a) Travel and transportation of household goods may be authorized to an alternate destination, provided the government's cost does not exceed the cost that would have been paid for travel and transportation to the employee's actual residence when assigned abroad. Any additional cost resulting from travel and transportation of household goods to an alternate destination must be borne by the separating employee.



## **17-2 EMPLOYEES LEAVING SERVICE**

**17-2.1 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

### **17-2.2 Employees Departing on Absence for Maternity Reasons**

FD-309 is to be used to record exit interview, and it should be submitted to FBIHQ immediately following interview. The following points should be followed:

- (1) Furnish employee with FD-462 at the same time the FD-309 is executed. FD-462 explains maternity benefits available to employee.
- (2) Submit an administrative performance rating only if there has been a substantial change in employee's work performance since last rating. If there is no substantial change, merely so state on FD-309. If absence for maternity reasons extends to the end of the regularly scheduled rating period, an annual performance rating must be submitted at that time.
- (3) Employees who resign for maternity reasons, rather than going on absence for maternity reasons, should be handled as described in 17-2.1 above.

### **17-2.3 Employees Leaving for Military Service**

See Part I, Section 10-5 of this manual for interview of employee leaving for military service.

## | SECTION 18. |FEDERAL RETIREMENT SYSTEMS|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3              Cav:              SecCls:

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### 18-1      INTRODUCTION

|              |All FBI employees are covered by one of two retirement  
| systems, the Civil Service Retirement System (CSRS) or the Federal  
| Employees Retirement System (FERS). All employees first hired into a  
| Federal civilian position on or after 1/1/84 are covered by FERS.  
| Employees who reinstate to Federal service and are exempt from FERS  
| because of a previous period of service under CSRS have six months  
| from the date of reinstatement to transfer to FERS if they had more  
| than three days break in service.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3              Cav:              SecCls:

#### | 18-1.1    Submission of Request for Employee Retirement|Certificate|

|              Heads of offices may request a congratulatory  
| |certificate|from the Director for retiring employees by submitting an  
| FD-931 (Request for Employee Retirement|Certificate).| Forms should be  
| submitted to the|Executive Secretariat Unit, Records Management  
| Division,|30 days in advance of the retirement date (if possible).  
| Employees must have 20 years of cumulative|federal government|service  
| in order to be eligible for a|certificate,|and there should be nothing  
| in the employee's work record which would preclude him/her|from|  
| receiving a congratulatory|certificate|from the Director. Exceptions  
| are made for employees with fewer years of service who retire on  
| disability. |Certificates|will be sent to the heads of offices for  
| presentation or delivery.

\*\*EffDte: 11/21/2002 MCRT#: 1244 Div: RM              Cav:              SecCls:

#### | 18-2      |CIVIL SERVICE RETIREMENT SYSTEM (CSRS)

|              CSRS is the original Federal retirement system, created by  
| Congress in 1920. CSRS benefits are in the form of a single annuity  
| based on a retired Federal employee's longevity and salary history.  
| The United States Office of Personnel Management (OPM) administers  
| CSRS. While many CSRS-covered employees also earn benefits from  
| Social Security and the Thrift Savings Plan (TSP), they are not a part  
| of CSRS.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3      Cav:      SecCls:

## | 18-2.1 |Eligibility|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3      Cav:      SecCls:

### | 18-2.1.1 |Immediate Retirement

|            Employees are vested after five years of civilian service  
| and are eligible for an immediate annuity if they have at least one  
| year of civilian service under CSRS during the two years prior to  
| separation. Age and years-of-service requirements are shown below:

AGE	YEARS OF SERVICE	SPECIAL CONDITIONS
62	5	None
60	20	None
55	30	None
50	20	Annuity reduced if under age 55; must be involun- tarily separated (i.e., major reorganization or reduction in force (RIF)).
Any	25	
50	20	Law Enforcement (at least 20 years of Federal civil- ian law enforcement officer service)

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3      Cav:      SecCls:

### 18-2.1.2    Mandatory Retirement

|            |Section 8335 (b), Title 5, United States Code requires a  
| law enforcement officer to|retire no later than the end  
| of the month in which they become age 57, provided they have at least  
| 20 years of law enforcement service. If they do not have 20 years of  
| law enforcement service at the age of 57, they must retire no later  
| than the last day of the month in which they acquire 20 years of law  
| enforcement service. |Exceptions to mandatory retirement may be made  
| by the agency head as described in MAOP, Part I, 18-2.1.3.|

\*\*EffDte: 05/30/1996 MCRT#: 550 Div: D3

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SecCls:

**| 18-2.1.3 Exception to Mandatory Retirement (See MAOP, Part 1, 18-2.1.2|and 18-3.1.4.)|**

(1) The Attorney General has delegated to the Director of the FBI the authority to grant exceptions to mandatory retirement to Special Agents (SAs) whose continued service is required by the public interest and would promote the mission of the FBI. Exceptions will be made on a case-by-case basis for up to one year at a time and can be made up to the month in which the Agent will reach 60 years of age. A recommendation from the division head for exception must be submitted to the|Administrative Services|Division no more than six months prior to the mandatory retirement date. Members of the Senior Executive Service (SES) should submit their requests for exception to the Director 18 months prior to their mandatory retirement date. The request for exception should include the following:

(a) The SA's name, date of birth, length of law enforcement service, and date of mandatory retirement;

(b) The SA's grade, series, title, organizational title, and duty location;

(c) A statement that the SA is willing to remain in government service for the length of the exception;

(d) A thorough description of the reasons the SA's retention is required by the public interest and would promote the needs of the FBI in fulfilling its mission;

(e) The requested duration of the exemption; and

(f) A certification by the SA's division head or SAC that the proposed exemption is required by the public interest and would promote the needs of the Bureau in fulfilling its mission.

(2) No more than 20 exceptions for members of the SES may be granted at any given time. Any SES member who is a Special Agent and desires to extend his/her Bureau service must make their intentions known by submitting a communication to the Director approximately 18 months prior to reaching their mandatory retirement date. The communication must specify to what age or date the requestor desires to continue service, not to exceed age 60. Any SES member considering this option is encouraged to discuss the matter fully with the Director.

(3) The SES Board, chaired by the Deputy Director and staffed by the Assistant Directors of the Criminal Investigative, Finance, Inspection, National Security,|Administrative Services,| Information Resources, and Training Divisions, as well as the Chairperson of the Special Agent Mid-Level Management Selection

Board will review requests for extended service and provide a recommendation to the Director. The Director will then serve as the final authority for approving/denying the request.

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

## | 18-2.2 |Credit For Service (See 18-3.2.)

| Credit is given for years, months, and days of civilian  
| service, military service, and accrued sick leave on the date of  
| retirement. (See important details concerning military deposits in  
| Section 18-2.9.) Approximately 174 hours of sick leave provide an  
| additional month of service. After combining all service and sick  
| leave, only years and months of service are used in computing the  
| annuity. For example:

	YEARS	MONTHS	DAYS
Civilian service	28	8	12
Military service	2	0	0
Sick leave	0	10	25
Total	30	18	37
equals	31	7	7
Used to compute annuity	31	7	

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

## 18-2.3 "High-Three" Average Salary (See 18-3.3.)

The total service (years and months) and the "high-three" average salary are the two factors used in computing the annuity. Any consecutive three years of service may be used for the "high-three" average. Although the average must be from three consecutive years, it does not have to be three calendar years. For example, the three-year period can be from 3/27/92 through 3/26/95. Basic pay,  
| Availability Pay (AVP), and locality pay are used in determining the  
| "high-three" average salary.

\*\*EffDte: 04/02/1996 MCRT#: 525 Div: D3 Cav: SecCls:

## | 18-2.4 Computing the Annuity (See 18-2.10(3), 18-3.4(2) and 18-5.4.)

**SENSITIVE**

The general formula used to determine the amount of the annual CSRS benefit is:

| 1.5% X "high-three" average X each of first five years

| plus

1.75% X "high-three" average X each of next five years

| plus

| 2% X "high-three" average X each year over ten years

Special law enforcement retirement rules provide the following annuity computation for Special Agents:

| 2.5% X "high-three" average X each of first 20 years

| plus

2% X "high-three" average X each year over 20

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

### 18-2.5 Contribution Rates

Employees contribute 7 percent of base pay and locality pay into the CSRS. Agents pay 7.5 percent of base pay, locality pay and availability pay into the CSRS.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

**18-2.6 Voluntary Contributions (See 18-2.8(1), 18-2.9(5) and 18-3.7(2).)**

Employees covered by CSRS may make voluntary contributions to CSRS by filing Standard Form 2804. Voluntary contributions will earn a variable interest rate, compounded annually. Any indebtedness to CSRS such as deposits or redeposits must be paid prior to making voluntary contributions. (See Sections 18-2.7 and 18-2.8 for information on deposits and redeposits.) Voluntary contributions are made directly to the United States Office of Personnel Management (OPM) and must be made in \$25 increments. The amount of voluntary contributions is limited to 10 percent of the total of the employee's pay from the date he/she was first hired by the government. The full amount of voluntary contributions may be withdrawn at any time prior to retirement; however, a tax penalty for early withdrawal from a retirement account may apply on the interest income if a withdrawal is made prior to age 55. Interest may be rolled over to another eligible

| retirement account to avoid paying taxes and a penalty on the  
| interest.|

Voluntary contributions may remain in CSRS after retirement and will be used to increase the annuity. Each \$100 of voluntary contributions will provide an additional benefit of \$7 per year, plus 20 cents for each full year the annuitant is over age 55 at the time of retirement.

Interest rates on CSRS contributions have been as follows:

1985--13.0 percent	1993--7.125 percent
1986--11.125 percent	1994--6.25 percent
1987--9.0 percent	1995--7 percent
1988--8.375 percent	1996--6.875 percent
1989--9.125 percent	1997--6.875 percent
1990--8.75 percent	1998--6.75 percent
1991--8.625 percent	1999--5.75 percent
1992--8.125 percent	

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

### | 18-2.7 Deposits (See 18-2.6 and 18-3.7(2).)

| Employees who entered on duty between approximately 1951  
| to 1978 and were appointed to a nonlaw enforcement position were  
| considered on temporary appointments. Those employees were covered by  
| Social Security and were not covered by CSRS until converted to  
| permanent appointments (usually after three years). At the time of  
| retirement, credit will be given for the years of temporary service;  
| however, the annuity will be reduced by 10 percent of the amount of  
| the deposit owed on the date of retirement (including interest).  
| Interest on deposits accrues at the rate of 3 percent per year,  
| compounded annually, for any nondeduction service prior to 10/1/82.  
| Unpaid deposits can be paid at any time prior to retirement by filing  
| Standard Form 2803.

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

### 18-2.8 Redeposits (See 18-2.6 and 18-3.8(2).)

(1) A redeposit is the amount owed to CSRS for a refund of CSRS contributions for a previous period of service. Interest accrues on redeposits and is compounded annually. For refunds prior to October 1, 1982, the interest is compounded at 3 percent per year, regardless of when the employee begins the redeposit or how long he/she needs to complete it. For refunds on or after October 1, 1982, the interest is compounded at 3 percent per year through December 31, 1984, then at variable rates as shown under Section 18-2.6.

**SENSITIVE**  
**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(2) Redequests may be paid any time prior to retirement by filing Standard Form 2803. If a redeposit for refunded service prior to October 1, 1990, is not paid, the annuity will be actuarially reduced. The amount of the reduction depends upon the amount owed at time of retirement (including accrued interest) and the employee's life expectancy.

(3) The following table of factors is used to determine the reduction. The total amount of the redeposit owed, including interest, is divided by the factor for the age of the employee on the date of retirement. The result is the amount of the monthly reduction in the CSRS annuity.

CSRS  
PRESENT VALUE FACTORS

For annuities commencing on or after October 1, 1997

AGE AT RETIREMENT	REDUCTION FACTOR	AGE AT RETIREMENT	REDUCTION FACTOR
40	271.2	66	156.8
41	267.1	67	152.0
42	263.3	68	147.1
43	259.9	69	142.3
44	256.5	70	137.1
45	252.5	71	131.9
46	248.4	72	126.7
47	244.4	73	121.5
48	240.2	74	116.2
49	235.8	75	111.0
50	230.9	76	105.9
51	226.7	77	100.8
52	222.6	78	95.8
53	218.2	79	90.9
54	213.5	80	86.2
55	208.5	81	81.6
56	204.0	82	77.1
57	199.4	83	72.8
58	194.7	84	68.7
59	190.2	85	64.7
60	186.1	86	61.0
61	181.2	87	57.4
62	176.0	88	54.1
63	171.3	89	50.9
64	166.4	90	47.9
65	161.5		

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3

Cav:

SecCls:

## **| 18-2.9 Military Service Credit and Deposits (See 18-2.2 and 18-3.9 (1) & (2).)**

(1) At time of retirement, credit is given for active

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| duty military service performed prior to 1/1/57. Active duty military  
| service performed on or after 1/1/57 is also creditable; however, a  
| deposit may be due for some employees.

| (2) Creditable service includes active duty or active  
| duty for training in the Army, Navy, Air Force, Marine Corps, Coast  
| Guard, service in the Commissioned Corps of the U.S. Public Health  
| Service after 6/30/60, and service as a commissioned officer of the  
| National Oceanic and Atmospheric Administration after 6/30/61.  
| Service performed in the National Guard is creditable only if  
| performed under Title 10 of the United States Code or by "call of the  
| President." Also, active duty for training (often referred to as two-  
| week summer camps) while in the military reserves is creditable if the  
| service was not performed while on leave from a Federal civilian  
| position. Weekend drills while in the reserves are not creditable.

| (3) Employees who first entered on duty before 10/1/82  
| will receive credit for active duty military service at time of  
| retirement. The retired employee will lose credit for post-1956  
| service at age 62 if the retiree is eligible for a Social Security  
| benefit, unless a deposit is paid.

| (4) Employees who first entered on duty on or after  
| 10/1/82 will receive credit for pre-1957 military service. Post-1956  
| military service is creditable only if a deposit is paid, regardless  
| of future Social Security eligibility.

| (5) Under CSRS, the post-1956 service credit deposit is  
| 7 percent of the employee's total military base pay earned while  
| on active duty. Compound interest began to accrue on 10/1/85. The  
| variable rates of interest are given in Section 18-2.6. Military  
| deposits must be made to the Bureau prior to retirement.

| (6) Employees who are receiving military retired pay have  
| the option of waiving their military retired pay and receiving credit  
| for their military service in their CSRS benefit. Generally, the  
| military service cannot be used unless the military retirement pay is  
| waived. However, employees who are entitled to military retired pay  
| which was earned because of reserve duty do not need to waive their  
| reserve retirement benefit to receive credit for any creditable  
| active-duty military service they may have performed. Employees whose  
| military retired pay was based on a service-connected disability  
| incurred in combat or in line of duty during a period of war likewise  
| may receive credit for their military service without waiving military  
| retired pay.

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3      Cav:      SecCls:

## **18-2.10 Disability Retirement (See 18-3.10 (1) & (5).)**

(1) After five years of civilian service, employees covered by CSRS are eligible for disability benefits. Application is

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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made to OPM. After reviewing the application and supporting documentation, OPM makes the determination as to whether all criteria for a disability retirement benefit are met.

(2) To qualify for disability retirement, employees must have five or more years of civilian service and be physically or mentally unable to perform the duties of their assigned positions or another position that the Bureau could accommodate them in which would have similar duties, pay the same salary, and be within the same commuting distance. Accommodation within the same commuting area is not required if the employee is in a position which is subject to transfer.

(3) The benefit paid will be the greater of (a) the amount obtained under the general formula given in Section 18-2.4 or (b) the guaranteed minimum.

(4) The guaranteed minimum is the lesser of (a) 40 percent of the "high-three" average salary or (b) the amount obtained under the general formula after increasing the actual years of service by the time remaining between the date of separation from service and the date the employee becomes age 60.

| (5) | If an Agent is approved for disability retirement and  
| has already attained 20 years of federal law enforcement service, but  
| has not yet reached age 50, he/she will have their disability  
| retirement computed using the CSRS law enforcement formula given in  
| 18-2.4. An Agent who has not yet served as a federal law enforcement  
| officer for 20 years will have their disability retirement benefit  
| computed using the guaranteed minimum method given in number (4)  
| above. |

| (6) | An annuitant who is receiving disability benefits is  
| allowed to earn income from wages and/or self-employment. However, if  
| earnings in any calendar year are at least 80 percent of the current  
| rate of basic pay for the position from which the employee retired,  
| the employee is considered to be restored to earning capacity and the  
| benefit is stopped.

| (7) | Employees who are receiving retirement benefits  
| because of disability may be required at any time by OPM to provide a  
| current physician's report. Benefits will be discontinued if the  
| employee is found to be recovered.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3

Cav:

SecCls:

## **18-2.11 Survivor Benefits - Death in Service (See 18-2.12.)**

(1) If an employee dies while covered by CSRS after 18 months of civilian service, his or her spouse will receive an annuity, provided they were married for at least nine months. This requirement does not apply if the death was accidental or if there is a child of

**SENSITIVE**

the marriage.

(2) Generally, the spouse will receive 55 percent of the annuity earned by the creditable service and average salary. However, if it produces a higher annuity, the spouse will receive a guaranteed minimum which is 55 percent of the lesser of (a) 40 percent of the employee's "high-three" average salary, or (b) the annuity obtained by increasing the service by the time between the employee's death and the date the employee would have reached age 60. The spouse loses the survivor benefit if he/she remarries before the age of 55.

| (3) |The survivor annuity for the spouse of an Agent who  
| at the time of death had served at least 20 years as a federal law  
| enforcement officer, but had not yet reached age 50, will be computed  
| as if the Agent had met the eligibility requirements for law  
| enforcement retirement. The formula for law enforcement retirement  
| given in MAOP, Part I, 18-2.4 will be used in computing the annuity,  
| resulting in a higher survivor annuity.|

| (4) |Unmarried children under age 18, or 22 if they are  
| full-time students, will also receive an annuity if the employee dies  
| in service. A child incapable of self-support because of a disability  
| incurred before the age of 18 will receive an annuity indefinitely  
| unless the child becomes capable of self-support.

\*\*EffDte: 05/30/1996 MCRT#: 550 Div: D3 Cav: SecCls:

## **| 18-2.12 Survivor Benefits - After Retirement (See 18-3.12(4).)**

| (1) If the employee is married at time of retirement, the  
| annuity will be reduced to provide the maximum survivor annuity.  
| Under CSRS, the maximum survivor annuity is 55 percent of the full  
| annuity. The reduction will be 2.5 percent of the first \$3,600 of the  
| full annuity, plus 10 percent of the remaining annuity over \$3,600.  
| For example, if the full annuity is \$33,600, the first \$3,600 is  
| reduced by 2.5 percent, or \$90. The remaining \$30,000 is reduced by  
| 10 percent, or \$3,000. The total reduction is \$3,090, and at the time  
| of the annuitant's death, the surviving spouse will receive 55 percent  
| of \$33,600, or \$18,480 per year. The reduction in the annuity ceases  
| if the spouse predeceases the employee.

| (2) A retiring employee may elect less than a full  
| survivor annuity or no survivor annuity for his/her spouse. OPM will  
| honor this election only if the retiring employee provides his/her  
| spouse's notarized signed consent to the lower benefit.

| (3) If the employee was divorced after 5/6/85, the former  
| spouse may receive, by court order, all or part of the survivor  
| annuity.

| (4) An employee who is unmarried at the time of  
| retirement and later marries may elect a survivor annuity for his/her

| spouse. However, the retiree's annuity must be retroactively reduced,  
| as if the retiree had been married continuously since the date of  
| retirement.

| (5) A spouse or former spouse loses the survivor benefit  
| if he/she remarries before the age of 55.

| (6) An employee who is in good health at the time of  
| retirement may elect to provide a survivor annuity for a person who  
| has an "insurable interest" in the employee, such as a relative or a  
| current spouse who would not otherwise get a survivor annuity because  
| of a court order awarding an annuity to a former spouse. To provide  
| this benefit, the annuity would be reduced 10 to 40 percent,  
| depending on the difference in the employee's age and the age of the  
| person named. This reduction would be in addition to the reduction  
| for the regular survivor annuity.

| (7) Benefits are also payable to unmarried dependent  
| children as stated under Section 18-2.11.|

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

### **|18-2.13 Leaving Bureau Service Prior to Eligibility**

| Employees who resign prior to being eligible for an  
| immediate CSRS annuity have two options. They may take a refund of  
| their retirement contributions or leave their contributions in the  
| fund and apply for a deferred annuity at the age of 62.|

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

### **18-2.14 Alternative Form of Annuity (AFA) (See 18-3.14.)**

| An employee, who|at time of retirement suffers from a  
| life-threatening illness and is eligible for regular retirement,|may  
| elect to receive a lump sum payment equal to the total contributions  
| they have made to CSRS in addition to a monthly annuity. Under the  
| AFA law, the monthly annuity is actuarially reduced by an amount which  
| depends on the retiree's age at retirement and the amount of his/her  
| contributions. Electing the AFA does not affect the potential  
| survivor annuity; however, the election requires the spouse's consent.

| |The AFA is not an option for an employee who is applying for  
| disability retirement or who has a court-awarded retirement benefit  
| payable to a former spouse.|

\*\*EffDte: 02/15/1994 MCRT#: 192 Div: D3 Cav: SecCls:

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**||18-2.15 Cost of Living Adjustment (COLA) for Annuitants (See 18-3.15 and 18-5.2(3).)**

|           An employee who retires under CSRS receives a COLA  
| effective December 1st of each year after retirement. The COLA is  
| equal to the percentage increase in the Consumer Price Index for the  
| preceding Fiscal Year. The first COLA after retirement will be  
| prorated depending on the number of months since the retirement. For  
| example, if the employee retires on 4/30/92, he/she will receive only  
| 7/12 of the first year's COLA because the employee was retired for  
| only seven months prior to the effective date of the COLA. The  
| individual would receive the full COLA each year thereafter. |

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3            Cav:            SecCls:

**||18-2.16 CSRS Offset**

|           An employee who resigns with at least five years of  
| Federal civilian service under CSRS and reinstates after a break in  
| service of more than one year will be placed in a retirement category  
| referred to as CSRS Offset. CSRS Offset employees are covered by CSRS  
| and Social Security at the same time. The eligibility requirements  
| and the benefits are the same as if they were covered by CSRS alone.  
| When a CSRS Offset employee becomes eligible for Social Security  
| benefits (usually at age 62), the CSRS annuity will be reduced by the  
| amount of the Social Security benefit attributable to his/her Federal  
| civilian service covered simultaneously by both CSRS and Social  
| Security. |

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3            Cav:            SecCls:

**18-2.17 Beneficiary Designation (See 18-3.17 and Part I, 20-17 through 20-17.5.)**

(1) An employee may designate a beneficiary to receive a lump sum refund of the employee's CSRS contributions in case of the employee's death, provided no survivor is eligible for an annuity. A designation should only be made if the employee does not wish the payment to be made in the legal order of precedence, which is:

(a) To the widow or widower.

(b) If the widow(er) is deceased, to the children, with the share of a deceased child distributed among the decedents of that child.

(c) If none of the above, to the parents in equal shares.

**SENSITIVE**

(d) If none of the above, to the executor of the estate.

(e) If none of the above, to the next of kin under the laws of the State in which the employee lived at the time of death.

(2) A designation may be made or updated at any time by using Standard Form 2808. Upon completion, the form should be sent directly to the Office of Personnel Management for validation. The forwarding address is on the form. The Bureau cannot validate this form. It is important to keep the designation of beneficiary current. Changes in family status without a corresponding change in the designation of beneficiary may result in a settlement other than that intended by the employee.

(3) A designation of beneficiary is for a lump-sum death benefit only and does not affect the right of any person who is entitled to a survivor benefit.

\*\*EffDte: 05/30/1996 MCRT#: 550 Div: D3 Cav: SecCls:

### **18-2.18 Medicare Benefits (See 18-3.18.)**

(1) All CSRS employees began paying the Medicare portion of the FICA tax on January 1, 1983. At the age of 65, whether retired or still in service, employees are eligible for Medicare Part A - Hospital Insurance without paying a monthly premium.

(2) Medicare Part B - Supplementary Medical Insurance is also available for a monthly premium.

(3) After retirement, Medicare becomes the primary insurance payer and the annuitant's Federal Employees Health Benefits (FEHB) plan becomes the secondary payer.

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

### **18-3 FEDERAL EMPLOYEES RETIREMENT SYSTEM (FERS)**

Unlike CSRS, which derives its entire benefit from a single pension, FERS is a three-tiered retirement plan. All FERS employees are mandatorily covered by Social Security (see Section 18-5). In addition, all FERS employees belong to the Thrift Savings Plan (TSP), regardless of whether or not they personally contribute to the TSP (see Section 18-4). The third tier of FERS is the FERS Basic Benefit, an annuity similar to the CSRS annuity and likewise administered by the United States Office of Personnel Management

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(OPM). FERS covers all employees first hired since 1984, as well as those former CSRS-covered employees who transferred to FERS during an open season or following a break in service from which they returned after 1986.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

### **| 18-3.1 Eligibility for FERS Basic Benefit (See 18-3.1.2, 18-3.16 and 18-3.19 (2) & (3)).|**

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

#### **| |18-3.1.1 Immediate Retirement - Unreduced**

Employees are vested after five years of civilian Federal service. Unlike CSRS, there is no "one-out-of-two" minimum coverage requirement immediately prior to separation. Age and years-of-service requirements are shown below:

AGE	YEARS OF SERVICE	SPECIAL CONDITIONS
62	5	None
60	20	None
Minimum Retirement Age (MRA)	30	None for unreduced annuity. See Section 18-3.1.2 below for MRA table.
50 Any	20 25	Must be involuntarily separated (i.e., major reorganization or reduction in force (RIF)). Unlike CSRS, no reduction for retiring under age 55.
50 Any	20 25	Law Enforcement (the years on the chart represent the minimum number of years of FEDERAL CIVILIAN LAW ENFORCEMENT OFFICER SERVICE needed to retire at the listed age). (See 18-3.19.)

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

**SENSITIVE**

### **|18-3.1.2 Immediate Retirement - Reduced (See 18-3.1.1 and 18-3.16.)**

|           An employee can retire under FERS after just ten years of  
| service if he/she retires at the FERS Minimum Retirement Age (MRA).  
| However, if the employee does not meet the age-and-service  
| requirements under Section 18-3.1.1 above for an unreduced immediate  
| retirement, his/her FERS Basic Benefit annuity will be reduced by 5  
| percent for each year he/she is under age 62 at the time the annuity  
| begins. The annuity reduction, once made, will not decrease as the  
| retiree gets closer to age 62. However, an employee who is at or over  
| his/her MRA and has at least ten years of service on the date he/she  
| leaves the Government may elect not to file for retirement until a  
| later date, thereby diminishing the amount of the reduction (or  
| eliminating it altogether if he/she files at age 62). Such a  
| retirement would still be considered immediate for continuing the  
| employee's Federal health and life insurance into retirement. The  
| table for finding an employee's FERS MRA is shown below:

YEAR OF BIRTH	MRA
Before 1948	55 years
1948	55 years, 2 months
1949	55 years, 4 months
1950	55 years, 6 months
1951	55 years, 8 months
1952	55 years, 10 months
1953 through 1964	56 years
1965	56 years, 2 months
1966	56 years, 4 months
1967	56 years, 6 months
1968	56 years, 8 months
1969	56 years, 10 months
After 1969	57 years

\*\*EffDte: 05/27/1993 MCRT#: 28   Div: D3           Cav:           SecCls:

### **18-3.1.3 Mandatory Retirement**

|           |Section 8425(b), Title 5, United States Code, requires law  
| enforcement officers covered by FERS to|retire no later than the end  
| of the month in which they become 57 years old, provided they have at  
| least 20 years of federal civilian law enforcement officer service.  
| If they do not have 20 such years at the age of 57, they must retire  
| no later than the last day of the month in which they acquire 20 years  
| of federal civilian law enforcement officer service. |Exceptions to  
| mandatory retirement may be made by the agency head as described in  
| MAOP, Part I, 18-3.1.4.|

\*\*EffDte: 05/30/1996 MCRT#: 550   Div: D3           Cav:           SecCls:



#### 18-3.1.4 Exceptions to Mandatory Retirement (See MAOP, Part 1, 18-3.1.3.)

|           The procedures for requesting and granting exemptions from  
| mandatory retirement for Special Agents covered by FERS are the same  
| as for those covered by CSRS. (See MAOP, Part 1, 18-2.1.3.)  
|

\*\*EffDte: 04/22/1999 MCRT#: 876   Div: D3           Cav:           SecCls:

#### | 18-3.2   Credit for Service

|           Credit is given for years, months, and days of civilian  
| service and military service on the date of retirement. (See  
| important details concerning military deposits in Section 18-3.9.).  
| Sick leave is not given retirement credit under FERS unless the  
| retiring employee had at least five years of CSRS-creditable civilian  
| service prior to joining FERS. In such a case, the lesser of (a) the  
| sick leave balance as of the separation date, or (b) the sick leave  
| balance as of the date the employee transferred from CSRS to FERS is  
| converted to years, months, and days of credit and added to the CSRS  
| component of the FERS Basic Benefit in the manner outlined in Section  
| 18-2.2. (See Section 18-3.4 for definition of CSRS component.) As  
| under CSRS, only years and months of combined service are used in  
| computing the FERS Basic Benefit after the total length of service has  
| been determined.|

\*\*EffDte: 05/27/1993 MCRT#: 28   Div: D3           Cav:           SecCls:

#### | 18-3.3   |"High-Three" Average Salary

|           The total service (years and months) and the "high-three"  
| average salary are the two factors used in computing the FERS Basic  
| Benefit. Any consecutive three years of service may be used for the  
| "high-three" average, and the "high-three" is determined in the same  
| manner as for CSRS annuities (see Section 18-2.3).|

\*\*EffDte: 05/27/1993 MCRT#: 28   Div: D3           Cav:           SecCls:

#### | 18-3.4 |Computing the Annuity (See 18-3.2, 18-3.7(2), 18-3.8(2), 18-3.10(3), 18-5.5(4) and 18-5.6(3).)

|           (1) The general formula used to determine the amount of  
| the annual FERS Basic Benefit is:

## Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

### 18-3.5 Contribution Rates

**SENSITIVE**

for the pay exceeding the base).

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

### **|18-3.6 Voluntary Contributions**

| Since all FERS-covered employees automatically belong to  
| the Thrift Savings Plan, the FERS law does not permit any FERS-covered  
| employee to make voluntary contributions to the Civil Service  
| Retirement and Disability Fund. This is true even for those former  
| CSRS employees who had opened voluntary contribution accounts under  
| CSRS before transferring to FERS. However, such employees may  
| continue to hold their voluntary contribution accounts, and the  
| voluntary contributions made under CSRS will continue to earn interest  
| while the employees are covered by FERS. No new contributions may be  
| made to those accounts after transferring to FERS.|

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

### **|18-3.7 Deposits**

| (1) A significant difference between CSRS and FERS is  
| that deposits for civilian service performed after 12/31/88 which was  
| not previously subject to CSRS or FERS withholdings may not be made  
| under FERS. Deposits may be made for such civilian service if it was  
| performed before 1/1/89.

| (2) The amount of a deposit made under FERS depends on  
| when the service was performed and how it will be credited. For  
| former CSRS-covered employees whose deposit service would be credited  
| as part of the CSRS component of their FERS Basic Benefits (see  
| explanation in Section 18-3.4), the amount of the deposit for such  
| service would be 7 percent of basic pay for the period to be credited,  
| plus appropriate interest (see Sections 18-2.6 and 18-2.7). Since  
| other periods of nondeduction service performed before 1/1/89 would  
| be given credit under FERS rules (and applied to the FERS portion of  
| the Basic Benefit), those deposits would be at 1.3 percent of basic  
| pay for service performed through 1987 and 0.94 percent of basic pay  
| for service performed in 1988, plus appropriate interest as described  
| above.

| (3) Unpaid deposits under FERS can be paid at any time  
| prior to retirement by filing Standard Form 3108.|

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

### **|18-3.8   Redeposits (See 18-3.16.)**

|           (1) Another major difference between CSRS and FERS  
| involves the right to redeposit refunded contributions after an  
| employee returns to the Federal service. If a FERS-covered employee  
| leaves the Government and receives a refund of FERS contributions for  
| a period of service subject to FERS, he/she may not redeposit the  
| refund upon returning to the Federal service.

|           (2) Two types of refunds may be redeposited under FERS,  
| and both involve previous CSRS-covered service. If a former CSRS-  
| covered employee transfers to FERS with enough previous service to  
| make a CSRS component in his/her FERS Basic Benefit (see explanation  
| in Section 18-3.4) and had received a refund of his/her CSRS  
| contributions for that service, the refund may be redeposited while in  
| a FERS-covered position. In such a case, the amount of the deposit  
| and the interest accrual will be under the CSRS rules in Section  
| 18-2.8 (since the recredited service will lie within the CSRS  
| component). If a former CSRS-covered employee resigns from the  
| Government with fewer than five years of CSRS-covered service  
| (thereby not qualifying for a CSRS component upon joining FERS),  
| receives a refund of that service, and then returns to the Federal  
| service under mandatory FERS coverage, that refund may also be  
| redeposited while in a FERS-covered position. However, if that  
| employee should leave the Federal service again and receive a FERS  
| refund, that redeposited period of service would be considered FERS  
| covered service and may not be redeposited again.

|           (3) As is the case for deposits under FERS, redeposits  
| can be paid at any time prior to retirement by filing Standard Form  
| 3108.

    \*\*EffDte: 05/27/1993 MCRT#: 28     Div: D3           Cav:           SecCls:

### **|18-3.9   Military Service Credit and Deposits (See 18-3.2.)**

|           (1) The same types of military service creditable under  
| CSRS (see Section 18-2.9) are creditable under FERS. The CSRS rules  
| governing treatment of military retired pay (see Section 18-2.9) also  
| apply to FERS.

|           (2) A major difference between the systems is the  
| treatment of military service performed after 1956. Under CSRS,  
| provisions are made to make deposit for such service in order to avoid  
| annuity reductions at age 62 based on simultaneous Social Security  
| eligibility. However, there are some circumstances where CSRS  
| employees hired before 10/1/82 can elect not to make the deposit.  
| Under FERS, all employees are mandatorily subject to Social Security,  
| and the FERS law assumes all employees will qualify for Social  
| Security benefits at age 62. Therefore, the FERS law requires a  
| deposit to be made for creditable military service performed after

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| 1956 (even if the employee first entered on duty prior to 10/1/82), or  
| no credit will be given for such service for either eligibility or  
| computation purposes under FERS. The amount of the deposit also  
| differs under FERS; employees with no CSRS component in their FERS  
| Basic Benefits would pay 3 percent of their military base pay  
| earned while on active duty. Compound interest would begin to accrue  
| on the second anniversary of their entry into FERS coverage. On the  
| other hand, employees who performed military service prior to joining  
| FERS and who would have a CSRS component in their FERS Basic Benefits  
| would have the military service applied to the CSRS component. This  
| would mean that the post-1956 military service credit deposit would be  
| made under the CSRS rules in Section 18-2.9. In all cases, military  
| deposits must be made to the Bureau prior to retirement.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3      Cav:      SecCls:

**| 18-3.10 Disability Retirement (See 18-5.3(3).)**

|           (1) Under FERS, an employee is eligible for disability  
| benefits after 18 months of service, regardless of whether the service  
| was performed under FERS alone or some of it was performed under CSRS.  
| Application is made to OPM. After reviewing the application and  
| supporting documentation, OPM makes the determination as to whether  
| all criteria for a disability retirement benefit are met. Other than  
| the minimum length of service, the eligibility rules for disability  
| retirement under FERS are the same as for CSRS (see Section 18-2.10).

|           (2) Since FERS employees are covered by Social Security,  
| and since the Social Security program also offers disability benefits,  
| the disability benefit computation under FERS takes into account an  
| employee's eligibility for Social Security disability benefits. At  
| the time an employee applies for FERS disability retirement, he/she  
| must also contact the Social Security Administration (SSA) to  
| determine whether he/she also qualifies for Social Security disability  
| benefits. This contact must be made even if the employee has not met  
| the minimum number-of-quarters-of-coverage requirement for Social  
| Security benefits, disability or otherwise. SSA's answer will be  
| included in the employee's FERS disability paperwork OPM will use to  
| compute benefits. The definition of "disability" is stricter for  
| Social Security purposes than it is for CSRS or FERS (i.e., Social  
| Security requires an employee to be unable to perform any job, not  
| just his/her current one), so in most cases, employees will not  
| qualify simultaneously for both benefits.

|           (3) If the retiring employee is not eligible for Social  
| Security disability benefits, his/her FERS Basic Benefit would be:

| First year: 60% of "high-three" average salary

| Second year and all future years until employee reaches age 62: 40%  
| of "high-three" average salary

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| All years after reaching age 62: FERS Basic Benefit computed under  
| the nondisability rules in Section 18-3.4; however, the length of time  
| between the employee's separation and his/her 62nd birthday is added  
| to his/her length of creditable service in computing the non-  
| disability FERS Basic Benefit.

| (4) If the retiring employee is eligible for Social  
| Security disability benefits as well as a FERS disability retirement,  
| the FERS Basic Benefit in the first year of retirement is reduced by  
| 100 percent of his/her Social Security disability benefit. The FERS  
| Basic Benefit for the second year and all years before reaching age 62  
| is reduced by 60 percent of his/her Social Security disability  
| benefit. After the employee reaches age 62, he/she receives a non-  
| disability FERS Basic Benefit computed in the manner described above.

| (5) Under FERS, the 80 percent limit on earnings from  
| wages and/or self-employment, as well as OPM's right to request  
| medical evidence of continued disability, are the same as for CSRS  
| disability retirees (see Section 18-2.10).|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3      Cav:      SecCls:

### **18-3.11 Survivor Benefits - Death in Service (See 18-3.12(4).)**

| (1) If an employee dies while covered by FERS (with or  
| without eligibility for a CSRS component) after 18 months of civilian  
| service, his/her spouse will receive a special lump-sum payment called  
| the Basic Employee Death Benefit (BEDB), provided they were married  
| for at least nine months. The BEDB consists of an indexed amount  
| | (\$24,000 in 2002), plus the greater of (a) 50 percent of the  
| deceased employee's "high-three" average salary, or (b) 50 percent of  
| the deceased employee's final annual salary rate. Even though the  
| BEDB is a one-time payment, the survivor would still qualify to  
| continue Federal Employees Health Benefits (FEHB) coverage if the  
| employee had a self-and-family FEHB plan at the time of death. FEHB  
| premium payments would then be paid directly to OPM.

| (2) If an employee dies while covered by FERS after ten  
| or more years of creditable service, his/her spouse will receive both  
| the BEDB and an annuity, provided they were married for at least nine  
| months. As under CSRS, the marriage duration requirement does not  
| apply if the death was accidental or if there is a child of the  
| marriage. FEHB coverage can also continue for the survivor if the  
| employee had a self-and-family FEHB plan at the time of death.

| (3) The spousal survivor annuity is 50 percent of what  
| the FERS Basic Benefit would have been if the employee had been  
| eligible to retire on the date of death. This is true even if the  
| employee had a CSRS component to the FERS Basic Benefit or if the  
| employee was a Special Agent or other law enforcement officer.

The survivor annuity for the spouse of an Agent who at the time of

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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death had served at least 20 years as a federal law enforcement officer but had not yet reached age 50 will be computed as if the Agent had met the eligibility requirements for law enforcement retirement. The formula for law enforcement retirement given in MAOP, Part 1, 18-3.4 will be used in computing the annuity, resulting in a higher survivor annuity.

(4) Regardless of whether the surviving spouse receives the BEDB alone, the BEDB with a survivor annuity, or no benefit, unmarried dependent children under age 18 (or 22 if they are full-time students) would receive a fixed-rate survivor annuity if the employee dies in service. A child over age 22 incapable of self-support because of a disability incurred before the age of 18 will receive an annuity indefinitely unless the child becomes capable of self-support.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3

Cav:

SecCls:

### **| 18-3.12 Survivor Benefits - After Retirement**

| (1) As under CSRS, a retiring employee may elect a survivor benefit under FERS, with a corresponding reduction in his/her monthly annuity. The maximum survivor annuity under FERS is 50 percent of the employee's full FERS Basic Benefit (with or without a CSRS component). If the employee elects to provide this maximum, his/her FERS Basic Benefit will be reduced by 10 percent. For example, if the full FERS Basic Benefit is \$33,600, the reduction for a maximum survivor annuity is \$3,360, and at the time of the annuitant's death, the surviving spouse will receive 50 percent of \$33,600, or \$16,800 per year. The reduction in the annuity ceases if the spouse predeceases the retiree.

| (2) A retiring employee may elect to provide half of the maximum survivor annuity (or 25 percent of the full FERS Basic Benefit). Unlike CSRS, no other percentage of the FERS Basic Benefit can be used as the base for a survivor benefit. The retiring employee can also elect to provide no survivor annuity for his/her spouse. As is true under CSRS, OPM will honor the half-survivorship or no-survivorship elections only if the retiring employee provides his/her spouse's notarized signed consent to the lower benefit.

| (3) If a retiree dies leaving a spouse younger than age 60 (when the spouse would qualify to receive Social Security survivor benefits), the spouse will receive a Special Retirement Supplement in addition to the FERS survivor annuity. The Supplement would be the lesser of (a) the benefit the spouse would receive if the employee had been under CSRS, minus the regular FERS benefit, or (b) the estimated Social Security survivor benefit the spouse would receive at age 60. The Supplement would be paid until the spouse qualifies for the Social Security survivor benefit.

| (4) The provisions regarding former spouse benefits, post-retirement survivor annuity elections, the spouse's loss of the

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| survivor benefit due to remarriage under age 55, and "insurable  
| interest" elections described in Section 18-2.12 for CSRS survivor  
| benefits also apply to FERS. Survivor benefits for unmarried  
| dependent children of retirees are the same as described in Section  
| 18-3.11.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3              Cav:              SecCls:

### **| |18-3.13 Survivor Benefits - Former Employee's Death**

|            (1) Unlike CSRS, survivor annuities are available to  
| surviving spouses of former employees who resigned from the  
| Government, did not receive a refund of their retirement  
| contributions, and died before qualifying for a deferred annuity. The  
| former employee must have had at least ten years of creditable service  
| by the time of his/her death, at least five of which were covered by  
| CSRS/FERS deductions or deposits. Also, the spouse had to be married  
| to the employee on the day he/she separated from the Federal service.  
| As with survivor annuities for survivors of retirees, former spouses  
| may receive this survivor annuity based on the death of a qualifying  
| former employee if so directed by a court order.

|            (2) The survivor can elect to receive this annuity either  
| the day after the former employee would have been eligible for an  
| unreduced FERS Basic Benefit, or the day after death. If the former  
| date is chosen, the survivor annuity will be 50 percent of the  
| deceased former employee's FERS Basic Benefit. If the latter date is  
| chosen, that survivor annuity is actuarially reduced.

|            (3) The survivor can also decline this survivor annuity  
| and elect to receive the lump-sum credit (i.e., the refund of the  
| unexpended balance of the former employee's retirement  
| contributions).|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3              Cav:              SecCls:

### **| |18-3.14 Alternative Form of Annuity (AFA)**

|            The rules governing the AFA under CSRS described in  
| Section 18-2.14 also apply to FERS.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3              Cav:              SecCls:

### **| |18-3.15 Cost of Living Adjustment (COLA) for Annuitants**

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           The rules governing COLA's for CSRS annuitants described  
| in Section 18-2.15 apply to FERS, with two significant exceptions.  
| The COLA under FERS is one percentage point below the percentage  
| increase in the Consumer Price Index during the preceding Fiscal Year  
| if that percentage increase is 3 percent or greater; otherwise,  
| the FERS and CSRS COLA's are identical. The other difference is that  
| COLA's under FERS are not paid to retirees under age 62, even if they  
| retired earlier than age 62, unless they are (a) disability retirees,  
| (b) retired Special Agents or other law enforcement officers, or (c)  
| survivor annuitants. In those three cases, COLA's are paid in  
| accordance with the same schedule as in Section 18-2.15. In  
| addition, FERS retirees with a CSRS component would have that  
| component increased by the full CSRS COLA each year (once they have  
| completed the first year of their retirements). The FERS COLA rules  
| and payment schedule would apply to the FERS component of their Basic  
| Benefits. |

\*\*EffDte: 05/27/1993 MCRT#: 28     Div: D3           Cav:           SecCls:

### **| 18-3.16 Leaving Bureau Service Prior to Eligibility**

|           Employees who resign prior to qualifying for an immediate  
| FERS Basic Benefit have several options. They may take a refund of  
| their retirement contributions (but they should remember that refunds  
| of FERS contributions may not be redeposited if they later return to  
| the Federal service--see Section 18-3.8). If they do not take a  
| refund, they may apply for a deferred FERS Basic Benefit (a) at their  
| MRA if they have at least ten years of creditable service (but they  
| should note the reductions for retiring under age 62 in Section  
| 18-3.1.2), or (b) at age 62 if they have at least five  
| years of creditable service and want to avoid reductions for retiring  
| under that age (see Section 18-3.1.1). |

\*\*EffDte: 05/27/1993 MCRT#: 28     Div: D3           Cav:           SecCls:

### **| 18-3.17 Beneficiary Designation (See MAOP, Part I, 20-17 thru 20-17.5)**

|           The rules governing designations of beneficiaries  
| (including the order of precedence) described in Section 18-2.17 for  
| CSRS employees also apply to FERS. The FERS designation of  
| beneficiary form is Standard Form 3102, which should be filed with the  
| Bureau (not with OPM, as is the case under CSRS). |

\*\*EffDte: 05/27/1993 MCRT#: 28     Div: D3           Cav:           SecCls:

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**|18-3.18 Medicare Benefits**

|           The rules concerning Medicare benefits for Federal  
| employees outlined in Section 18-2.18 also apply to FERS-covered  
| employees. Since all FERS-covered employees pay the full FICA tax  
| (including the Medicare portion), all FERS-covered Federal civilian  
| service is fully creditable for Medicare purposes.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3            Cav:            SecCls:

**|18-3.19 Special Retirement Supplement**

|           (1) FERS retirees depend on three sources of post-  
| retirement income; the FERS Basic Benefit, the Thrift Savings Plan,  
| and Social Security. However, Social Security does not begin paying  
| nondisability benefits until a retiree reaches age 62. Because many  
| FERS-covered employees may retire before reaching that age, the FERS  
| law authorizes a Special Retirement Supplement to be added to the  
| Basic Benefits of certain FERS-covered employees who retire before  
| reaching age 62. This Supplement is meant to "fill in" for some of  
| the retirees' future Social Security-derived income, and it is paid to  
| retirees until they qualify for Social Security at age 62.

|           (2) Special Agents retiring under the law enforcement  
| officer rules in Section 18-3.1.1 are eligible for the Special  
| Retirement Supplement. So are other employees who retire on an  
| immediate FERS Basic Benefit (a) at their MRA with  
| at least 30 years of service, or (b) at age 60 after 20 years of  
| service.

|           (3) The Special Retirement Supplement is computed by  
| multiplying a retiring employee's estimated full-career Social  
| Security benefit (a full career for Social Security purposes is 40  
| years) by the number of full calendar years the employee worked under  
| FERS, then dividing that result by 40. Since the Supplement is  
| designed to replace a portion of Social Security benefits until the  
| employee qualifies for Social Security, the Supplement is subject to  
| the Social Security earnings test. If the employee, after retirement,  
| earns more than the Social Security earnings limit, the Supplement is  
| reduced by half of the amount by which his/her earnings exceed the  
| limit. Special Agents retiring under the law enforcement officer  
| rules in Section 18-3.1.1 are not subject to the earnings test prior  
| to age 55.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3            Cav:            SecCls:

**| 18-4   |THRIFT SAVINGS PLAN (TSP)| (See 18-3.)**

**SENSITIVE**

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3              Cav:              SecCls:

### **18-4.1    Definition of TSP**

          The TSP is a tax-deferred retirement savings plan, similar to a 401-K plan or an Individual Retirement Account (IRA). Contributions must be made on a regular basis and are deducted from the employee's pay.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3              Cav:              SecCls:

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### **18-4.2    Eligibility to Participate**

|           |All employees in a covered position under CSRS or FERS may participate in the TSP.|

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3              Cav:              SecCls:

### **18-4.3    TSP Open Season**

(1)   There are two TSP open seasons each year. The first open season begins April 15 and ends June 30. The second open season begins October 15 and ends December 31.

(2)   During the TSP open seasons, employees may start,

stop, increase, or decrease their TSP contribution by submitting a  
| completed TSP-1 election|form.|

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

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\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

### **18-4.4 Maximum TSP Contribution Rates**

TSP contributions are withheld from an employee's basic  
pay, locality pay and availability pay. Employees covered by the  
| FERS may contribute up to|12|percent of their|pay, and CSRS employees  
| may contribute seven percent of their pay in 2002. These  
| percentages will increase by one percent each calendar year until 2006  
| when there will no longer be a percentage limit.| The Internal  
| Revenue Service|(IRS) imposes|a maximum contribution amount  
| allowable each year. |This limit is set at \$11,000 in 2002 and will  
| increase \$1,000 each year until 2006. The limit will be set at  
| \$15,000 in 2006 and future years.|

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

### **18-4.5 Government TSP Contributions**

(1) Employees covered by CSRS do not receive any TSP  
contributions from the Bureau.

(2) The Bureau automatically contributes 1 percent into  
the TSP for employees covered by FERS. The Bureau will match, dollar  
for dollar, the first 3 percent contributed by employees covered by

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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FERS, plus the automatic 1 percent. The Bureau will also contribute 50 cents on the dollar, for the 4th and 5th percent contributed by the employee. Therefore, employees who contribute 5 percent of their pay to the TSP will have 4 percent of matching contributions plus the automatic 1 percent contributed by the Bureau. Although FERS participants may contribute to TSP as soon as employment begins, the Bureau's contributions do not begin until the second TSP open season after the employment began.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

#### **| 18-4.6 Investment Options**

Employees may diversify their investment by allocating their TSP contributions, including the government's contributions, into five different funds. Any combination of investments is permitted.

The five funds are described as follows:

The G Fund is invested in Government securities. This is a risk-free investment and returns a competitive variable rate of interest.

The F Fund is a corporate bond market fund with investments in insurance companies and mortgages. Some risk is involved in F Fund investments.

The C Fund is a stock index fund with investments in common stocks. This fund allows a greater return; however, it also carries a greater risk.

| The S Fund is a stock fund invested in small U.S. companies.

| The I Fund is a stock fund invested in international companies.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

#### **| 18-4.7 Interfund Transfers and Allocation of Future Contributions**

(1) TSP participants may reallocate future contributions or contributions already in their account by using the ThriftLine, the web site, OR by submitting a completed Form TSP-50 to the Thrift Board at the National Finance Center in New Orleans, Louisiana. The address is on the Form TSP-50. This form CANNOT be processed by the Bureau.

(2) Deleted

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

**SENSITIVE**

#### **|18-4.8 Vesting in the TSP**

| All employees are immediately vested in their own  
| contributions and the Government's matching contributions. They must  
| have at least three years of civilian service to be vested in the  
| automatic 1-percent Government contribution. Employees who leave  
| Government service with less than three years of civilian service  
| forfeit the automatic 1 percent plus the earnings on that 1 percent. |

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

#### **18-4.9 TSP Loan Program**

(1) Employees who participate in the TSP may borrow from their own contributions and the earnings on their contributions. They cannot borrow any of the government's contributions. Employees covered by FERS must have their spouse's consent to take a TSP loan. CSRS employees need only notify their spouses that they are taking out a TSP loan.

| (2) Although the employee is borrowing his/her own TSP contributions, interest is charged on the loan. The interest rate on the loan is the rate that the G Fund is earning at the time of application. This rate is fixed over the life of the loan. Principal and interest payments go back into the employee's TSP account.

(3) The maximum amount of a loan cannot exceed \$50,000, and the minimum amount is \$1,000. The amortization on a loan for purchase of a primary residence can be for 15 years. For all other loans, amortization can be for four years.

(4) Loan payments must be made by payroll deduction and the outstanding loan balance can be prepaid at any time without penalty. If an employee resigns or retires with an outstanding TSP loan at the time of separation, the FRTIB will give him/her 90 days to pay off the loan balance. If the total balance is not paid in 90 days, the FRTIB will report the unpaid balance to the IRS as taxable income. The employee will have to pay income taxes on the amount of the unpaid loan balance and, depending on his/her age, the employee may be subject to a 10-percent early withdrawal penalty.

| (5) The Form TSP-20 is used to apply for all TSP loans. |

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

## **| 18-4.10 TSP Payout Options |(Text Moved to 18-4.10.1)|**

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

### **| |18-4.10.1 TSP Payout Options After Separation from Service**

| (1) After an employee has been separated from service for  
| more than 30 days, he/she may elect a withdrawal option.

| (2) Regardless of the employee's eligibility for  
| retirement benefits, he/she has many withdrawal options. If the  
| account balance is \$3,500, or less, the account balance will be paid  
| out automatically unless the employee otherwise advises the Thrift  
| Board. Other options are:

| (a) The money can be left in the account until age  
| 70 1/2.

| If the money is left in the TSP account after separation from federal  
| service, the money can continue to be distributed among the three TSP  
| funds. However, no contributions can be made after separation from  
| federal service.

| (b) The account balance can be transferred to an  
| Individual Retirement Account (IRA) or other eligible retirement plan  
| under the Internal Revenue Code.

| (c) The former employee can receive the account  
| balance in a single payment or a series of equal monthly payments over  
| a fixed period.

| (d) The former employee can receive a life annuity.  
| There are many types of annuities from which to choose, including a  
| single life annuity or one with a survivor annuity. The account  
| balance must be at least \$3,500 to purchase an annuity.

| (3) A former employee who was covered by the FERS  
| retirement system and is eligible for a FERS basic annuity must have  
| their spouse's consent to withdraw any money from their TSP account.  
| Spouse's consent is not needed if the former employee requests an  
| annuity from the TSP account with a survivor benefit for the spouse.  
| A former employee who was covered by CSRS need only notify their  
| spouse of a withdrawal.|

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

### **| |18-4.10.2 TSP In-Service Withdrawals**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| TSP participants may now have access, under limited  
| circumstances, to funds in their TSP accounts while they are still  
| employed by the federal government. Two types of in-service  
| withdrawals are available to TSP participants.

| (1) Participants who are age 59 1/2 or older can make a  
| one-time withdrawal of all or a portion of their vested account  
| balances.

| (2) Participants, regardless of age, who can demonstrate  
| financial hardship can make a withdrawal of their own contributions  
| and the earnings on their contributions (up to the amount of their  
| documented hardship). After a participant makes a financial hardship  
| withdrawal, he/she cannot make contributions to the TSP or make  
| another financial hardship withdrawal for a period of six months.|

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

#### **18-4.11 Taxing of TSP Benefits**

| Contributions to the employee's TSP account are taken out  
| of the employee's pay before federal (and, in most cases, state)  
| income taxes are computed; this means that the employee does not pay  
| income taxes on contributions to his/her TSP account in the years that  
| they are made. Also, the earnings on the TSP account are not subject  
| to federal income tax while the money is in the TSP. Therefore, all  
| of the money from the TSP account will be taxed as ordinary income for  
| federal income tax purposes in the year(s) that it is received. State  
| and local laws vary in the treatment of TSP withdrawals. Employees  
| should consult with their state or local tax authority concerning  
| taxation of a TSP withdrawal. The withdrawal method chosen determines  
| when income tax must be paid.|

\*\*EffDte: 07/17/1995 MCRT#: 414 Div: D3 Cav: SecCls:

#### **18-4.12 TSP Beneficiary Designation**

(1) An employee may designate a beneficiary to receive a  
lump-sum refund of the employee's TSP account in case of the  
employee's death. A designation should only be made if the employee  
does not wish the payment to be made in the legal order of precedence,  
which is:

(a) To the widow or widower.

(b) If the widow(er) is deceased, to the children,  
with the share of a deceased child distributed among the decedents of  
that child.

**SENSITIVE**



(c) If none of the above, to the parents in equal shares.

(d) If none of the above, to the executor of the estate.

(e) If none of the above, to the next of kin under the laws of the State in which the employee lived at the time of death.

(2) A designation may be made or updated at any time by filing a Form TSP-3 with the Thrift Board. DO NOT SEND TSP BENEFICIARY CHANGES TO THE BUREAU. It is important to keep the designation of beneficiary current. Changes in family status without a corresponding change in the designation of beneficiary may result in a settlement other than that intended by the employee.

(3) Upon the death of an employee, the beneficiary must make a withdrawal election. They may not leave the contributions in the TSP account.

\*\*EffDte: 07/17/1995 MCRT#: 414 Div: D3 Cav: SecCls:

#### **18-4.13 Account Statements**

The Thrift Board sends account statements to TSP participants at the beginning of each of the two annual open seasons (see Section 18-4.3). These statements are sent to the participant's home. THEREFORE, IT IS IMPORTANT FOR EMPLOYEES TO KEEP THEIR ADDRESS CURRENT. Employees who have a change of address must advise their division front office so the new address can be entered into the Bureau's computer system. Each pay period, the Bureau's Payroll Office forwards updated employee information to the Thrift Board, including the new address.

\*\*EffDte: 05/30/1996 MCRT#: 550 Div: D3 Cav: SecCls:

#### **18-4.14 ThriftLine (See 18-4.7.)**

(1) The ThriftLine is an interactive voice response system for the TSP. It is available 24 hours a day, seven days a week, from a touch-tone telephone by dialing (504) 255-8777. The ThriftLine offers monthly rates of return for the five TSP funds, monthly account balances, and status of loan requests or withdrawal requests. Also, the ThriftLine can be used to make, change, or cancel an interfund transfer.

(2) Specific information concerning an individual account may be obtained by using the Personal Identification Number (PIN).

Individual PIN numbers were given on the account statements sent to participants in November, 1994, and all previous statements, but will not appear on future statements, with the exception of the first statement sent to new participants. The ThriftLine can also be used to replace a lost PIN number or to select a different PIN number.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

#### **| |18-4.15 TSP Web Site**

| The Thrift Board has provided a very user friendly web site  
| which can be found at [www.tsp.gov](http://www.tsp.gov). All TSP bulletins, booklets, and  
| forms can be found on this web site. It also provides the ability to  
| access personal account information using the PIN. Estimated account  
| balances at time of retirement can be calculated as well as projected  
| annuity income estimates.|

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

#### **| |18-4.16 Rollovers to TSP Account**

| TSP participants may rollover or transfer funds from similar  
| tax deferred retirement accounts into their TSP account. Types of  
| accounts which are accepted for rollover are 401(k), 457, and  
| traditional Individual Retirement Accounts (IRA). To request a  
| rollover, the participant must complete and submit to the Thrift Board  
| a Form TSP-60 which can be downloaded from the TSP web site.|

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3 Cav: SecCls:

#### **| 18-5 |SOCIAL SECURITY (See 18-3.)**

| The Social Security system was established in 1935 as a  
| supplementary form of retirement income. Since then, the program has  
| been expanded to provide a partial replacement of earnings due to  
| retirement, disability, or death of the wage earner. Social Security  
| is administered by the Social Security Administration (SSA) of the  
| Department of Health and Human Services, and the Bureau's only Social  
| Security-related function is to withhold the Social Security tax for  
| covered employees. However, the vast majority of Bureau employees  
| will be affected by Social Security, either through their own Social  
| Security benefits or those of certain relatives. This section of the  
| MAOP describes the aspects of the Social Security program most likely  
| to affect Bureau employees covered by CSRS or FERS.|

\*\*EffDte: 05/27/1993 MCRT#: 28 Div: D3 Cav: SecCls:

## **| 18-5.1 | Coverage**

| All FERS employees are mandatorily covered by Social  
| Security. So are all Executive Schedule (i.e., Presidential)  
| appointments and noncareer positions in the Senior Executive Service.  
| CSRS-covered employees are simultaneously covered by Social Security  
| (through CSRS Offset) if they returned on or after 1/1/84 from a break  
| in CSRS coverage lasting 366 or more days, or if they return to  
| positions required to be under Social Security by law while retaining  
| their CSRS coverage due to their previous service. Any employee hired  
| for other than a permanent appointment is subject to Social Security;  
| they can also be under CSRS or FERS if the law would also provide  
| coverage under those systems.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3      Cav:      SecCls:

## **18-5.2 Benefits - Retirees (See 18-5.5(2).)**

(1) Social Security retirement benefits can be paid to workers who have at least one work credit, or "quarter of coverage," for each year after the year he/she reached age 21 and before the year he/she reaches age 62 if he/she was born after 1929. Workers born before 1930 must have at least one quarter of coverage for each year from 1950 through the year of reaching age 62. Most Bureau employees would need 40 quarters of coverage by the year they reach age 62 to qualify. However, the 40 quarters do not need to be earned continuously; up to four quarters may be earned each year, so many employees would qualify with just ten years of Social Security-covered employment. These quarters of coverage can be based on nonfederal employment as well as such federal civilian or military service subject to Social Security. A worker can apply for either (a) full Social Security benefits at age 65 to 67, depending on the year of birth,, or (b) reduced Social Security benefits at age 62, if he/she has met the minimum coverage requirement by the time he/she applies. The following chart shows the age at which full Social Security retirement benefits are payable:

Year of Birth	Retirement Age for full benefits	Year of Birth	Retirement Age for full benefits
1937	65	1955	66 and 2 months
1938	65 and 2 months	1956	66 and 4 months
1939	65 and 4 months	1957	66 and 6 months
1940	65 and 6 months	1958	66 and 8 months
1941	65 and 8 months	1959	66 and 10 months
1942	65 and 10 months	1960 and after	67
1943-54	66		

|           (2) For workers who reach age 62 in 2002, the Social Security benefit (which SSA calls the Primary Insurance Amount (PIA)) is computed as follows:

| 90 percent of the first \$592 of the individual's Average Indexed Monthly Earnings (AIME) from Social Security-covered employment

plus

| 32 percent of \$593 to \$3,567 of his/her AIME

plus

| 15 percent of any remaining AIME over \$3,567

|           (3) The dollar amounts in the above formula are called "bend points," and they are adjustable each year. CSRS-covered employees should review Section 18-5.5 to determine how the Windfall Elimination Provision (WEP) would adjust the percentage by which the first bend point is multiplied (thereby lowering the total PIA for affected retirees). The full PIA (after WEP adjustment) would be payable if the retiree applies for Social Security benefits at age 65 to 67, depending on the year of birth. The PIA would be reduced by 5/9 of 1 percent for each month the retiree is under full retirement age if he/she applies for Social Security benefits before reaching that age. A cost of living adjustment (COLA), identical to the one made to CSRS annuities (see Section 18-2.15), is made each year to Social Security retirement benefits.

\*\*EffDte: 08/26/2002 MCRT#: 1224 Div: D3                      Cav:                      SecCls:

### **| 18-5.3 Benefits - Others (See 18-5.6(1).)**

|           (1) Fewer than half of all Social Security benefits paid in a given year are paid to retirees. The rest are paid to survivors of deceased retirees, to spouses and other family members of workers, for disability, and for Medicare health benefits.

|           (2) A spouse of a retired worker is eligible for separate Social Security benefits equal to 50 percent of that worker's PIA if the spouse is age 65 or older. If the spouse is at least age 62, but under age 65, the benefit would be equal to 37.5 percent of the retiree's PIA. If the spouse is caring for the retiree's child and the child is under age 16, the spouse's benefit would be 50 percent of the retiree's PIA regardless of the spouse's age. Former spouses who were married to Social Security-eligible retirees for at least ten years can also qualify for benefits as early as age 62. A CSRS retiree who also qualifies for a spousal Social Security benefit based on his/her spouse's or former spouse's work record may have that benefit seriously affected by the Public Pension Offset (see Section 18-5.6).

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           (3) Employees can qualify for Social Security disability  
| benefits at any age if they are unable to perform any gainful work and  
| if the disability is expected to last (a) at least 12 months, or (b)  
| until death, if expected sooner. The monthly disability benefit would  
| be equal to an affected employee's PIA at the time the disability  
| occurs, and it would not be reduced if it begins before age 65. See  
| Section 18-3.10 for information about the effects Social Security  
| disability benefits have on the computation of FERS disability  
| benefits. No such effects are found under CSRS.

|           (4) The surviving spouse of a deceased worker can receive  
| Social Security benefits equal to (a) the worker's full PIA if the  
| spouse applies at age 65, (b) 82.9 percent of the PIA if the spouse  
| applies at age 62, or (c) 71.5 percent of the PIA if the spouse either  
| applies at age 60 or is disabled and applies between ages 50 and 59.  
| Former spouses can also qualify for Social Security survivor benefits.  
| As with spousal benefits described above, CSRS retirees who qualify  
| for Social Security survivor benefits based on the work record of a  
| spouse or former spouse may have those benefits seriously affected by  
| the Public Pension Offset (see Section 18-5.6).|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3            Cav:            SecCls:

#### **||18-5.4   Effect on CSRS Offset Annuities**

|           An employee simultaneously covered by CSRS and Social  
| Security (coverage commonly called CSRS Offset) who retires under age  
| 62 gets his/her full CSRS annuity (see Section 18-2.4) from the date  
| of retirement until he/she reaches age 62 and qualifies for Social  
| Security. At that point, the CSRS annuity is reduced by the amount  
| of his/her Social Security benefit directly attributable to his/her  
| Federal service covered simultaneously by CSRS and Social Security.  
| There is no reduction made to the Social Security benefit on account  
| of CSRS Offset, though reductions may be made to that benefit for  
| other reasons as appropriate. Usually, the combined Social Security  
| and CSRS amounts after the offset provide a greater benefit than the  
| unreduced CSRS benefit alone.|

\*\*EffDte: 05/27/1993 MCRT#: 28      Div: D3            Cav:            SecCls:

#### **18-5.5   Windfall Elimination Provision (WEP) (See 18-5.2(3).)**

|           (1) Social Security benefits are weighted in favor of  
| workers who spent most of their work lives in low-salaried positions.  
| But Social Security counts only the employment subject to Social  
| Security coverage in determining benefits. Many CSRS-covered  
| employees qualified for Social Security due to military service and  
| nonfederal employment. However, those employees were treated for  
| Social Security purposes as if their Social Security-covered

**SENSITIVE**

employment represented their whole life income, thereby drawing proportionately higher Social Security benefits than they would have if their federal service had been considered in computing those benefits. Public Law 98-21, the Social Security Amendments of 1983, contains the WEP in order to reduce or eliminate this unintended "windfall" benefit.

(2) A retiring employee's normal Social Security computation includes 90 percent of his/her Average Indexed Monthly Earnings (AIME) up to the first "bend point" (see Section 18-5.2). The WEP reduces this percentage to 40 percent if the retiree has fewer than 21 years of substantial Social Security coverage. The other two steps in the Social Security computation formula (see Section 18-5.2) are not affected by the WEP.

|           The percentage of AIME up to the first bend point|(\$505|in  
| |1999)|varies as follows with years of substantial Social Security  
coverage:

YEARS OF COVERAGE	PERCENTAGE OF AIME TO FIRST BEND POINT
20 or fewer	40 (full WEP reduction)
21	45
22	50
23	55
24	60
25	65
26	70
27	75
28	80
29	85
30 or more	90 (no WEP reduction)

(3) The WEP does not affect the amount of a federal retirement benefit. Social Security benefits containing the WEP are paid from the first month the retiree simultaneously receives Social Security and his/her federal retirement benefit.

(4) The WEP has no effect on FERS Basic Benefits if they are based purely on FERS-covered employment. Some (but not all) FERS-covered employees with a CSRS component to their FERS Basic Benefits (see Section 18-3.4) could be affected by the WEP.

(5) The WEP does not apply to (a) federal workers first hired after 1983, (b) persons employed on 1/1/84 by a nonprofit organization in a position mandatorily covered under Social Security on that date, (c) persons with 30 or more years of substantial earnings under Social Security, (d) persons whose only pensions are based on railroad employment, (e) persons whose only non-Social Security employment was before 1957, and (f) federal workers who were first eligible for either Social Security or an immediate CSRS annuity on or before December 31, 1983.

\*\*EffDte: 04/22/1999 MCRT#: 876   Div: D3           Cav:           SecCls:

### 18-5.6 Public Pension Offset (PPO) (See 18-5.3 (2) & (4).)

(1) Under Social Security rules, an individual who qualifies for a Social Security benefit based on his/her own employment and for a spousal or survivor Social Security benefit based on someone else's work record (see Section 18-5.3) would have the spousal or survivor benefit reduced by the amount of the benefit based on his/her own employment. The PPO provides similar treatment to retired federal employees whose federal pensions are based on work not covered by Social Security, but who qualify for Social Security spousal or survivor benefits based on someone else's work record.

(2) The PPO reduces a retiree's Social Security spousal or survivor benefit by two-thirds of the amount of his/her federal pension. Often, this reduction will completely eliminate the Social Security spousal or survivor benefit. However, employees should bear in mind that (a) the PPO does not apply to individuals still working for the government (other than reemployed annuitants), and (b) the PPO does not reduce the Social Security spousal or survivor benefits of a federal employee's or retiree's spouse, unless the spouse also earned a federal pension in his/her own right.

(3) FERS-covered employees who have no CSRS component (see Section 18-3.4) are exempt from the PPO. So are those FERS-covered employees who transferred from CSRS during the 1987 FERS open season and 1988 belated election opportunity. FERS-covered employees who transferred from CSRS after January 1, 1988, must be subject to FERS for five years in order to escape the PPO. CSRS Offset employees are exempt from the PPO because they will be retiring from Social Security-covered employment. Also exempt are employees first eligible for a CSRS annuity before July 1, 1983, and were receiving one-half support from their spouses. Anyone first eligible for a CSRS annuity before December 1, 1982, who met the Social Security requirements for spousal benefits in effect on January 1, 1977, is also exempt from the PPO.

(4) The PPO has no effect whatsoever on a federal retiree's eligibility for Medicare benefits at age 65 based on the work record of his/her spouse.

\*\*EffDte: 04/22/1999 MCRT#: 876 Div: D3 Cav: SecCls:

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**| 18-7.1 | Deleted|**

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\*\*\*\*\* END OF REPORT \*\*\*\*\*

## SECTION 19. EMPLOYEE CLAIMS FOR LOSS OR DAMAGE TO PERSONAL PROPERTY

\*\*EffDte: 10/30/1984 MCRT#: 0      Div: FD      Cav:      SecCls:

### 19-0.1 INTRODUCTION

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-26-2007 BY 60324 AUC BAW/CFB/STP

The Military Personnel and Civilian Employees' Claims Act of 1964 provides for the settlement of claims against the United States by civilian officers and employees of the Department of Justice for damage to or loss of personal property incident to their service with the Department. Authority for handling such claims was

vested in the Attorney General for employees of the Department of Justice, and authority to settle all claims of Bureau employees has been delegated to the Director by Department of Justice

| Order|2110.23C|effective|December 13, 1991.|

\*\*EffDte: 04/22/1998 MCRT#: 778      Div: FD      Cav:      SecCls:

### 19-1 SETTLEMENT OF CLAIMS

(1) "Settle" means consider, ascertain, adjust, determine, and dispose of any claim, whether by full or partial allowance or disallowance. All claims filed under the Act are subject to the approval of the Director.

(2) The acceptance of an award by the claimant constitutes a release for the United States of all liability to the employee based on the occurrence giving rise to the claim for which the award is made. The claimant accepts an award upon negotiation of the settlement check. Prior to negotiating the settlement check, a claimant may discuss the amount of the award with the approving official.

\*\*EffDte: 10/30/1984 MCRT#: 0      Div: FD      Cav:      SecCls:

### 19-2 ALLOWABLE DAMAGES AND/OR LOSSES

Claims are allowable under the Act for damage to or loss of personal property if:

(1) Such damage or loss was incident to the employee's

SENSITIVE

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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service with the Department and the possession of that property is determined to be reasonable, useful, or proper under the particular circumstances involved.

(2) Such damage or loss was not caused either wholly or partially by the negligent or wrongful act of the claimant, his/her agent, dependent or co-worker. Negligence is defined as the failure to exercise the care which a reasonable and prudent person would have exercised under the same or similar circumstances.

(3) Such damage or loss involved:

(a) Personal property located in quarters when such quarters were assigned or provided in kind by the Federal Government, or when such quarters are located outside the United States and the employee involved is not a local or native resident of the area.

(b) Personal property located in a storage place designated or authorized by the employee's supervisor or an official who has been delegated the authority to approve such authorization for storage of the property.

(c) Personal property, including personal clothing, subjected to extraordinary risks in the performance of duty, or hazardous circumstances beyond the control of the employee while at the place of employment. (Ordinarily, a sudden, unexpected act of God does not constitute an extraordinary risk.)

(d) Personal property transferred under a Government Bill of Lading, or by a commercial carrier which operates in intrastate or interstate commerce under an authorized certificate or permit relative to a change of duty station or other authorized transfer or travel.

(e) Property owned by the United States when the employee is financially responsible for it.

(f) Personal property used for the benefit of the Government at the direction of a superior authority.

\*\*EffDte: 10/30/1984 MCRT#: 0      Div: FD      Cav:      SecCls:

### **19-3      DAMAGES AND/OR LOSSES NOT ALLOWABLE**

Claims are not allowable under the Act for damage to or loss of personal property if:

(1) The loss or damage occurred at quarters occupied by the claimant within one of the fifty states or the District of Columbia, unless the quarters were assigned to him/her or otherwise provided in kind by the Government.

**SENSITIVE**

(2) Such damage or loss involved:

- | (a) Property used primarily in Government offices  
| for the personal convenience, gratification, comfort, diversion, or  
| entertainment of the employee.|
- | (b) Property acquired for sale, or being used for  
| personal business or profit.
- | (c) Property acquired, possessed or transported in  
| violation of law or regulations.
- | (d) Amounts recoverable from insurers or carriers,  
| or pursuant to the performance of a contract.
- | (e) Transportation losses involving baggage,  
| household goods, or other shipments if the claimant chose an  
| unlicensed carrier without obtaining prior approval from the Director  
| or the official who authorized the employee's change of station.
- | (f) Contractors or other persons who, while under  
| contract to the Government, caused an incident which resulted in the  
| loss or damage to an employee's personal property. Though the  
| Government is secondarily responsible primary liability rests with the  
| contractor. (The term "contractor" excludes those carriers referred  
| to in 19-2 (3)(d).)
- | (g) Motor vehicles or trailers when mileage payment  
| is authorized, unless extraordinary risks are involved that would  
| permit the employee to be covered by 19-2 (3)(c). (Generally,  
| uninsured collisions resulting from wanton negligence when mileage is  
| authorized are not compensable under the Act.)
- | (h) Loss or damage of articles sent through United  
| States or international mail systems, or loss or damage of articles of  
| extraordinary value. Such articles should be insured by owners. (See  
| 19-12.)
- | (i) Money and currency, unless it can be shown that  
| the employee is required by the nature of his/her assignment to carry  
| money or currency. Reimbursement for loss of money or currency shall  
| be limited to an amount determined to have been reasonable for the  
| claimant to have had in his/her possession at the time of the  
| incident. It must be conclusively shown that the money or currency  
| was in a locked container and that the quarters themselves were  
| locked, or that the loss was the direct result of an incident  
| occurring because the employee was known to be on official business.|

\*\*EffDte: 10/30/1984 MCRT#: 0      Div: FD      Cav:      SecCls:

## **19-4      INFORMATION TO EMPLOYEES - INSURANCE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Most claims for damages to or loss of personal property arise during shipment and storage of household goods incident to permanent changes of station. Employees should be informed prior to such moves of the contents and applicability of this Order. They should also be informed of the advisability of obtaining commercial insurance to cover such shipments since damages or losses that can be paid are limited by the Act and repayment for damages or losses incurred may not be as rapid as the payment of insurance claims. Such insurance is desirable to cover claims specifically excluded or limited by this Order. Employees should be advised of the difference between losses covered by carriers based on released weight of shipments and losses covered by commercial insurance.

\*\*EffDte: 08/29/1990 MCRT#: 0      Div: FD      Cav:      SecCls:

## **19-5      CLAIMS INVOLVING PARTIES OTHER THAN THE GOVERNMENT**

In cases where loss or damage of personal property has occurred, employees are cautioned not to sign a release, or a statement containing a release, if there is a possibility of recovery against a carrier, warehouser, insurer or other contractor. Employees must file and diligently pursue any claim they may have against parties other than the Government prior to submission of a claim under the Act. Employees are further cautioned not to sign any release or statement that property was received in good condition unless and until they have performed a reasonable inspection and are satisfied that no loss or damage occurred. Failure to file and pursue such a claim, or the signing of a release or statement of arrival in good condition will prejudice the handling of the claim under the Act.

\*\*EffDte: 08/29/1990 MCRT#: 0      Div: FD      Cav:      SecCls:

## **19-6      ASSIGNMENTS**

A claimant shall subrogate, i.e., assign, to the United States Government his/her right, title and interest in any claim he/she may have against a carrier, insurer or other party for damage to or loss of personal property for which a settlement was received under the Act. The assignment shall extend to the amount of the settlement payment accepted by the claimant. In addition, the claimant shall furnish the Department such evidence as may be necessary to enforce the claim against the carrier, insurer, or other party. After payment of his/her claim by the United States, the claimant will, upon receipt of any payment from a carrier or insurer, pay the proceeds to the United States to the extent of the payment received by him/her from the United States. Such amount should be forwarded by the claimant to the Relocation Management

**SENSITIVE**

| Office, Property Procurement and Management Section, Finance|Division.

\*\*EffDte: 12/07/1993 MCRT#: 133 Div: FD Cav: SecCls:

## **19-7 LIMITATION OF ATTORNEY FEES**

No more than 10 percent of the amount paid in settlement of each individual claim shall be paid, delivered to, or received by any agent or attorney on account of services rendered in connection with that claim (Title 31, USC, Section 243).

\*\*EffDte: 10/30/1984 MCRT#: 0 Div: FD Cav: SecCls:

## **19-8 FILING OF CLAIMS**

All claims allowable under the Act shall be filed with the Director, FBI, in accordance with the procedures set forth herein.

### **(1) WHO MAY FILE A CLAIM**

(a) A claim may be filed by any civilian officer or employee of the Department for damages to or loss of personal property incident to his/her service in the Department.

(b) If a person is deceased, an allowable claim may be filed by the personal representative of the decedent's estate, or the decedent's surviving spouse, children, father or mother or both, or brother(s) or sister(s) or both, provided such claim arose before, concurrently with, or after the decedent's death. Claims of survivors shall be settled and paid in the order listed.

(c) Claims filed by an agent or legal representative of a claimant must be supported by a power of attorney or other satisfactory evidence of authority to file on behalf of the claimant.

### **(2) TIME LIMITATION ON FILING CLAIMS**

| (a) A claim should be presented as soon as possible after discovery of the damage or loss. Immediate action by a claimant will facilitate the processing of his/her claim. Delays cause difficulty in securing statements of essential witnesses and necessary documents. In order for any claim to be considered for any form of settlement, it must be presented in writing within a two-year period after the occurrence of the loss, except that if the loss occurred in time of war or in time of armed conflict in which the claimant is a government participant, or if such a war or armed conflict intervenes within two years after the occurrence of the loss and good cause is shown, the claim may be presented not later than two years after that

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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cause ceases to exist, or two years after the war or conflict is terminated, whichever is earlier. For purposes of the Act, the beginning and ending of an armed conflict are the dates established by concurrent resolution of Congress or by a proclamation of the President.

| (b) If personal property remains in storage after  
| the expiration date of legal entitlement to storage at government  
| expense, the claim accrues on the date of expiration of legal  
| entitlement to storage at government expense.|

(3) MAXIMUM AMOUNTS ALLOWABLE UNDER THE ACT

| (a) The maximum amount which may be paid for a  
| single claim is|\$40,000.| The submission of two or more claims arising  
| from the same incident in order to circumvent the statutory ceiling is  
| prohibited. However, if upon submission of a claim additional losses  
| or damage are discovered, supplemental claims may be filed but all the  
| claims shall be processed and considered as one claim under the Act.

| (b) Claims for Damage in Foreign Countries.  
| Employees with claims arising from incidents occurring in foreign  
| countries may be paid an amount not to exceed|\$40,000. On paying a  
| claim that arose in a foreign country, the government is subrogated  
| for the amount of the payment to a right or claim that the claimant  
| may have against a foreign country for the damage or loss for which  
| the government made payment.|

| (c) |Deleted|

| (d) |Deleted|

(4) SUBMISSION OF CLAIM

All claims shall be submitted on Form DOJ-110 (January, 1980) "Employee Claim for Loss or Damage to Personal Property," and Form DOJ-110A, "Schedule of Property." Upon completion of the applicable sections, the claimant shall forward the original and two copies of the form(s) together with appropriate supporting evidence to either his/her supervisor or the official who authorized the use, transfer, etc., of the personal property.

(5) PROCESSING OF CLAIMS

| The Relocation Management Office at FBIHQ has the  
| responsibility for processing and adjudicating claims for loss/damage  
| to|employees' personal property incident to their service with the  
| FBI.| Claims will be submitted on DOJ Forms 110 and 110A to FBIHQ,  
| Attention: Relocation Management Office, Room|1839.| The following  
| documents MUST be attached to DOJ Forms 110 and 110A when filing a  
| claim:

| (a) Copy of estimate of repairs/replacement (where  
| applicable).

| (b) Copy of receipts for repaired/replaced item

**SENSITIVE**

(where applicable).

(c) Copy of Carrier's Descriptive Inventory.

(d) Any other documents or photographs to support loss/damage as claimed.

\*\*EffDte: 04/22/1998 MCRT#: 778 Div: FD Cav: SecCls:

## **19-9 EVIDENCE IN SUPPORT OF CLAIM**

The burden of proof as to the loss or damage of personal property and the value of such property rests with the claimant. The extent of documentation required in support of a claim shall be determined by the official authorized to settle claims. The following documentation should be provided as a minimum, when applicable, by the claimant when submitting his/her claim:

| (1) |One|itemized repair|estimate, one estimate|as to the  
| value of property prior to damage, and/or|one estimate|for replacement  
cost.

(2) A copy of the document authorizing, assigning, or providing the location where the personal property was located at the time the loss or damage occurred.

| (3) Evidence, in those cases where a possibility of  
| recovery exists against a carrier,|warehouser,|insurer, or other  
contractor, that a claim was filed and denied or there was a refusal  
to pay the claim in full. The reasons for the denial or refusal to  
pay in full should be included as part of this evidence.

(4) Statements of witnesses and/or other persons having personal knowledge of the facts underlying the claim.

(5) A copy of the travel authorization if personal property was lost or damaged while in transit and/or while in temporary storage during the transit process.

(6) A power of attorney or other satisfactory evidence of authority to file when the claim is filed by an agent or legal representative of the claimant.

| (7) Where a report of loss or damage has been made to  
| local authorities, the case or report number, date, and identity of  
| the officer to whom the report was made. Same as to claims made to  
| carriers and insurers.|

\*\*EffDte: 10/30/1984 MCRT#: 0 Div: FD Cav: SecCls:



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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## **19-10 SUPERVISORY REVIEW**

The facts and circumstances surrounding the damage to or loss of the claimant's personal property shall be reviewed by the claimant's supervisor or the official who requested the use of such personal property. This individual, if satisfied that the article(s) in question was in fact reasonable, useful, or proper under the circumstances existing at the time and place of the incident, and also if in his/her opinion the damage or loss was not caused by the negligent or wrongful act of the claimant, his/her agent, dependent or co-worker, then that individual will certify his/her concurrence on the Form DOJ-110 (January, 1980), or if unsatisfied as to the bona fides of the claim, official shall indicate his/her nonconcurrence and forward the claim and all other supporting documentation and justification to the Property Procurement and Management Section, Finance Division, FBIHQ, for review, evaluation, and investigation of the claim. Form DOJ-110 and all supporting evidence shall comprise a claim file.

\*\*EffDte: 03/07/1994 MCRT#: 208 Div: FD Cav: SecCls:

## **19-11 DETERMINING VALUE OF DAMAGED OR LOST PERSONAL PROPERTY**

All amounts claimed, recommended, approved or disapproved shall be computed under the guidelines set forth herein.

(1) Factors for Determination of Compensation - Compensation allowable for an item of personal property shall not exceed the depreciated value of the item at the time of its damage or loss. Depreciated value shall be determined by taking into consideration the following factors:

(a) Replacement Cost - The value of damaged or lost personal property is primarily based on the replacement cost at the claimant's duty station at the time of the incident. Replacement cost should be computed on the basis of a new item which is identical to or substantially similar in nature to the item which was damaged or lost. However, in no case shall the replacement cost, within reasonable limits, exceed the original cost of acquiring the item. In these situations, employees should obtain adequate insurance coverage to guard against unusual losses. (See 19-4.)

(b) Estimated (Appraised) Value - If the cost of replacing a damaged or lost item of personal property cannot be accurately placed because of the uniqueness or individuality of the item or for other reasons, valuation may be dictated by qualified, reputable, and credible evidence of value at the time of the incident. (See 19-12 on items of extraordinary value.) Appraisals and/or other evidence shall be furnished to ascertain the credibility, reliability, and impartiality of the claim, the appraisal and the resulting valuation.

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**Man1-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(c) Adjusted Value - If the value of damaged or lost personal property cannot be determined by other means, the purchase price, or value, at the time of acquisition shall be adjusted to reflect the increased cost of replacing the item resulting from the declining value of the dollar. Sufficient information shall be furnished to enable a sound evaluation to be conducted to arrive at a fair valuation.

(d) Depreciation - Depreciation represents the decrease in the value of an item due to wear and tear, natural deterioration, obsolescence, lack of care and depletion. The rate of decrease varies by type of property. Rates of depreciation for various types of property are found in the Table of Rates of Depreciation.

(e) Salvage - Salvage value represents that portion of the cost of personal property that is recovered at the end of its productive life. Some articles such as typewriters and automobiles are traded in on similar assets at the end of their useful life. Generally, the salvage values of such articles are their trade-in values. Ordinarily, other articles of personal property possess no trade-in value and little or no salvage value but may possess scrap value for its intrinsic material content. Salvage value will be based on the most reliable estimates available and shall be included in all claims where its effect is material.

(f) Collectibles - A collectible is any amount due an individual from an insurance company, carrier, or other person resulting from damage to or loss of an insured article of personal property, or an article lost or damaged while under the care of a carrier or other person.

(g) Cost of Repair - If the property can be economically repaired, the allowable compensation is the actual or estimated net cost of repairs necessary to restore the property to substantially the condition which existed immediately before the damage. The cost of repairs may be established by a receipted bill or one estimate signed by reputable dealers or repairers. If the cost of repairs exceeds the depreciated value of the item at the time of damage, then the depreciated value shall be used as the maximum basis for compensation. Claims are not normally payable for fees paid to obtain estimates of repair (or appraised values) in conjunction with submitting a claim under this Act. However, where, in the opinion of the approving officer, the claimant could not obtain an estimate without paying a fee, such a claim may be considered in an amount reasonable in relation to the value and/or the cost of repairs of the articles involved, provided that the evidence furnished clearly indicated that the amount of the fee paid will not be deducted from the cost of repairs if the work is accomplished by the estimator.

(h) Depreciated Value - Depreciated value is that value which remains after depreciation is applied against the replacement cost, estimated value, or adjusted value of an item of damaged or lost personal property. The depreciated value shall be the

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**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| settlement of my claim for (property damage) (property loss) sustained  
| by me as the result of an incident on \_\_\_\_\_ involving a  
| (shipment of household goods) (loss in quarters) \_\_\_\_\_.  
| \_\_\_\_\_ (other)

| I understand that this amount will be deducted from any award made in  
| final settlement of my claim.

| \_\_\_\_\_  
| (Claimant's signature)

| \_\_\_\_\_  
| (Name printed)|

\*\*EffDte: 10/30/1984 MCRT#: 0      Div: FD      Cav:      SecCls:

**| |19-14|    INSTRUCTIONS FOR PREPARING FORM DOJ-110**

Complete an original and two copies in accordance with the  
instructions in the following paragraphs which are keyed to the form  
on|a|following page.

(1) Name of Claimant - Enter the full name of the  
claimant. If the claimant is other than the employee, enter the name  
of the employee in parentheses below that of the claimant.

(2) Title of Position - Enter the position of the  
employee at the time the loss or damage occurred.

| (3) Address of Claimant (Include|ZIP|Code) - Enter the  
current mailing address of the claimant.

(4) Office Where Employed/Telephone No. - Enter the name  
of the office (organizational unit) which employed the employee at  
the time the loss or damage occurred.

(5) Location of Office (at Time of Incident) - Enter the  
name of city and state where the employee's office was located at the  
time the loss or damage occurred.

(6) Social Security No. - Enter the social security  
number of the claimant.

(7) Location Where Loss or Damage Occurred - Enter the  
address of the building where the property was located when the loss  
or damage occurred. If the property was in transit, state the point  
of origin and destination.

(8) Date of Loss or Damage - Enter the date on which the  
loss or damage occurred. If the property was in transit and the date  
is not known, indicate the dates on which the property was in transit.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(9) Facts and Circumstances of the Incident - State in detail all the facts and circumstances under which the loss or damage occurred.

(10) Affirmations and Claimant Certification - Answer in the appropriate block either "Yes" or "No" for each of the indicated questions. The claimant shall then sign his/her full signature and date. When signing this claim, the claimant certifies that he/she is entitled to any payments made and is aware of penalties for willfully making a fraudulent claim.

(11) Amount of Claim - Enter the sum of the figures from the amount claimed column of the Schedule of Property (DOJ-110A). From this total subtract any amount collected or collectible from an insurance company or carrier to arrive at the total amount claimed.

(12) Supervisory Certification - Have the employee's supervisor or the cognizant supervisory official who corrected the use of the article(s) in question attest to the validity and propriety of the claim by signing and dating the claim.

(13) Claims Recommendation - Leave blank. This section is to be completed by the reviewing official.

(14) Approval of Claim - Leave blank. This section is to be completed by the settling official.

(15-17) Voucher No., Schedule No., Paid by Check No. - Leave blank. To be completed by accounting officials.

(18) Accounting Classification - Leave blank. To be completed by accounting officials.

NOTE: See sample of Form DOJ-110 which follows.

FORM NOT VIEWABLE IN AUTOMATED MANUAL

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## **||19-15| INSTRUCTIONS FOR PREPARING FORM DOJ-110A**

Complete an original and one copy in accordance with the instructions in the following paragraphs which are keyed to the form.

(1) Claimant - Enter the full name of the claimant. If the claimant is other than the employee, enter the name of the employee in parentheses below that of the claimant.

(2) Page of - Consecutively number each page of the Schedule of Property. Indicate the total number of pages comprising the schedule. This information will ensure that all pages are accounted for.

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**SENSITIVE**  
**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(3) Line Number - Consecutively number each article listed.

(4) Description of Article - Enter the name of the article. If known, also enter the brand, manufacturer and model, serial or ID number, or other information available to more specifically describe the article. For claims regarding household goods, include inventory item number as listed on carriers' Household Goods Descriptive Inventory.

(5) Nature and Extent of Damage

(a) Describe the nature and extent of damage received by each damaged article listed.

(b) Insert the word "missing" next to each lost article listed.

(6) Date of Purchase or Acquisition - Enter the month and year for purchase or acquisition. When the month is unknown, enter June. When the exact year is unknown, enter the best estimate.

(7) Value of Item/Basis - Enter the value of the lost or damaged article of personal property less applicable salvage value. The value of the item shall be based upon either the replacement cost, the estimated value as supported by appraisals, or the original purchase price if known. The basis upon which the article is valued should be indicated by inserting after the value either an "R" for replacement cost, "E" for estimated value, or "O" for original purchase price.

(8) Depreciation (Rate) - Leave blank. This column to be utilized by the adjudicating officer.

(9) Depreciation Amount - Leave blank. This column to be utilized by the adjudicating officer.

(10) Maximum Amount Allowable - Leave blank. This column to be utilized by the adjudicating officer.

(11) Cost of Repairs - Enter the cost of repairing a damaged item of personal property as supported by a receipted bill or estimate signed by a reputable dealer. If the item is missing, then insert an "N/A" in this column to indicate that this step is not applicable.

(12) Amount Claimed. Enter the amount which is claimed.

(13) and (14) Reserved for Reviewing Official. Leave blank. These columns are to be utilized by the reviewing officials.

NOTE: See sample of Form DOJ-110A which follows.

| Sample: DOJ-110A |

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**SENSITIVE**  
**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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\*\*\*\*\* END OF REPORT \*\*\*\*\*

**SENSITIVE**

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Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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## SECTION 20. MISCELLANEOUS PERSONNEL MATTERS

### 20-1 Deleted

#### 20-1.1 Deleted

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

#### 20-1.2 Deleted

**20-2 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

#### 20-2.1 Address and Telephone Number (See MIOG, Part 2, 16-9.1 (9).)

Report to FBIHQ each change in address of an employee (separations from Bureau excluded) on Form FD-310. The FD-310 is printed through BPMS - Address/Locator.

#### 20-2.2 Births

Employees may have births announced in "The Investigator" by e-mailing that information to Investigator.

#### 20-2.3 Deaths

##### 20-2.3.1 Deaths of Relatives

Submit Form FD-208 in cases of death of a close relative of an employee. The deaths of other relatives need not be reported unless there is a particular reason why FBIHQ should be advised. If the employee is temporarily assigned elsewhere, as in cases where on an inspection assignment, the official to whom he/she is then assigned should notify FBIHQ in addition to notifying the employee's office of assignment.

##### 20-2.3.2 Death of Bureau Employee

When a Bureau employee dies, promptly notify FBIHQ of death and surrounding circumstances. Render all assistance possible to relatives. Promptly advise FBIHQ of funeral details as soon as available since this information is disseminated throughout FBIHQ and the field. FBIHQ will then issue instructions separately regarding handling of certain aspects of the deceased's estate which pertain to employment.

#### 20-2.4 Deleted

##### 20-2.4.1 Return to Duty

(1) In those instances in which FBIHQ has been advised of an employee's absence for illness, Form FD-277 must be submitted upon return to duty with the following items executed for Agent personnel:

- (a) Physician's statement indicating employee's qualification for duty;
- (b) "Employee returned to active duty \_\_\_\_\_."
- (c) "Employee's physical condition is \_\_\_\_\_."

(2) Only items (b) and (c) need be executed for support employees. If condition warrants an Agent having medical mandates (restrictions), indicate on Form FD-277 that this is being done UACB.

SENSITIVE



**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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**20-2.5 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

**20-2.6 Name of Parent, Foster Parent, Stepparent, Guardian, etc.**

Advise FBIHQ of change by letter using FBI memorandum paper. Communication must set out name, address, age, place of birth, occupation, and, if pertinent, date and place of naturalization.

**20-2.7 Emergency Notification Designee**

Advise FBIHQ of change in information regarding person to be notified in case of emergency by reporting change on Form FD-310. The FD-310 is printed through BPMS - Address/Locator.

**20-2.8 Deleted**

**20-3 FBI SKILLS BANK**

The FBI Skills Survey Form, X422, must be completed by all employees entering on duty. Thereafter, forms will be updated annually on a preprinted form. Each employee will receive the preprinted form in October or November. The Skills Form will be used to maintain an automated data base from which all personnel information, including skills data, can be obtained. The data is used for a variety of functions, including resource management projections, staffing, crisis management, and for further development and implementation of other automated systems. Data obtainable includes, but is not limited to, employees' hobbies, interests, abilities, and experience; educational levels; special Bureau qualifications; and personnel information, such as age, assignment(s), grade(s), etc. Data can be obtained or manipulated depending upon information needed.

**20-4 PERSONNEL FILES**

**20-4.1 Field Personnel Files**

(1) One field personnel file is to be maintained for each employee and kept in the sole possession of the SAC. The file should contain memoranda or other documents bearing on the employee's efficiency, or on such matters as authorizing an Agent to carry a personal firearm. There should only be one copy of each document and it should be serialized, stamped with the office stamp, and initialed for filing. When an employee is transferred to a new office, their personnel file is sent there and the new office continues to serialize where the previous office left off. The index must be searched to locate any investigative files regarding the employee when an employee reports to an office. Duplicate serials from the investigative file should be discarded and the remaining serials consolidated into the personnel file. (See MAOP, Part 1, 11-1.3(1), Part 2, 2-4.2.1(4) and Legal Attache Manual, Section 4-3.)

NO documentation regarding Equal Employment Opportunity (EEO) discrimination matters, to include precomplaint counseling, is to be placed in any personnel file or field office file. Examples of such documents are: EEO settlement agreements, EEO administrative leave matters, notification communications to division heads advising that a complaint was filed, and communications from complainants, their attorneys, the FBI's Office of Equal Employment Opportunity Affairs (OEEOA) and the Equal Employment Opportunity Commission, which identify complainants. This also includes any and all documents generated during an EEO complaint investigation. To maintain confidentiality throughout the EEO process, all such documentation is to be retained by the OEEOA, unless advised to the contrary by OEEOA. Documents pertaining to EEO administrative matters, which DO NOT relate to or identify an EEO complainant are not considered confidential and may be serialized in a personnel file or field office file as deemed appropriate. For example, documents that do not relate to or identify the EEO complainant are as follows: a memorandum from DOJ, EEOC, legal opinion from OGC, training materials, and ECs with updates

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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regarding some aspects of the program. In any instance where assistance is needed to determine where a document should be filed, contact should be made with the OEEOA at FBIHQ, [REDACTED]

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(2) Medical Records - See MAOP, Part 1, 24-11

(3) Deleted (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

(4) When an employee transfers to FBIHQ or becomes an SAC, the personnel file, the Employee Medical File System (EMFS) subfile and the Employee Security subfile are sent to FBIHQ. The files of an employee who resigns or retires should be retained for 90 days and then sent to FBIHQ for final disposition. The files of a permanent or temporary indefinite employee leaving for military service are maintained in the field office inasmuch as employees have certain mandatory restoration rights and may return to that office, and because, in their absence, they have a right to be considered for promotions that arise. The file should thus be available for review for qualifications. Upon notification from FBIHQ that an employee no longer has restoration rights, the files are to be forwarded to FBIHQ. (See (2) and (3) above and MAOP, Part 1, 24-11, and Part 2, 2-4.2.1(4).)

(5) The main personnel file and the corresponding EMFS subfile and Employee Security subfile must be kept under lock and key under the SAC's supervision in such a manner that no employee will have access to his/her own file.

**20-4.2 Employees' Access to Personnel Files (See MAOP, Part 1, 1-15.1, 1-3.6; Part 2, 9-12; MIOG, Part I, 190-2.6; Legal Attache Manual, Part 1, 4-3.)**

(1) An employee may request and be afforded access to his/her official personnel file without submitting a Privacy Act request. For the purposes of this access provision, an official personnel file is defined as an employee's 67 file record along with any subfiles which exist as a part of the 67 file record such as the Sub M, Sub S, etc. Any employee for whom there are both a field office file and an FBI Headquarters (FBIHQ) file will have the option of indicating whether he/she wants access to one or both files. To access his/her official personnel files without submitting a Privacy Act request, an employee should execute an FD-834.

(2) With the exception of LEGATs, each FBIHQ division and field office will be responsible for responding to requests for access to official personnel files by employees assigned to their respective division/office. (LEGATs will forward requests from employees assigned to their offices to FBIHQ for handling.) Field offices will also be responsible for handling requests from employees assigned to resident agencies within that office's territory.

(3) Field office employees will submit an executed FD-834 to the Special Agent in Charge (SAC) or Assistant Director in Charge (ADIC). FBIHQ employees will submit an executed FD-834 to the Assistant Director (AD) of their assigned division or their office head.

(4) An employee's field office personnel file will be made available for inspection within 15 days of his/her request. An employee's FBIHQ personnel file will be made available for inspection within 45 days of his/her request. The 15- and 45-day periods for providing access to field office and FBIHQ personnel files, respectively, will begin upon RECEIPT of the employee's request by the SAC, ADIC, AD or office head.

(5) Upon review of the file, an employee will be afforded an opportunity to submit to the respective SAC, ADIC, AD or office head a response or rebuttal to any information in his/her official personnel file for inclusion in that file.

SENSITIVE

**20-5 HEALTH CARE PROGRAMS - SEE MAOP, PART 1, SECTION 24**

**20-5.1 Moved to MAOP, Part 1, 24-3, 24-3.1, 24-3.2, 24-3.3, and 24-3.5**

**20-5.1.1 Moved to MAOP, Part 1, 24-3, 24-3.1, 24-3.2, 24-3.3, and 24-3.5**

**20-5.1.2 Moved to MAOP, Part 1, 24-3.6**

**20-5.1.3 Moved to MAOP, Part 1, 24-3.8**

**20-5.1.4 Moved to MAOP, Part 1, 24-3.7**

**20-5.1.5 Moved to MAOP, Part 1, 24-3.5**

**20-5.1.6 Deleted**

**20-5.1.7 Moved to MAOP, Part 1, 24-9**

**20-5.2 Moved to MAOP, Part 1, 24-4**

**20-5.2.1 Moved to MAOP, Part 1, 24-4.1**

**20-5.2.2 Moved to MAOP, Part 1, 24-4.2**

**20-5.3 Deleted**

**20-5.4 Moved to MAOP, Part 1, 24-7**

**20-5.5 Moved to MAOP, Part 1, 24-8**

**20-5.5.1 Moved to MAOP, Part 1, 24-8.1**

**20-5.5.2 Moved to MAOP, Part 1, 24-8.2**

**20-5.5.3 Moved to MAOP, Part 1, 24-8.3**

**20-5.6 Moved to MAOP, Part 1, 24-9**

**20-6 OUTSIDE EMPLOYMENT (See MAOP, Part 1, 1-16, 1-24, 20-6.3.2 and 20-28; Legal Attache Manual, 4-10; MIOG, Part 1, 67-11, Security Policy Manual)**

**20-6.1 Departmental Order 350-65 (See MAOP, Part 1, 20-28; MIOG, Part 1, 67-11.)**

(1) No employee may engage in any outside employment that will interfere with proper performance of his or her official duties, create or appear to create a conflict of interest, or reflect adversely on the Department. A "conflict of interest" exists whenever the performance of the duties of an employee has or appears to have a direct or predictable effect on a financial interest of such employee or of their spouse, minor child, partner, or person or organization with which he or she is associated or is negotiating for future employment.

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(2) No professional employee may engage in the private practice of his or her profession, such as law, although the Deputy Attorney General may on request make a specific exception in unusual circumstances. (See MAOP, Part 1, 1-1(2).)

(3) Except in the proper discharge of his or her official duties, no employee may act as an attorney (a) for prosecuting any claim against the United States or receive any gratuity or interest in any such claim for his or her assistance in prosecution thereof or (b) for anyone before any department, court, office, or commission in any matter where the United States is a party or has a direct and substantial interest; or directly or indirectly receive or solicit any compensation for services rendered by himself or herself or another before any department, court, etc. An employee may, if it is not otherwise inconsistent with proper performance of his or her duties, (a) act as attorney without pay for any person in a federal personnel administration proceeding or; (b) represent any cooperative, voluntary, professional, recreational, or similar organization or group not established or operated for profit, if a majority of the organization's or group's members are current officers or employees of the United States or of the District of Columbia, or their spouses or dependent children; or, (c) with FBIHQ approval, act as attorney with or without pay for a member of his or her family or other person or estate for which he or she is executor or other personal fiduciary, except in matters he or she participated in personally and substantially as a government employee through decision, recommendation, investigation, etc., or matters which are the subject of his or her official responsibility. Exception (b) applies only so long as the matter at issue is not a claim; a judicial or administrative proceeding where the organization or group is a party; or involves a grant, contract, or other agreement (including a request for such items) providing for the disbursement of federal funds to the organization or group. This is not to say that an employee is prohibited from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt. (See MAOP, Part 1, 1-1(2).)

(4) No one whose government employment has ended may knowingly act as an attorney for anyone other than the United States in connection with any proceeding wherein the United States has a direct or substantial interest and wherein he or she participated personally and substantially while an employee.

(5) No former employee may, within two years after his or her employment has ended, appear personally before any court or government office as attorney for anyone other than the United States in connection with any matter wherein the United States has a direct or substantial interest, which was under his/her official responsibility as a government employee at any time within two years preceding the termination of such responsibility. (See MAOP, Part 1, 1-1 (11)(g).)

(6) No partner of an employee may act as attorney for anyone other than the United States in connection with any matter wherein the United States has a direct or substantial interest in which matter such employee is participating or has participated personally and substantially as an employee, or which is the subject of his/her official responsibility.

(7) All employees have been furnished a copy of the Ethics Handbook, which summarizes Departmental Order 360-65, and must comply with its provisions.

**20-6.2 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

**20-6.3 Bureau Policy (See MAOP, Part 1, 1-9, 20-28; MIOG, Part 1, 67-11.)**

The Bureau desires wherever possible to grant requests for outside employment; however, in reviewing such requests the Bureau must consider the following factors:

- (1) Legal restrictions or statutes and departmental regulations
- (2) Conflict with or capitalization on Bureau employment
- (3) Whether compatible with position as employee of law enforcement agency

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- (4) Nature of employment and employer
- (5) Interference with regular attendance or efficient performance of duties (employee's current work performance should be no less than Meets Expectations)
- (6) Interference with general availability of employee
- (7) Impairment of health or efficiency of employee

**20-6.3.1 Special Factors (See MAOP, Part 1, 20-28 and Legal Attache Manual, Part 1, 4-10; MIOG, Part 1, 67-11.)**

- (1) Dual compensation - Federal employees are not entitled to receive basic compensation from more than one civilian government job for more than an aggregate of 40 hours of work in any calendar week. Bureau positions being typically full time, not part time, the law thus prevents our employees from holding any other federal job.
- (2) The Bureau will not approve outside employment on the part of any of its employees in lines of work where the duties would be questionable or might reflect adversely on employee or the Bureau; employments involving forms of gambling, or evasions of the law are obviously employments that the Bureau will not approve.
- (3) No employee will be allowed to work for any concern which has received unfavorable publicity regarding its merchandise, methods, or general reputation of its employees.
- (4) If a Bureau employee has been approved to engage in outside employment and a situation occurs wherein it is questionable to allow the continuation of such employment, the Security Officer should immediately advise the SAC and notify the Security Programs Manager only if there is an extensive trustworthiness issue.
- (5) An employee on sick leave undoubtedly will, by the same token, be unable to engage in an outside job. If he/she desires to do so on any day for which sick leave has been requested, he/she must secure prior Bureau (SAC, Legat, or Security Programs Manager) approval.
- (6) Security reasons dictate that no employee should submit to a polygraph examination as a prerequisite for outside employment.
- (7) Wives of Legal Attaches and other personnel assigned abroad are not to accept outside employment in the country to which they are stationed without Legal Attache approval.

**20-6.3.2 Outside Employment of Special Agents (See MAOP, Part 1, 1-1 (10), 1-16, 1-24, 20-6.1, 20-28; MIOG, Part 1, 67-11.)**

Outside employment may create a conflict of interest, reflect adversely upon the FBI, or interfere with the complete availability or the proper and effective performance of the duties of the Special Agent position and accordingly is prohibited by law, Bureau policy and the Code of Federal Regulations.

- (1) It is the intention of Bureau policy to prohibit outside employment activities wherein a Special Agent renders services or is actively or materially involved in managing, creating, developing or transforming something to produce economic gain or to generate income pursuant to an informal or formal contract. The nature of the activity, the extent of the Special Agent's participation, and the understanding between the parties actors considered in making a determination.
- (2) For purposes of applying this prohibition against compensated outside employment, the receipt of economic benefit or gain for work is the essence of employment. This includes gain derived from personal services actually rendered, wages, salaries, honoraria, commissions, professional fees and any other form of compensation or thing of value. (See MAOP, Part 1, 1-1(2).)
- (a) Self-employment is considered to be outside employment.

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(3) A Special Agent shall not:

(a) Engage in any compensated outside employment except as permitted by this section;

(b) Receive compensation for serving as an officer or board member of any association, corporation, or other entity, to include nonprofit entities such as charitable organizations and professional associations, as well as any unit of state or local government;

(c) Accept a fee from an outside source on account of a public appearance, speech, lecture or publication if the public appearance or the preparation of the speech, lecture, or publication is part of the official duties of the Agent;

(d) Receive compensation or anything of monetary value for any consultation, lecture, teaching, discussion, writing or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Department of Justice or Federal Bureau of Investigation, or which draws substantially on official data or ideas which have not become part of the body of public information;

(e) Engage, whether with or without compensation, in teaching, lecturing or writing that is dependent on information obtained as a result of his/her government employment except when that information has been made available to the general public or when the Deputy Attorney General gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

(4) Uncompensated participation in civic, religious or charitable activities or organizations will not be considered employment.

(5) An Agent may receive compensation for hobby, recreational and writing activities, which have not been formally or informally contracted for in advance, provided the activity is not prohibited by any other manual provision, statute or regulation and will not create or appear to create a conflict of interest, reflect adversely upon the Department of Justice, or in any manner interfere with the complete availability or the proper duties of the Special Agent position.

(6) Special Agents are obviously permitted to manage their own assets and to generate income through outside passive-type investments such as stocks, bonds, annuities, income from life insurance contracts and endowment contracts, interest, dividends, capital gains, and nominal rental property to name a few.

(a) Agent involvement with rental property may often constitute outside employment based on the Agent's degree of active participation or involvement. The rental of property will be considered outside employment when the Agent's involvement consists of more than the mere collection of rents, occasional minimal maintenance, etc., such as to call into question the Agent's availability or would otherwise be inconsistent with this policy. For example, while it is permissible to rent a portion of one's primary residence, an entire residence as a result of an official transfer, or vacation property, it is impermissible to regularly purchase, refurbish, and sell houses, directly collect rents from several tenants in an apartment complex or several residences unless managed by another, such as a rental management company.

## **20-7 FLEXIBLE AND ALTERNATE WORK SCHEDULES (AWS) (See also MAOP, Part II, 1-2.4.2.)**

### **20-7.1 Flexible Schedules (See MAOP, Part I, 8-6(3), Part II, 1-2.4.2.)**

(1) A flexible work schedule or flexitime is any schedule which provides support and Wage Board personnel (hereinafter, support employees) a measure of control over their own working hours. Flexitime breaks the workday into two distinct kinds of time: core time is the portion of the day when all employees must be at work, and flexible time is the portion of the workday when the employee has the option of choosing a starting and quitting time, within prescribed limits. This represents an alternative to the traditional fixed, rigidly controlled work schedules, but is not meant to replace the traditional work schedules nor the odd-hour shifts. (See MAOP, Part I, 20-8.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(2) The two requirements of any flexible work schedule are:

- (a) The employee must be at work during core time, except for leave and other authorized absences.
- (b) The employee must account for the total number of hours scheduled for work each day.

(3) Each SAC or division head must ensure the availability of sufficient personnel to adequately discharge the FBI's responsibilities. Therefore, the granting of flexible work schedules, as with the granting of leave, must have the approval of designated supervisory personnel.

(4) The utilization of a flexible work schedule within each division will be at the discretion of each SAC or division head, or their designee. The most extensive flexible work schedule will permit the flexible bands to start at 6 a.m. and end at 6 p.m. at 15- minute increments with provisions for a mid-day flex and core-time deviation. The SAC or division head may institute more restrictive use of flexible work schedules at any time, consistent with work requirements within each office.

(5) Employees on flexible work schedules should neither receive favored treatment nor be penalized as a result of flexitime, but rather, they should be treated in an equitable manner with employees working on a standard nonflexible work schedule.

#### **20-7.2 Alternate Work Schedules (AWS) (See MAOP, Part 1, 8-6(3); Part 2, 1-2.4.2(3).)**

(1) AWS are schedules that offer support and Wage Board employees (hereinafter referred to as support employees) the option of establishing a permanent schedule that compresses their basic work requirement of 80 hours into a period of less than the traditional 10 days in a biweekly period which fulfills their personal scheduling needs and meets the responsibilities of the FBI. Part-time employees may also participate in AWS by fulfilling their basic work requirement of 16-32 hours per week in less than the normal two to four days per week. The AWS Program provides support employees much more flexibility in scheduling their workday and week than the conventional flexitime schedule. AWS should not be confused with odd hour shifts. Because of overtime, premium pay and holiday pay restrictions, participation is voluntary--support employees cannot be required to work AWS.

(2) Implementation of an AWS Program is at the discretion of each SAC, division head, or their designee who may limit participation by individual, group, function or the entire office to ensure the availability of sufficient personnel to adequately discharge the responsibilities of the FBI. Final approval of AWS rests with the office or division head, or their designee. AWS is a time capture matter which should be recorded by the time and attendance person at the initiating office or division; no input from FBIHQ is required.

(3) Participation in AWS is open to support employees, including part-time and odd-hour shift employees; however, approval of any AWS, as with leave, is the responsibility of designated supervisory personnel.

(4) Requirements for any AWS work schedule:

(a) The employee must request authorization to work an AWS by completing form FD-968, Flexible Work Option Request Form. In executing this form, employees are to complete Section 1 in its entirety. Employees are reminded that no schedule is permanent and that this request will be reviewed on a periodic basis, but no less than once per year.

(b) The request must clearly state the schedule being proposed.

(c) Additional justification for the requested work option may be attached to the form.

(d) Offices should maintain, as a matter of permanent record, any participation in an AWS Program, number of employees participating, number of schedule terminations (reverting to traditional work schedules), reasons for terminations, and any evaluations or studies conducted to determine the impact of these schedules on morale and the effectiveness and efficiency of office operations.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(e) A more restrictive use of an AWS may be instituted at any time, including restricting or suspending participation of any individual, group or the entire office depending on a variety of factors, such as office work requirements, performance and production considerations or abuse.

(f) Program oversight responsibility is situated with the Employee Benefits Unit. Any questions pertaining to AWS Programs should be directed to Employee Benefits Unit.

(g) Decisions on requests will normally be made within 30 days of the date the request is received by management.

(h) In addition to termination of a flexible work schedule by management, employees may discontinue participation in a flexible work schedule by notifying their supervisor in writing (using an EC) prior to the end of the pay period.

(i) The EBU must be provided a "cancelled" copy of the request form (FD-968) when employees discontinue their participation in the flexible work option.

**20-8 ODD-HOUR SHIFTS (See MAOP, Part I, 20-7.1, & Part II, 1-2.4.2(2)(g).)**

(1) Odd-hour shifts, i.e., any scheduled working hours different from the regular Monday-through-Friday day shifts, may not be established without prior authority of the SAC or division head. Such shifts are to be authorized only where factual justification is shown that these shifts will enhance the operation of an office, and/or such shifts will provide necessary services at a time beneficial to employees with no interference in the efficient operation of the office. It is the responsibility of each division head to select the best qualified and most deserving employees for assignment to any odd-hour shifts.

(2) Odd-hour shifts may be approved at the discretion of the SAC or division head for employees who desire same for justifiable reasons. If the shift is established solely at the request of and benefit for an employee, premium pay will not be paid for work performed on a day or hour of the day for which premium pay would ordinarily be authorized.

(3) Support personnel may be assigned Saturday duty on a rotating basis to provide for essential services. Employees should be assigned a Tuesday through Saturday workweek for the week they have Saturday duty. When scheduling an employee for a Tuesday through Saturday workweek, the employee must be advised of his/her new shift at least one week in advance.

(4) The general policy on work schedules is to economize on night differential pay, and to achieve the utmost standardization in the working hours consistent with work requirements of each office and consideration to specific employees' needs.

**20-9 WORK PERMITS (FBIHQ)**

(1) Bureau employees under the age of 18 years, with the exception of those who will reach their 18th birthday within a month after they enter on duty, must secure work permits. The names of new employees in this category are automatically tabulated by the Personnel Management Section of the Personnel Division. A schedule is set up for the employee to be interviewed, and a written request for a work permit is furnished to the employee to be presented personally to the Department of School Attendance and Work Permits of the District of Columbia. An employee applying for a work permit must have in his/her possession a birth certificate or attested transcript issued by a registrar of vital statistics or other officer charged with the duty of recording births. In the absence of such a birth certificate, suggestions as to other acceptable proof of birth can be found in Public Law 618-70th Congress, an act to regulate the employment of minors within the District of Columbia.

(2) The Bureau follows the policy of restricting the assignment of employees under 18 years of age to the regular day shifts. In addition, employees under 18 years of age may not work more than 8 hours in any one day, nor more than 6 days in any one week. Therefore, any hours worked beyond the regular 40-hour

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

workweek must be performed on the sixth day rather than on the employee's regular workdays. (See MAOP, Part I, 20-23 (4).)

## **20-10 TOURS OF DUTY OF WOMEN AND MINORS**

Each field office must comply with the provisions of any applicable child labor laws governing the territories under its jurisdiction. Although this Bureau and other Federal agencies are not legally bound by state regulations regarding the employment of females, it is desirable that efforts be made to comply with the provisions of such regulations. Accordingly, the provisions of such regulations should be ascertained and every possible effort should be made toward general compliance. Such compliance should be consistent with the Bureau's best interests. If any conflict with state regulations appears imminent, FBIHQ should be contacted.

## **20-11 Deleted**

## **20-12 COMPUTATION OF CLERK-AGENT RATIO**

In computing the clerk-Agent ratio, personnel are separated into two categories. All Special Agents, including supervisors, ASACs and SACs, comprise one group, and all non-Agent personnel, including clerks, stenographers, Electronics Technicians, etc., the other. Divide the number of Special Agent personnel into the number of clerical personnel and the result is the clerk-Agent ratio. No personnel assigned to an office may be excluded from this computation. Personnel under transfer to an office must be counted in the computation of the office to which they have been transferred after the orders transfer have been received, even if they have not yet reported; and they should be excluded from computation of the office from which transferred, even though they may not have departed on transfer. Personnel resigning or entering on absence for maternity reasons must not be computed in the ratio once their letters indicating such action have been forwarded to FBIHQ and acknowledged. Involuntary separations are not computed in the clerk-Agent ratio after written notification has been approved by FBIHQ and forwarded.

## **20-13 PENDING WORD PROCESSING WORKLOAD**

(1) Deleted

(2) The word processing workload is considered unaddressed (delinquent) when untranscribed for more than seven calendar days. The day that work is received will be counted as day one. If workload becomes excessive, contact should be made with the Word Processing Program Manager, Pocatello Information Technology Center, Pocatello, Idaho, Operations Section, Information Resources Division. (See Correspondence Guide-FBIHQ, 1-11.3.)

## **20-14 FIREARMS TRAINING OF NONINVESTIGATIVE EMPLOYEES**

As a rule only Special Agents receive firearms training from the Bureau. Exceptions are: Electronics Technicians and Security Patrol Clerks on the night and midnight shifts at San Juan, Puerto Rico, and the Security Guard Force at the FBI Academy, Quantico, Virginia.

## **20-15 SERVICE RECORDS, CREDIT INQUIRIES AND INQUIRIES DIRECTED TO EMPLOYEES**

### **20-15.1 Service Record Inquiries**

Inquiries for service records on present or former employees and inquiries concerning indebtedness of in-service employees are handled at FBIHQ. Employees must refrain from expressing either orally or in writing, except to official superiors, any opinion bearing upon the efficiency or standing of former or present

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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employees. Individuals making oral inquiries should be referred to FBIHQ for such information and FBIHQ should be advised of the request. Written communications received by the field containing requests for such information should be transmitted to FBIHQ as an enclosure to FD-438a, which is a copy of FD-438 to be used by field to advise the inquirer his/her request has been forwarded to FBIHQ, Washington, D.C., for handling.

### **20-15.2 Credit Inquiries**

The field may verify employment in routine credit inquiries ensuring inquiry is for legitimate reasons. Data supplied should be confined to entrance-on-duty date, salary, and whether support personnel or Agent. Notation that information was provided should be made in personnel file.

### **20-15.3 Other Inquiries Directed to Employees**

For Bureau policy concerning employees providing information or opinions based on personal association with present or former FBI employees and non-FBI acquaintances, see Part I, 1-15.3, and Part II, 10-17.11.2, of this manual.

## **20-16 REST PERIODS - VENDING MACHINES**

(1) Vending machines are permissible if the SAC considers them desirable. Proceeds from vending machines may be retained by the division where they are located and utilized by the office recreation or welfare association. If reports from any office indicate abuses in the use of the machines, consideration will be given to removing them.

(2) A 10-minute rest period may be taken by noninvestigative employees during each 4-hour work period. This rest period is to be limited to employees working within the FBI office. Rest periods may not be taken at the beginning or the end of the workday but should be taken for example, at midmorning and at midafternoon. They should be so scheduled as to ensure an adequate staff is on duty in the office at all times.

## **20-17 DESIGNATION OF BENEFICIARY (See MAOP, Part I, 18-2.17 & 18-3.17.)**

### **20-17.1 Purpose (See MAOP, Part I, 18-2.17 & 18-3.17.)**

During Government employment employees will establish and build up valuable monetary benefits, the disposition of which in the event of death can be controlled by execution of certain beneficiary forms.

### **20-17.2 Items Involved (See MAOP, Part I, 18-2.17 & 18-3.17.)**

These items may involve considerable amounts of money and accordingly employees should clearly understand the effect of the execution of the various beneficiary forms. The things of value referred to relate to:

- (1) Money owed to employee in the form of unpaid compensation, such as accrued annual leave, unpaid salary, and expense vouchers, etc.
- (2) Money accrued in the Civil Service Retirement System and Federal Employees Retirement System (FERS).
- (3) Money payable through coverage under the Federal Employees' Group Life Insurance Act.

### **20-17.3 Execution of Forms (See MAOP, Part I, 18-2.17 & 18-3.17.)**

Each of the items listed in 20-17.2 above requires the execution of a separate beneficiary form (SF-1152, SF-2808 or SF-3102, and SF-2823 respectively), if it is desired that the money be paid in a way which is

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

other than the order set forth by existing legislation. A designation, change, or cancellation of beneficiary in a will or other document will have no effect.

**20-17.4 Undesignated Beneficiary (See MAOP, Part I, 18-2.17 & 18-3.17.)**

It is not necessary that these beneficiary forms be executed, if it is satisfactory for the payment to be made in the prescribed order set forth below:

- (1) To the widow or widower
- (2) If neither of the above, to the child or children in equal shares, with the share of any deceased child distributed among the descendants of that child
- (3) If none of the above, to the parents in equal shares or the entire amount to the surviving parent
- (4) If there be none of the above, to the duly appointed legal representative of the estate of the deceased, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the insured

**20-17.5 Annual Reminders (See MAOP, Part I, 18-2.17 & 18-3.17.)**

This matter should be a topic discussed annually at Agent and clerical conferences.

**20-18 LOST GOVERNMENT CHECKS**

- (1) In reporting the loss of a Government check by an employee, the payee must set forth by letter the circumstances surrounding the loss of the check. This letter must show whether the check was endorsed, the payee's home address, and must be signed by the payee.
- (2) Deleted
- (3) If a check has been mailed by FBIHQ but the field office has no record of its receipt, a letter from the SAC or ASAC is all that is necessary.
- (4) All letters should be forwarded to the Payroll Administration and Processing Unit, Accounting Section, FBIHQ, at the earliest possible date. No action can be taken by FBIHQ to place a stop on a lost check or to have a substitute check issued until receipt of the above-described letters.

**20-19 INVENTIONS**

Whenever any invention is developed by an employee arising out of the latter's official duties or connected in any way with Bureau operations, FBIHQ is to be advised, attention of the headquarters' division most closely concerned or associated with the invention in question.

**20-20 PERSONAL APPEARANCE, DRESS AND GROOMING STANDARDS FOR BUREAU EMPLOYEES**

**20-20.1 Policy**

The traditional policy of the FBI is that all employees should have the appearance of business people, both as to dress and grooming. FBI employees should dress in the typical mode of the business and professional communities while on official duty. All male employees, except those who are specifically exempt due to the nature of their duties, should be dressed in business shirts, ties, and trousers suitable for office wear. During certain climatic conditions, SACs of the various field offices and the division heads at FBIHQ may issue instructions that employees who have no exposure to the public are permitted to wear other attire as a substitute to the above mentioned attire. The SAC, as well as division heads, must insure that sufficient restraints are exercised so that employees will not become relaxed to the point where it will be necessary to make adjustments to bring about conformance to the business-professional appearance.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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### **20-20.2 Appearance Standards**

(1) The manner and style of one's clothing or the manner in which a person wears his or her hair is a matter of individual pride and self-respect. Employees of both sexes are expected to maintain a neat appearance, and to keep their hair clean and well groomed at all times.

(2) The American people trust and are confident that the FBI will continue to perform in their behalf in an exemplary manner. That degree of trust and confidence was achieved by our outstanding performance of our duties and by the neat, well-groomed appearance we have presented to the American people.

(3) Although performance can never be estimated or judged by appearance alone, the standards of neatness and grooming adhered to by the men and women of the FBI have created in the minds of the American people an image of faithful and professional performance of duty.

(4) Accordingly, our appearance has, and will, contribute to the efficiency of our service in behalf of the American people. Therefore, extremes in clothing and in hair length or style are to be avoided.

### **20-20.3 Regulations**

The "FBI Employee Handbook," under grooming and demeanor, outlines the standards expected of support and service personnel of the FBI. Memoranda to all SACs, titled "Personal Appearance of Bureau Employees," 25-75(A) dated June 10, 1975; 38-74(A) dated August 6, 1974, and 47-73(A) dated November 6, 1973, set out the Bureau's traditional posture that all employees should present a businesslike appearance, both as to dress and grooming, while in duty status.

### **20-21 PERMANENT PART-TIME EMPLOYMENT FOR SUPPORT PERSONNEL (See MIOG, Part 1, 67-1.3; MAOP, Part 1, 20-28.)**

Employees who are authorized to work on a part-time basis are subject to the following rules:

(1) The employee must have a prearranged regularly scheduled tour of duty consisting of an equal or varied number of hours per day.

(2) The employee's work schedule must be not less than 16 hours or more than 32 hours per week, or less than 32 hours or more than 64 hours in a pay period.

(3) Part-time employees will be covered under a Federal Retirement System. Retirement annuities are prorated for part-time service performed on or after April 6, 1986.

(4) Employees will be eligible for coverage under the Federal Employees Group Life Insurance (FEGLI) program, including FEGLI Basic coverage and all available optional coverages, if the positions they hold would otherwise qualify for FEGLI coverage in a full-time tour of duty. Part-time employees who receive less than \$8,000 per year in basic pay will be covered for \$10,000 under FEGLI Basic coverage. When an employee enters FBI service in a part-time position, FEGLI Basic coverage is automatic, with the right to elect any desired FEGLI optional coverage, if the employee holds a position subject to FEGLI coverage, no waiver of FEGLI coverage is in effect from previous employment, and at least 180 days have passed since the employee's previous covered federal civilian service (if any) ended. If fewer than 180 days have passed, the FEGLI coverage in effect (if any) in the employee's previous federal service will automatically be reinstated.

(5) Employees will be eligible for coverage under the Federal Employees Health Benefits Program (FEHBP). The part-time employee will not receive the full government contribution but a prorated share of the government contribution and the employee must pay the difference of the government contribution. Full-time employees changing to part-time will be eligible to change their enrollment from one health benefit plan to another and must also pay the prorated share of the government contribution. A part-time employee who is in receipt of compensation from the Office of Workers' Compensation Program will be entitled to the full government contribution for FEHBP.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- (6) The annual and sick leave of an employee will be prorated. For example, employees with less than 3 years of service earn 1 hour of annual leave for each 20 hours worked. With 3 to 14 years of service, employees earn 1 hour of annual leave for each 13 hours worked. Employees earn 1 hour of sick leave for each 20 hours worked.
- (7) Part-time employees will be entitled to military leave. The rate at which such leave accrues is a percentage of the rate prescribed by Title 5, USC, Section 6323, as amended by P.L. 96- 431. The amount of leave is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee during the fiscal year. No more than 15 days of accrued, unused military leave may be carried over into any fiscal year.
- (8) Part-time employees will be paid for a holiday if it falls on a day of employees' prearranged tour of duty.
- (9) Part-time employees will receive the 10 percent night differential for any portion of their regularly scheduled tour of duty which occurs between 6 p.m. and 6 a.m.
- (10) Part-time employees are not entitled to Sunday premium pay.
- (11) Part-time employees should not work overtime without prior Bureau approval. Overtime is any work performed in excess of 8 hours a day or 40 hours a week, or work performed outside an employee's officially established compressed work schedule.
- (12) Requests from high-grade professionals (above GS 9) to work part time will be considered on an individual basis when special circumstances exist, or when permitting this would be in the best interest of the Bureau.
- (13) In general, permanent part-time employees are entitled to the same overall appeal rights and protections in adverse actions and reduction-in-force proceedings as full-time employees.
- (14) Part-time employees receive a full year of service credit for each calendar year worked for the purpose of computing retirement eligibility, date of career tenure, completion of probationary period, within-grade increases, and change in leave categories. Part-time work is, however, prorated to determine experience for qualification requirements.
- (15) A more restrictive use of part-time work schedules may be instituted at any time, including restricting or suspending participation of any individual or group based upon the critical needs of the division. A part-time schedule may be temporarily suspended for up to two consecutive pay periods, or alternatively, employee(s) may be converted back to permanent full-time status when warranted, provided a full funded staffing level (FSL) slot is available for each employee to be converted.
- (16) Employees converted to part-time status through the reasonable accommodation process may not be converted to full-time until resolution of the reasonable accommodation through appropriate FBI procedures.
- (17) Employees hired directly into a permanent part-time status can be converted to permanent full-time status, provided a full funded staffing level slot is available.

**20-22 LUNCH/DINNER PERIODS (See MIOG, Part 1, 67-1.3.)**

- (1) Employees are entitled to a lunch/dinner period which is to be scheduled during the middle portion of the employee's tour of duty. This period is not considered a work period for pay purposes but is added to the number of hours actually worked to become their scheduled tour of duty. The purpose of a lunch/dinner period is to provide the opportunity for nourishment and a deviation from work activities; therefore, lunch/dinner periods should not be scheduled at the end of the work shift.
- (2) Part-time employees should also schedule a lunch/dinner break if they work in excess of four hours a day.
- (3) It is not necessary that an employee be permitted to leave the premises during the meal period.

**SENSITIVE**

## **20-23 TEMPORARY LIMITED EMPLOYMENT FOR STUDENTS**

The purpose of this program is to provide on-the-job experience for high school students in their particular vocational field. The FBI benefits from the students' services while they are employed under this program and hopefully gains full-time, fully trained personnel upon their graduation. Employees who are hired under this program are subject to the following:

- (1) The student must be at least 16 years of age, pass necessary tests, and remain enrolled in high school. Prior to taking the oath of office, they must pass a physical examination and appropriate background investigation.
  - (2) The students will be released from their schools to work in this program per the regulations of the individual institution.
  - (3) Their appointment in this program will not exceed their graduation date.
  - (4) They must have a prearranged, regularly scheduled tour of duty. This tour of duty may be 40 hours per week during the summer between their junior/senior year and be converted to part time during the school term (minimum 16 hours/maximum 32 hours per week). (See MAOP, Part 1, 20-9(2).)
  - (5) The students are eligible for a GS 3 (entry level clerical) or GS 4 (Office Automation Clerk) position.
  - (6) They must meet performance standards set for the position or be subject to removal under inadequate work performance procedures. If the student works full time during the summer, it is recommended a special performance appraisal be submitted prior to conversion to part-time employment.
  - (7) Appointees are eligible for coverage under the Federal Insurance Contributions Act (social security). Sick and annual leave is accrued at the rate of one hour for every 20 hours worked. They are paid for a holiday if it falls during their regularly scheduled tour of duty. They receive service credit.
- It should be noted the appointees are not eligible for life insurance, health insurance, retirement benefits, or promotional opportunities until such time as they are converted to permanent appointments. They will be considered for the next higher grade level upon conversion, if recommended.
- (8) Appointees hired under the Temporary Limited Employment for Students (TLES) Program are not subject to controlled personnel ceilings. Requests to hire are to be coordinated through the Personnel Resources Unit, Administrative Services Division, to determine if funding is available.
  - (9) Restrictions on employment of relatives apply as stated in Manual of Investigative Operations and Guidelines, Part 1, 67-1.4.
  - (10) Employees may be converted to full-time career appointments upon graduation provided:
    - (a) the employee can be absorbed within existing Target Staffing Levels;
    - (b) the employee performed at acceptable levels without jeopardizing performance and conduct standards set by the educational institution;
    - (c) the employee provided proof of graduation; and
    - (d) the appropriate management recommendation for conversion.
  - (11) Request to hire other than full-time employees - FD- 391 should be used to request to hire part-time employees and students hired under the TLES Program.

## **20-24 Deleted**

**20-25 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

**20-26 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

## **20-27 GARNISHMENT OF WAGES FOR COMMERCIAL DEBT**

On October 6, 1993, Congress enacted Section 9 of Public Law 103-94 which waived the federal government's sovereign immunity to permit compliance with garnishment orders for commercial debts. This law permits the garnishment of federal employees' wages for any debt which is the subject of a legal process from any court of competent jurisdiction (state or federal). This provision was effective February 3, 1994.

### **20-27.1 Legal Process**

- (1) Legal process means any writ, order, summons, or other similar process in the nature of a garnishment.
- (2) Creditors may send interrogatories to the agency and the employee concerning income subject to the act.
- (3) The FBI will honor legal documents submitted for the collection of any legal debt of its employees and for recovery of attorney's fees, interest and court costs. The Act provides that an agency's administrative costs in executing the garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.

### **20-27.2 Service of Legal Process**

- (1) The legal process must be served on the proper agency official, who, upon receipt, will have 15 days to notify the employee.
- (2) The legal process may be served through certified or registered mail or by personal service on the Chief of the Payroll Administration and Processing Unit (PAPU) or Designee, Room 1885, 935 Pennsylvania Avenue, Northwest, Washington, D. C. 20535- 0001. The process service must be served on the Headquarters Unit Chief of PAPU or Designee due to the 15-day legal requirement of notifying the affected employee.
- (3) The legal process will only be accepted if it is accompanied by sufficient information to permit prompt identification of the employee, including the name and Social Security Number of the employee. Additional information such as the date of birth and home address of the employee is desirable.
- (4) Each field division should assign responsibility to the Chief Division Counsel as a point of contact for inquiries from state courts or agencies. Service of the legal process should not be accepted by field divisions.

### **20-27.3 Compliance With Legal Process**

- (1) In most cases, orders of garnishment specify how much is to be taken from an employee's disposable earnings. The FBI is required to honor these orders up to the limits set by the Consumer Protection Credit Act. This law limits the amount of garnishment to up to 25 percent of an employee's disposable earnings. In some jurisdictions, state law establishes different limits; however, the amount of the garnishment will never exceed 25 percent of the employee's disposable earnings. In determining the amount of pay subject to garnishment, the following amounts are excluded from gross pay to determine the disposable earnings:
  - (a) Amounts owed by the employee to the United States.
  - (b) Amounts required by law to be deducted from the employee's pay for the following reason:

SENSITIVE

Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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1. Social Security taxes (Medicare and OASDI).
  2. Amounts properly withheld for federal, state or local income tax purposes (the withholding of additional income tax amounts may be permitted only when the employee presents evidence of a tax obligation which supports the additional withholding).
  3. Amounts deducted as health insurance premiums.
  4. Normal retirement contributions (this includes amounts contributed to the Thrift Savings Fund).
  5. Basic life insurance under the Federal Employees' Group Life Insurance (FEGLI) program (all optional life insurance premiums and any life insurance premiums paid for by allotment are not exempt from withholding).
- (2) Any future pay authorization submitted by the employee subject to the garnishment for commercial debts will be evaluated to determine if subject to exemption from withholding.
- (3) The maximum commercial garnishment may not reduce an employee's aggregate disposable income below \$127.50 per week.
- (4) The amount of the biweekly withholding will be revised any time a change in the employee's gross pay occurs, such as a change in grade or salary or additional premium pay earned.
- (5) Child support and alimony orders will take priority over orders for collecting any other debts. If more than one legal process has been effected with respect to an employee, such payments required to be made shall be available to satisfy processes in priority order based on the time of receipt of service, with the process being satisfied out of amounts remaining after satisfaction of all processes which have been previously served.
- (6) An "automatic stay" will occur when any type of bankruptcy is filed that has the effect of ending all commercial garnishments currently in effect.

#### **20-27.4 Notification of Legal Process**

Whenever the Unit Chief of PAPU, Finance Division, is effectively served with any process or interrogatories, PAPU shall respond within 30 days after the date of effective service is made, and shall, as soon as possible but not later than 15 days after the date of effective service, send written notice to the affected employee. A written notice that such process has been served, together with a copy thereof, will be forwarded to the personal attention of the affected employee at his or her duty station in a sealed envelope. This notice will stipulate the amount of the garnishment. A copy of this notice will also be forwarded to the personal attention of the employee's division head or Special Agent in Charge and the Unit Chief of the Personnel Security Unit, National Security Division in a sealed envelope. After the legal process has been found sufficient on the face for processing, the employee will receive written notice of the amount that will be withheld biweekly for the garnishment, the date of the salary payment which will include the garnishment deduction and any of the agency's administrative costs added to the garnishment amount.

#### **20-28 PART-TIME SPECIAL AGENT EMPLOYMENT PROGRAM (PTAP) (See MAOP, Part 1, 1-16, 1-16.1, 1-16.2, 20-6, 20-6.1, 20-6.2, 20-6.3, 20-6.3.1, 20-6.3.2.) (Formerly 20-28.1, 20-28.2, 20-28.3, 20-28.4)**

(1) GENERAL POLICY STATEMENT: The purpose of the PTAP is to permit Special Agents (SAs) a period of time to alter the pace of their career, while maintaining the ability to remain active in their investigative responsibilities. SAs are limited to no more than ten (10) years in the PTAP contingent on the needs of their offices including the availability of work consistent with their positions and grade levels.

OBJECTIVE: The program's objective is to enhance the worklife and, therefore, the FBI's maintenance of a balanced workforce of SAs by accommodating the needs of those who would benefit from a reduction in the demanding schedule normally required of SAs.

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**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(2) **QUALIFICATIONS:** In order to qualify for the PTAP, an Agent must:

- (a) Have served at least two years as an SA (NOTE: If the employee is a reinstated SA, he/she must have completed one year in a full-time field assignment in addition to any required retraining at Quantico prior to making a request to enter this program);
- (b) Have received a "Meets Expectations" (ME) performance rating on each of the last two annual Performance Appraisal Reports (PARs);
- (c) Have qualified for Availability Pay (AVP) in conformance with the requirements for AVP (see the Manual of Administrative Operations and Procedures (MAOP), Part 1, 8-1); and
- (d) Not be on probation as the result of an administrative action or in a jeopardy period as a result of a performance issue.

(3) **REQUIREMENTS:**

- (a) Except as set forth herein, part-time Agents (PTAs) are subject to the same rules as support personnel as set forth in the MAOP, Part 1, 20-21.
- (b) If the SA applying for the PTAP is in grade GS-11 or GS-12, he/she will be required to work an equivalent number of hours as comparably situated full-time employees (8 hours a day/40 hours a week) before being considered for promotion.

EXAMPLE: A GS-12 Agent has completed 52 weeks of the 104 weeks (two years from GS-12 to GS-13) specialized experience for promotion to GS-13. The Agent will be working 20 hours per week in the PTAP. Therefore, it will take the Agent 104 weeks (three years total - 52 weeks full time and 104 weeks part-time at 20 hours per week) to complete specialized experience requirements necessary for promotion to GS-13.

- (c) PTAs are expected to maintain the ME performance level while in the program. (NOTE: Receipt of a "Does Not Meet Expectations" Warning PAR does not necessitate an immediate return to full-time status; however, the PTA must acknowledge the potential for that action in the event his/her performance does not improve during the opportunity period.)
- (d) A PTA may be considered for transfers; however, he/she must be prepared to return to a full-time schedule upon arrival in the new office. Return to part-time status is dependent upon the Agent's needs, submission of a new request and the decision of the division head in the new office.

(e) In crediting time toward transfers, PTAs will receive credit for 50 percent of the months spent in the program.

(4) **PROCEDURES FOR APPLICATION:** The SA applying for the PTAP must submit a written request to the division head stating his/her reason(s) for entry into the program and that he/she meets all of the qualifications for participation. The SA must indicate the number of hours per week he/she intends to work, a proposed biweekly schedule, and the manner in which current assignments will be accomplished. Any perceived impact that entry into the program may have on the SA's squad and/or office must also be addressed.

In the written request, the SA must acknowledge that he/she is aware of the discontinuation of AVP while in a part-time status and that, despite his/her personal circumstances, he/she may be required to return to a full-time schedule based on the needs of the office. The SA must also acknowledge that all specialized experience requirements must be fulfilled before promotion, if any, is considered.

(5) **DIVISION HEAD RESPONSIBILITIES:**

- (a) The division head will evaluate and decide on each request to participate in the program on a case-by-case basis, consistent with policy. No division head may establish a blanket policy which discourages Agents from requesting participation in the PTAP.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(b) If the division head approves the request, he/she must direct appropriate management officials to establish the specific details of the PTA's schedule and work assignments.

(c) If the division head must deny the request, he/she must document the decision in writing, including the specific rationale for the decision, and project a date when a request may be resubmitted.

(d) If a division head must require a PTA to return to a full-time schedule, he/she must advise the Agent, in writing, of the decision and afford at least two weeks notice prior to the effective date for the schedule change to allow the PTA to make any arrangements necessary. Extreme emergencies affecting national security may demand less notice; however, all attempts will be made to consider work life issues before returning the PTA to full-time.

(e) Division heads are required to set annual ticklers to ensure that SAs in the PTAP continue to meet the requirements of the program, that continuing mission requirements are being met, and that the SA's overall period of participation in the PTAP does not exceed the established 10-year limitation.

**(6) PROCEDURES FOR APPEAL:**

(a) If an SA's request to participate in the program is denied, or if the division head requires the PTA to return to a full-time schedule, the SA may submit a written appeal of the decision to the Section Chief, Personnel Assistance Section, Administrative Services Division.

(b) The appeal package for denial of entry into the PTAP must include a copy of the original PTAP request, a copy of the division head's written decision, and the SA's justification for requesting the reversal of that decision.

(c) The appeal of an instruction to return to a full-time schedule must include a copy of the division head's communication advising of the decision and the specific rationale for it, a copy of any current personal information submitted to the division head in light of the instruction to return to full-time status, and the SA's justification for requesting a reversal of the decision.

**(7) ADMINISTRATION:**

(a) As with all SAs, the use of the PTAP resources is at the discretion of the division head.

(b) Permanent changes to an individual's schedule require the submission of an SF-52 approximately 30 days prior to the pay period when change is to occur. (NOTE: Schedule changes of a temporary nature, e.g., a week long in-service at the Academy, do not require submission of an SF-52.)

(c) PTAs will be issued or continued on a performance plan consistent with their position and grade, and will be rated on that plan in accordance with the requirements of the Performance Appraisal System.

(d) PTAs will be paid on an hourly basis computed at the current grade and step of the position(s) held while in the PTAP.

(e) PTAs should not normally be scheduled to work overtime. On rare occasions when this may become necessary, contact must be made promptly with the Personnel Policy Unit, Administrative Services Division.

(f) PTAs may serve as relief supervisors, secondary relief supervisors and Assistant Division Counsel, subject to the following:

1. PTAs may not be appointed as secondary relief supervisors unless they work 32 hours per week.

2. A relief supervisor who enters the PTAP will remain in the Executive Development and Selection Program (EDSP) and continue to serve as a relief supervisor, unless the individual submits a written request to be removed from the EDSP.

3. A supervisor is not required to step down from his/her supervisory position when applying for the PTAP; however, he/she must step down before starting to work less than full-time. A supervisor who steps down to enter the PTAP will be assigned nonsupervisory duties, but will remain in the EDSP to serve as a relief supervisor unless the individual submits a written request to be removed from the program. (NOTE:

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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Supervisors assigned to FBIHQ or Quantico who step down and enter the PTAP can expect to be assigned to either the Washington or Baltimore Field Office.)

(g) PTAs who wish to return to supervisory positions must compete for advertised vacancies regardless of prior supervisory experience or status. If selected, the PTA MUST return to full-time status.

(h) In the event of a reduction-in-force, PTAs will be covered under regulations published in Title 5, Code of Federal Regulations (CFR), Section 351.

(i) PTAs are counted against a field office/division's funded staffing level (FSL) according to governing resource allocation policy and practice.

(j) PTAs are required to continue to fulfill all administrative requirements, e.g., firearms, legal training, etc.

**20-28.1 Revised and Moved to 20-28**

**20-28.2 Revised and Moved to 20-28**

**20-28.3 Revised and Moved to 20-28**

**20-28.4 Revised and Moved to 20-28**

**20-29 FBI OCCUPATIONAL SAFETY AND HEALTH PROGRAM (OSHP)  
AUTHORITIES AND RESPONSIBILITIES**

(1) The FBI shall provide to all FBI employees Bureauwide a safe and healthful work environment that is free of recognized hazards and is in compliance with all Occupational Safety and Health Administration (OSHA) standards and requirements.

(2) The Director has appointed the Assistant Director (AD), Personnel Division (PD) as the "Designated Agency Safety and Health Official" (DASHO) as described in OSHA regulations; other FBI officials have been appointed "Deputy DASHOs" with sufficient authority to ensure the effective management and administration of the FBI's OSHP.

(3) The Director specifically authorized the designation of a principal FBI SAFETY AND OCCUPATIONAL HEALTH MANAGER (SOHM), who will administer the FBI's OSHP. The FBI Headquarters OSHP Office is located in the PD and is under the supervision of the Section Chief (SC) of the Personnel Assistance Section (PAS).

(4) The FBI requires all FBI facilities (leased or owned) to receive OSH and environmental management audits at least every five years and receive OSH and environmental inspections at least annually, by qualified and authorized OSH inspectors. Special arrangements will be made by the FBI SOHM regarding the inspection of covert facilities.

(5) The Director requires the abatement of unsafe and/or unhealthful working conditions and/or practices related to FBI operations or facilities in a timely manner; and the acquiring, utilization and maintenance of approved personal-protective equipment, approved safety equipment and devices necessary to protect FBI employees.

(6) Performance plans relating to program management for all FBI managerial and supervisory personnel will include a statement regarding OSH responsibilities, as required by DOJ Safety and Health Order 17792A, and the OSHA standard as set forth in Title 29, CFR, Part 1960.

(7) FBI employees will be provided authorized official time to participate in OSH activities.

(8) One goal of the FBI's OSHP is to ensure that no FBI employee is required to perform an assigned task if doing so poses an unacceptable risk of imminent danger of death or serious bodily harm. By the very nature

**SENSITIVE**

**SENSITIVE**

**ManI-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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of law enforcement work, all FBI employees are exposed to certain workplace hazards. The FBI management officials must minimize these risks through careful and thorough planning, hazard abatement, and implementation of the FBI OSHP in a manner that is consistent with the accomplishment of the FBI mission.

(9) FBI managers and supervisors should ensure that no FBI employee is subject to restraint, coercion, interference, discrimination and/or reprisal for filing a report of an unsafe or unhealthful working condition and/or practice, or for participation in other OSH activities.

(10) The AD, PD, as the FBI DASHO, will ensure the development of a Bureauwide OSHP which will include environmental goals, objectives, and a proactive strategic plan for reducing and/or eliminating occupational accidents, injuries, and illnesses; and establishing a Bureauwide OSH and environmental evaluation system for all FBI operational entities.

(11) The AD, PD, will ensure the development of a set of Bureauwide OSH and environmental priorities with respect to the factors which cause occupational accidents, injuries, and illnesses in FBI workplaces, so that appropriate corrective actions can be taken.

(12) The AD, PD, will establish the FBI Headquarters (HQ) OSHP Office at FBIHQ and that office will be supported by at least four Regional OSHP Offices located in Chicago, Illinois; Houston, Texas; Los Angeles, California; and New York, New York.

(13) The AD, PD, shall ensure that the FBI SOHM builds an adequate staff of full-time professionals to develop, implement, and administer, on a day-to-day basis, a Bureauwide OSHP that is in full compliance with the OSHA standards, fire and building code requirements, Environmental Protection Agency (EPA) requirements, General Service Administration (GSA) facilities standards, and the Uniform Federal Accessibility Standards (UFAS).

(14) The Director has appointed each field and FBIHQ division head and office head to act as a "Deputy DASHO." Each FBI division head and office head shall assist the AD, PD, in developing and implementing a safe and healthful workplace for FBI employees assigned to his/her division.

(15) Each FBI division head and office head shall establish and provide annual written OSH goals and objectives; a proactive strategic plan for reducing and/or eliminating occupational accidents, injuries, and illnesses; and shall establish and provide written OSH priorities annually with respect to the factors which cause occupational accidents, injuries, and illnesses in FBI workplaces within their respective divisions/offices, so that appropriate corrective actions can be taken.

(16) Each FBI division head and office head shall be responsible for ensuring that all OSH reporting and recordkeeping requirements and other OSH documents are maintained and submitted, as necessary or required, to the SOHM. Records must be maintained regarding inspections, audits, up-to-date lists of amounts and chemicals used, stored or destroyed, facility abatement logs, notices to employees regarding safety issues, Occupation Emergency Plans, OSH committee meetings, and safety training.

(17) Annually each FBI division head and office head must ensure that budget submissions include requests for appropriate personnel and nonpersonnel resources necessary to implement and effectively administer his/her specific OSHP. This submission should include all necessary administrative costs such as the cost of abatement of unsafe or unhealthful working conditions and/or practices, OSH training, OSH committee meetings, inspections, investigations, and personal-protective equipment.

(18) Each FBI division head and office head shall be responsible for ensuring that an adequate number of trained Collateral Duty Occupational Safety and Health Officials (CDSHOs) is maintained at all times.

(19) The FBI SOHM will serve as the OSH advisor for the FBI, applying expert knowledge of safety, fire protection and prevention, environmental, and occupational health concepts, principles and laws to all aspects of the FBI OSHP including the establishment and maintenance of Bureauwide OSH policies and programs.

**SENSITIVE**

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**Manl-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(20) The FBI SOHM shall develop and provide Bureauwide oversight to OSH educational activities, promoting year-round OSH awareness programs, and shall develop and provide Bureauwide oversight to OSH workplace inspection techniques and programs.

(21) The FBI SOHM shall direct year-round OSH surveys to ensure that FBI workplaces are being properly inspected and that recognized OSH workplace hazardous conditions and practices are being recorded and abated in a timely manner.

(22) The FBI SOHM shall develop OSH job descriptions, duties, and training requirements for CDOSHOs within the FBI.

(23) The FBI SOHM shall develop and provide Bureauwide oversight to accident investigations in the workplace.

(24) The FBI SOHM shall develop and provide Bureauwide oversight to an OSH Workplace Tracking System that will document the results of OSH workplace activities (i.e., abatement projects, accident investigations, OSH employee training requirements, environmental incidents, OSHA violations and written OSHA citations, OSH complaints filed by FBI employees, OSH inspections and surveys, etc.) for specific divisions and offices.

(25) All FBI employees who exercise managerial and/or supervisory functions will, to the extent of their authority, be requested to furnish FBI employees a place of employment, which is free from recognized hazards that are likely to cause death or serious physical harm and to report all FBI facility fires, hazardous material spills, gas leaks, etc., to the FBI SOHM, and to their respective division heads within 24 hours of the first notification of the reported emergency. Managers must ensure that FBI employees are made aware of their right to report unsafe and unhealthful working conditions and/or practices to their immediate supervisor and/or appropriate FBI OSH officials without fear of restraint, coercion, interference, discrimination, and/or reprisal.

(26) All FBI employees are expected to comply with all OSH practices, requirements, rules, and regulations outlined and issued by the SOHM.

(27) All FBI employees will be required to use the safety and personal-protective equipment necessary for their protection and will observe other OSH policies, programs, and procedures as provided or directed by the FBI management.

(28) All FBI employees are responsible for reporting unsafe and unhealthful working conditions and/or practices to their immediate supervisor and/or an appropriate FBI OSH official.

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Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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## | SECTION 21. |PROBATIONARY EMPLOYEE POLICY AND PROCEDURES|

\*\*EffDte: 07/22/1993 MCRT#: 30 Div: D3

Cav: SecCls:  
ALL INFORMATION CONTAINED  
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DATE 02-26-2007 BY 60324 AUC BAW/CFB/STP

### 21-1 INTRODUCTION (See MAOP, Part 1, 5-4.3, 13-10, 13-13 & 13-14.)

(1) Appointments to positions in the FBI are contingent upon satisfactory completion of a one-year probationary period which begins when employees enter on duty. In addition, appointments of new Special Agent (SA) trainees, on or after December, 1994, and newly hired Forensic Examiners in the Laboratory Division, are contingent upon satisfactory completion of a two-year probationary period which begins when employees enter on duty as new SAs or Forensic Examiners. However, the two-year probationary period must be expressly stated as a condition of employment at the time the appointment is made. During this period, supervisors and management officials are responsible for ensuring, through vigilant oversight and direction, that new employees possess the qualities and abilities necessary for successful service. Within their first year on duty, probationary employees deemed deficient in performance and/or conduct may be reduced in grade or removed without the formality, privileges and protection afforded nonprobationary personnel. New SAs and Forensic Examiners, who are nonpreference-eligible, may also be reduced in grade or removed during the duration of their formal training programs and at any time within their two-year probationary periods for conduct reasons or suitability reasons without the formality, privileges, and protection afforded nonprobationary personnel. The policy and the procedures to be utilized to effect such actions follow. It must be noted that this policy supplements, but does not supersede or replace, existing performance appraisal and personal conduct policy. (See MAOP, Part 2, 8-1.2.1.)

(2) Notwithstanding the above, preference-eligible employees have certain procedural rights. In this regard, preference eligible employees who have completed one year of current continuous service in the same or similar positions within an agency are entitled to certain statutory due process rights set forth at Title 5, United States Code (USC), Section 7513. As a general matter, a preference eligible employee includes an honorably discharged veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; during the period beginning on April 28, 1952, and ending on July 1, 1955; or for at least 180 days during a period occurring after January 31, 1955, and before October 15, 1976 (with exceptions applying to the National Guard and the Reserves). The term also includes certain disabled veterans. In addition, under certain limited circumstances "preference eligible" can include an unmarried widow/widower of a veteran, the spouse of a disabled veteran, or the mother of a deceased or disabled veteran. It does not include members of the FBI-DEA Senior Executive Service.

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**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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(See Title 5, USC, Section 2108.) Preference-eligible employees may only be removed or reduced in grade or pay for such reasons that will promote the efficiency of the service. (See MAOP, Part 1, 21-8.)

(3) Preference-eligible employees who have completed one year of current continuous service are entitled to the following procedural rights: (a) at least 30 days' advance written notice stating the specific reasons for the proposed action, unless there is a reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed; (b) a reasonable time of not less than seven days to answer orally and in writing and to furnish affidavits and other documentary evidence; (c) the right to be represented by an attorney or other representative; (d) a written

decision which includes the specific reasons for the agency action; (e) the right to appeal the adverse action to the Merit Systems Protection Board (MSPB); and, (f) the right to inspect documents which the agency relied upon in arriving at its decision.

(4) Nonpreference-eligible employees are not legally entitled to the same procedural rights as preference-eligible employees. Nonetheless, probationary employees who are being reduced in grade or removed from the rolls will be advised in writing of such action and the reasons for same. Nonpreference-eligible employees in a probationary status have no appeal rights either inside or outside the FBI. (See MAOP, Part 1, 13-1(5) & 14-4.2(4).)

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## **21-2 CITATIONS GOVERNING PROBATIONARY PERIODS**

(1) As an excepted service, the FBI is NOT subject to Title 5, United States Code (USC), Section 3321, or to Title 5, Code of Federal Regulations (CFR), Part 315, Subparts H and I, all of which pertain to probationary periods in the competitive service.

(2) The FBI is subject to Title 5, USC, Sections 4301 - 4302a and to Title 5, CFR, Part 430, Subparts B and D, which pertain to performance appraisal. Title 5, USC, Section 4303 and Title 5, CFR, Part 432, which pertain to the reduction in grade or removal of employees covered by the Performance|Appraisal|System|(PAS)|based on unacceptable performance, apply ONLY to those FBI employees who have completed one year of current continuous employment in the same or similar positions.

(3) Under Title 5, USC, Sections 7511-7513, and the related regulations in Title 5, CFR, Part 752, Subpart D, adverse actions may be taken only for such cause as will promote the efficiency of the service. In the FBI, referenced provisions apply ONLY to preference-eligible employees who have completed one year of current continuous employment in the same or similar positions. The advance notice and response privileges conferred by referenced

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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statutory and regulatory provisions have traditionally been afforded to all FBI employees without regard to their preference-eligible status.

(4) FBI policy and procedures relative to performance appraisal and adverse actions are set forth in the Manual of Administrative Operations and Procedures (MAOP), Part 1, Sections 5 and 13, respectively; similar information regarding the Probationary Agent Program is included in the MAOP, Part 2, Section 8. For general information concerning Probationary Employee Policy and Procedures, see the MAOP, Part 1, Section 21. FBI executives, management officials and supervisors are also responsible for knowledge of supplemental information regarding these areas as set forth in related policy communications, booklets and the like.

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## **21-3 INDIVIDUALS/ACTIONS TO WHICH POLICY APPLIES**

(1) With the exception of those in the FBI Senior Executive Service, this policy applies to all individuals newly appointed to positions in the FBI. It also covers those individuals whose reinstatement to a position in the FBI is contingent upon satisfactory completion of a probationary period.

(2) This policy does NOT cover actions involving employees dismissed for preemployment conditions. Concerns of this nature must be immediately brought to the attention of the Bureau Applicant Employment Unit (BAEU), Administrative Services Division (ASD), and addressed in accordance with guidance received. The BAEU will coordinate these matters with the appropriate units at FBI Headquarters, such as the Staffing Unit, ASD. This policy is also NOT pertinent to probationary periods established in connection with disciplinary actions.

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## **21-4 DEFINITIONS**

(1) "Acceptable performance" - Performance that meets an employee's performance requirement(s) or standard(s) at the Meets Expectations level for employees subject to the PAS.

(2) "Appraisal" - The act or process of reviewing and evaluating the performance of an employee against the described performance standard(s).

(3) "Current continuous employment" - A period of employment in the same or similar positions without a break in service

**SENSITIVE**



of a workday.

(4) "Minimum appraisal period" - The 90-calendar day period an employee must serve on notice of critical elements and performance standards before a Performance Appraisal Report (PAR) can be issued.

(5) "Probationary Period"

(a) A one-year period would begin the date an employee enters on duty and would end at the close of business on the last working day of that period (regardless of whether a leap year is involved). Thus, if an employee was appointed on Sunday, March 11, with a regular tour of duty from 8 a.m. to 4:30 p.m., he/she would complete probation at the close of business on Friday, March 8, the following year.

(b) For new Special Agent (SA) trainees and newly hired employees for Forensic Examiner positions in the Laboratory Division, a two-year period would begin the date the new SA or Forensic Examiner enters on duty and would end on the last working day of that period. As an example, if the new SA or Forensic Examiner was appointed on Sunday, December 11, 1994, with a regular tour of duty from 8 a.m. to 4:30 p.m., they would complete probation at the close of business on Wednesday, December 11, 1996.

(c) A termination made effective at the close of business on the last working day of the probationary period, with no time specified, would become effective at midnight - after the probationary period has been completed. This means that the employee must be removed BEFORE the close of business of the last day of the probationary period; otherwise, the employee automatically completes probation, and the agency must then take action under policy governed by Title 5, Code of Federal Regulations, Part 432 or 752, as appropriate.

(d) Notwithstanding the above, for the purposes of performance-based dismissal actions only, probationary periods end after all employees' first year of service.

(6) "Reassignment" - The movement of an employee from one position to another with no change in grade or salary.

(7) "Reduction in grade" - The involuntary assignment of an employee to a position at a lower classification or job grading level.

(8) "Removal" - The involuntary separation of an employee from employment with an agency.

(9) "Same or similar positions" - Positions in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, so that the incumbents could be interchanged without significant training or undue interruption to the work.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3

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## **21-5 RESPONSIBILITIES**

(1) The Assistant Director (AD) of the Administrative Services Division (ASD) is responsible, personally or through designated staff members, for administering all personnel activities, including the formulation of personnel policies and overall administration and management of the FBI's centralized personnel program. This responsibility includes, but is not limited to, authorizing the reduction in grade or removal of any employee covered by this policy.

(2) The Personnel Officer is responsible, personally or through designated staff members, for managing and directing the FBI's performance appraisal systems, and for managing and directing the administrative processes required to address performance-based disciplinary matters. The Assistant Director, Office of Professional Responsibility, is responsible, personally or through designated staff members, for managing and directing the FBI's disciplinary process. These responsibilities include, but are not limited to, reviewing, analyzing and evaluating specific[PAS]applications and the results of administrative inquiries to ensure compliance, and concurring with or disapproving recommendations to reduce in grade or remove probationary employees.

(3) The AD of the Training Division (TD) is responsible, personally or through designated staff members, for managing and directing the training afforded at the FBI Academy to newly appointed Special Agents. This responsibility includes, but is not limited to, establishing and monitoring the levels of performance which must be met for a new Agent to continue in/graduate from the FBI Academy and reviewing recommendations to remove an Agent trainee who has failed to meet the established criteria. He/She is personally responsible for authorizing the removal of new Agent trainees who have failed to meet the criteria established for the academic, firearms, or physical fitness/defensive tactics programs, and for notifying new Agents of this decision.

(4) Each head of office is responsible for the appraisal process under his/her jurisdiction as well as for the oversight of conduct and disciplinary matters. In this regard, he/she must impose controls to ensure that probationary employees' performance, conduct, and suitability are monitored and evaluated in an effective, timely and consistent manner, and that supervisors afford assistance designed to help employees achieve the requisite minimum level of performance.

(5) Rating and reviewing officials are responsible for: consistently monitoring and evaluating subordinates' performance, conduct, and suitability; assisting employees to meet an acceptable level of performance; counseling employees regarding performance,

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**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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conduct, and suitability; and initiating any necessary performance appraisal, disciplinary, or other personnel actions in a timely manner.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3

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## **21-6 NEW AGENTS AT THE ACADEMY**

Reference is made to the policy document captioned "Requirements at the FBI Academy," which defines the levels of performance which must be met by every New Agent Trainee (NAT) to continue in the training program and graduate. The document also explains the New Agent Review Board (NARB) process and defines the performance, suitability and requirements of the Agent position considered critical to effective job performance. NATs receive a copy of this document for review and are required to indicate, in writing, their understanding of the contents of the document.

(1) PROGRAM FAILURE. When an NAT fails to meet the criteria established for the academic, firearms, or defensive tactics program, he/she may be subject to dismissal from the Academy. In these instances, the employee is to be notified, in writing by the approving official, the AD, TD, that his/her employment is being terminated for failure to meet the specified training requirements.

(2) NARB OR OTHER INVESTIGATIVE FACT-FINDING PROCEDURES. Upon review of the investigative findings, the AD, TD, will take appropriate action up to and including a recommendation to dismiss the NAT. In the instance of a recommendation for dismissal, the documents reflecting the bases for and the approval of that action are to be forwarded to the Personnel Officer, Personnel Assistance and Facilities Management Branch, Administrative Services Division (ASD). Personnel assigned thereto will promptly review the matter for compliance with governing policies and will coordinate with other offices, e.g., Office of Equal Employment Opportunity Affairs, as required. The AD, ASD, is responsible for approving/disapproving the recommendation and will notify the employee, in writing, of the decision and the reason(s) for the action.

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## **21-7 MONITORING, DOCUMENTING AND REVIEWING**

(1) Once new Agent or support employees report to their offices, their supervisors must be particularly alert to, and consistent in, monitoring and documenting their performance and personal conduct. With respect to appraisal matters, both positive and negative examples of probationary employees' performance are to be

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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documented with sufficient frequency and detail to permit the assignment of performance levels when collectively reviewed in terms of the requirements of the employees' critical elements and the measurement criteria in their performance standards.

(2) Rating officials are to record training and instructions afforded probationary employees in order to assess their ability to perform required assignments in an acceptable manner. Similarly, all instances in which assistance is provided to probationary employees to improve performance which is less than Meets Expectations is to be recorded for appropriate consideration as the appraisal process continues. Maintenance of such documentation will facilitate rating and reviewing officials' determinations regarding the nature of the supervision and guidance required to ensure employees complete their assignments in an acceptable manner.

(3) Supervisors and management officials must also be alert to, consistent in documenting, and careful in balancing the needs of probationary employees. In so doing, supervisors should consider the health of employees, as well as their family members, in relation to the office's need for reliable employees who report to work regularly. Accordingly, probationary employees must be advised during their indoctrination and reminded as necessary during their probationary period that the use of leave is an earned privilege subject to supervisory approval.

(4) Any incident reflecting a failure to meet/observe a condition of employment or a violation of personal conduct policy must be carefully documented. Examples of such incidents would include, but are not limited to, those in the schedule of disciplinary offenses in the MAOP, Part 1, 13-13. The record is to include not only details of the incident itself, but also the employee's response when questioned regarding the failure or violation and any mitigating circumstances known or claimed. In addition, details regarding the instructions, advice and/or guidance provided to the employee with respect to the immediate and potential consequences of the incident and the effect of any repetition are to be documented.

(5) Creation of records in a timely manner is necessary in order to permit the consideration of all appropriate factors regarding employees' performance and conduct when deciding whether to retain, reduce in grade or release employees prior to the close of their probationary period. The absence of records or records which lack adequate detail may preclude the formulation of an informed judgment to take such an action on an employee prior to the expiration of his/her probationary period. Additionally, uniform, consistent treatment and documentation of incidents occurring during employees' probationary periods will serve to reinforce the FBI's clear policy regarding personal conduct and minimize the potential for misunderstandings between the employees and their supervisors and managers.

(6) Heads of offices are responsible for establishing and implementing appropriate controls to ensure that all subordinate management officials and supervisors not only collect and maintain appropriate documentation but also review it periodically with

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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particular attention to its effect, if any, on an employee's ability to successfully complete his/her probationary period. For new Agents, it is suggested that reviews be keyed to their file reviews which must be conducted at least every 60 days. (See MAOP, Part 2, 1-1.4, 1-3.13.3, and 8-1.2.3.) A similar schedule is recommended for new support personnel.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3

Cav:

SecCls:

## **21-8 PERSONNEL ACTIONS**

(1) Reassignment, reduction-in-grade, and removal are the principal personnel actions utilized in connection with probationary employees. Unlike reduction-in-grade and removal, reassignments are not adverse actions and may be justified simply in terms of the needs of an office. Executives, management officials and supervisors are encouraged to consider the likely benefits of the reassignment of a probationary employee in terms of his/her qualifications for other positions, the needs of the current work area, and the total staffing needs of the office. Employees who were serving in an FBI support position prior to appointment to the Special Agent position and are subsequently removed from the Special Agent position during the probationary period may be returned/reassigned to their former support position or a similar position, regardless of their preference status. As well, those FBI employees serving in a support position prior to their selection for the Forensic Examiner position may be returned/reassigned to their former support position or a similar position should they fail to successfully perform in the position of Forensic Examiner, regardless of their preference status.

(2) Recommendations to remove or reduce a probationary employee in grade will normally be justified either in terms of performance or conduct deficiencies. Such recommendation must be reviewed and approved by the Assistant Director, Administrative Services Division or a designee. While not required by law or regulation, in the interest of uniformity and consistency, probationary employees who are being reduced in grade or removed from the rolls are to be advised in writing of the action being taken and the reasons for same. This communication should include the statement that the probationary employee has no right to appeal the action within the FBI. However, preference-eligible employees are entitled to certain procedural rights. See MAOP, Part 1, 21-1. (See also MAOP, Part 1, 14-4.2 (3).)

\*\*EffDte: 05/01/2003 MCRT#: 1191 Div: D3

Cav:

SecCls:

## **21-9 PERFORMANCE APPRAISAL**

Rating and reviewing officials are required to apply

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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uniform, consistent evaluation procedures in assessing the performance of each of their subordinates. The careful exercise of this responsibility is critical in evaluating the performance of probationary employees to determine their fitness for continued employment. The information generated through the systematic application of the performance appraisal process provides an excellent basis to determine progress during the first year on duty and will assist supervisors and management officials in making retention decisions.

(1) MANAGEMENT EXPECTATIONS. Administrative controls must be imposed to ensure that new employees are promptly placed on notice of their Performance Plan, i.e., critical elements and performance standards. Delays in presenting Performance Plans to new Agents may severely limit rating and reviewing officials' ability to make informed judgments regarding their performance especially in light of the fact that the first four (4) months of their probationary period is spent at the FBI Academy.

| New support employees and Agents who are subject to the|PAS|and who  
| achieve at least the|Meets Expectations|level on each of their  
| critical elements, have met the minimum level required for retention  
| in their positions. Rating and reviewing officials may NOT require  
| probationary employees to demonstrate a higher level of performance  
| than is otherwise required for retention in FBI positions.

(2) APPRAISAL PROCESS. Sound application of the appraisal process is one of the most effective ways to safeguard the human and material resource investment made in the recruitment, investigation, and hiring of new employees. While supervisors are encouraged to utilize the full process to address performance deficiencies, they may elect the use of summary procedures to address significant performance problems or in instances in which the appraisal process cannot be completed in sufficient time to allow final action within a probationary period. In considering their recommendations, heads of offices must carefully weigh the following factors: the recruiting/hiring/training investment to date; the magnitude of the problem(s) observed; the nature and extent of the assistance previously provided; the amount of time remaining in the employee's probationary period; and the projected cost in human and material resources and program/assignment integrity, if an opportunity  
| period (minimum of 90 days for personnel subject to the|PAS)|is  
| afforded. Refer to Section 21-10 for information regarding the

treatment of significant performance deficiencies in connection with the efficiency of the service.

(3) PERFORMANCE BELOW THE MINIMUM. When it is determined that a probationary employee is not achieving the minimum level for retention and is not responding to assistance, the supervisor should promptly initiate contact with personnel assigned to the Performance, Recognition and Awards Unit (PRAU). Information regarding any conduct issues should also be presented for referral to the Office of  
| Professional|Responsibility|as appropriate.

(a) While supervisors need to allow their

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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probationary employees sufficient time to establish performance patterns, they are not required to wait until the end of the minimum appraisal period to discuss poor performance, initiate action to assist the employee to improve, or recommend a personnel action, e.g., reassignment, which may increase the employee's potential for performing acceptably. Similarly, despite a normal tendency to allow the benefit of the doubt with respect to formally judging new employees' performance, experience reflects that delays in officially recognizing deficiencies rarely benefit either the employee or the agency.

(b) When opportunity periods are initiated, employees are effectively promised assistance and a specified period of time to demonstrate improved performance. Recommendations for reduction in grade or removal are based on employees' failure to improve to the minimum level required for retention during their opportunity periods. Once notified of an opportunity period and absent unusual circumstances, e.g., a significant conduct incident or repetition of inappropriate conduct after counseling, a probationary employee will be considered to be ENTITLED to the assistance and time promised regardless of the date his/her probationary year ends. In effect this means that, if the opportunity period ends at approximately the same time or shortly after the probationary period ends and the employee has failed to improve, there will not be time to take action prior to the expiration of the probationary period. Action to reduce in grade or dismiss can still be taken, but he/she will be granted the same rights, e.g., advance written notice, afforded nonprobationary employees under the governing law and regulations.

(4) IMPROVEMENT OPPORTUNITIES. Providing assistance, as specified in a Does Not Meet Expectations|- Warning PAR, and careful monitoring of the employee's performance throughout his/her opportunity period is crucial to the decision required at the close of the opportunity period. Contact with PRAU personnel should be maintained during this period to facilitate the prompt preparation, review and acceptance of the documents required to close the period.

This is particularly important in addressing performance problems experienced by new Agents who are exposed to several investigative areas. For example, a new Agent may conduct applicant investigations in an acceptable manner but not be able to properly manage criminal investigations. Accordingly, it is imperative that such an Agent continue to be assigned criminal cases during his/her opportunity period and given assistance to improve in the handling of same. Only through this process can executives, management officials, and supervisors ensure that an appropriate basis exists to determine the individual's potential as an FBI employee.

(5) FAILURE TO IMPROVE. When a PAS|probationary employee does not achieve the|Meets Expectations|level during an opportunity period, the required resolution PAR or communication must be prepared and issued as quickly as possible to permit action before the expiration of the employee's probationary period. As indicated in the |PAS|policy and procedural material, the appraisal document used to

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

resolve an employee's warning status must contain specific examples of performance during the opportunity period. The examples should parallel those included in the warning PAR in order to show that the employee in fact had the opportunity to improve in the same areas in which performance deficiencies were previously noted.

If an employee fails to improve to an acceptable level, the head of his/her office is responsible for recommending reassignment, reduction-in-grade or removal. The resolution document along with the appropriate cover communication setting forth the issuing office's recommendation should be forwarded directly to the PRAU. This should allow the PRAU sufficient time to review and address the recommendation made prior to the expiration of the probationary period.

(6) RECONSIDERATION REQUESTS/APPEALS. Under existing policy, employees may request the Personnel Officer to reconsider any PAR received. Such a request, particularly at the close of an opportunity period, will not stay the action recommended by the issuing office, given the Personnel Officer's initial acceptance of the PARs involved. Probationary employees do not have the right to appeal actions based on performance appraisals outside the FBI.

\*\*EffDte: 05/01/2002 MCRT#: 1191 Div: D3 Cav: SecCls:

## **| 21-10 REPORTING CONDUCT DEFICIENCIES (See MAOP, Part I, 21-9(2).)**

(1) Executives, management officials and supervisors must carefully consider any misconduct of a new employee and the impact it may have on his/her career in the FBI. Supervisors who are concerned about the conduct of a probationary employee are encouraged to promptly initiate contact with the ASU. Misconduct coupled with performance deficiencies should be brought to the attention of the PRAU and ASU to ensure coordination of efforts.

(2) When the head of the office concurs that the nature of a probationary employee's performance or conduct deficiencies warrants reduction-in-grade or removal, a communication setting forth the specific facts supporting a recommendation will be prepared and forwarded directly to the ASU. Personnel assigned to the ASU will review the communication for compliance with policy as well as any other relevant policies and will ensure coordination with other offices as appropriate.

\*\*EffDte: 07/22/1993 MCRT#: 30 Div: D3 Cav: SecCls:

## **| 21-11 |SUITABILITY STANDARDS|**

\*\*EffDte: 03/23/2000 MCRT#: 950 Div: D3 Cav: SecCls:

**SENSITIVE**



## **| 21-11.1 |Defining Suitability| (See 21-11.2.)**

Suitability standards were developed based on an analysis of job requirements for entry-level SAs conducted by a contract firm hired by the FBI. This job analysis identified entry-level knowledge, skills, and abilities (KSAs) for SAs. Entry-level SAs are considered to be those in a probationary status. The suitability standards described below are directly related to these critical KSAs. Any SAs who are deemed substantially deficient in, or unable to exhibit appropriately, any one of these six dimensions during their two-year probationary periods (one-year probationary periods for SAs who are preference-eligible) will be removed from the SA position based on a lack of suitability. These six dimensions will also be used by the FBI to assess the suitability of support employees serving in a probationary status.

It is intended that any employees who are deemed substantially deficient in, or unable to exhibit appropriately, any one of the six dimensions during their probationary periods will be removed from their positions based on a lack of suitability. It is also anticipated that the Office of Professional Responsibility will be able to apply these same standards in terms of misconduct dismissals for unprofessional conduct such as poor judgment and lack of candor. The six dimensions developed for measuring suitability are set forth below.

(1) Conscientiousness: Includes behavior that is dependable, responsible, organized, careful, and thoughtful, with a great attention to detail and follow-through. It is the ability to systematically plan, anticipate problems, and develop contingencies to avoid those problems. It can be contrasted with behavior that is unreliable, careless, negligent, and lax. Unsuitable behavior in this category includes excessively sloppy and careless work, being irresponsible when asked for something, losing important documents, materials, equipment, etc., and the failure to ask for assistance when appropriate and necessary.

(2) Cooperativeness: Includes behavior that involves following the chain of command and being willing to collaborate with individuals in the Bureau, in other law enforcement agencies, in the local government, and in the community. It is closely associated with the ability to relate effectively with others and being sensitive to others' needs. It can be contrasted with behavior that disrupts the work through insubordination or uncooperative actions. Unsuitable behavior in this category includes being rude, antagonistic, and/or impatient with other law enforcement officials, unnecessarily questioning the performance of fellow workers in front of others, being disrespectful to employees, and using abusive language.

(3) Emotional Maturity: Includes behaviors that involve maintaining self-control and approaching potentially volatile situations, events, and people in a calm, professional manner. It is

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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the ability to be flexible, adapt to changing situations, and remain levelheaded and effective under stress. It is contrasted with behavior that is immature, irrational, and shows a lack of control over one's behavior. Unsuitable behavior includes reacting angrily or violently to comments made by individuals, acting inappropriately (i.e., excessive drinking and driving) outside of work, using excessive force, not reacting at all when it is appropriate to react or the inability to use appropriate force or other means when necessary, and engaging in any form of harassment or discrimination.

(4) Initiative: Includes behavior that involves perseverance and dedication in performing the duties of the job, going above and beyond expectations to accomplish the job, making suggestions to improve work processes, performing duties without having to be told, and a willingness to put in the long hours the job requires. This is highly correlated with motivation and includes exhibiting a commendable work ethic. It can be contrasted with behavior that involves failing to do what it takes to do the job successfully because of laziness or lack of interest. Unsuitable behavior in this category includes refusing to put in additional time during a crisis, failing to follow through with others because of inconvenience, and deliberately wasting time taking a number of breaks while on duty.

(5) Integrity and Honesty: Includes behavior that shows the person to be honest, trustworthy, self-disciplined, and respectful of laws and regulations; behaviors that display high standards of ethical conduct and actions that are taken without jeopardizing or compromising these standards, even when there are no ramifications for not doing so. Behaviors involve following agency policy and the letter and spirit of the law and avoiding even the appearance of impropriety. This is related to a person's professionalism, ability to maintain a positive image, ability to serve as a role model and represent the FBI positively to others. It can be contrasted with behavior that involves breaking the law and deviating from agency policy. Unsuitable behavior in this category includes accepting favors and gratuities, showing favoritism to friends or relatives, failing to report conflict of interest situations, lying, cheating, stealing (i.e., voucher fraud), lack of candor, failure to cooperate in an administrative inquiry, abuse of sick leave, and using government property for inappropriate personal reasons.

(6) Judgment: Includes the ability to evaluate information, think critically, question assumptions and discern merits and deficiencies in logic, and self-assess one's own skills. Behaviors indicate the ability to decide on and commit to a responsible course of action, as well as the ability to accept constructive criticism and evaluate it appropriately. Unsuitable behavior in this category includes taking actions without thinking of the consequences, acting in a way that jeopardizes the reputation of the office and/or the FBI, or adamantly denying negative feedback on performance and refusing to improve one's noted deficiencies by a superior.

\*\*EffDte: 03/23/2000 MCRT#: 950 Div: D3 Cav: SecCls:

**SENSITIVE**

## **21-11.2 Failure to Meet Suitability Standards**

(1) Suitability dismissals will be based on the suitability criteria described in MAOP, Part 1, 21-11.1 and in conjunction with a review of existing Bureau policy and precedent. The conduct, performance, and suitability of all|probationary employees| must be carefully monitored and documented by supervisory and management officials.

(2) Dismissals of|employees|during their probationary periods based on suitability grounds will be reviewed in connection with conduct-related matters pending in the Office of Professional Responsibility (OPR) or will be referred to the Personnel Officer, Administrative Services Division (ASD), FBIHQ, for adjudication. The FBI's Personnel Officer will serve as the centralized authority to evaluate suitability dismissal requests and will ensure that terminations based on suitability are fair and equitable.

(3) Due to the serious nature of these actions, proposed suitability dismissals must be thoroughly documented, like all other dismissal matters, and transmitted to FBIHQ, OPR, if conduct related, or the Personnel Officer, in the electronic communication (EC) format with accompanying documents as enclosures to the ECs. In addition to fully documenting the proposed actions, division heads recommending suitability dismissals will be required to explain why the requested actions are necessary and provide specific references to one or more of the suitability dimensions. Formal recommendations from division heads to dismiss|probationary employees|must also be included in the ECs transmitted to FBIHQ.

(4) The suitability standards described in MAOP, Part 1, 21-11.1 are expected to complement, not substitute for, the New Agent Review Board and Forensic Examiner review procedures currently used by the Training Division and Laboratory Division, respectively, to gauge the progress of SAs and FEs in training as well as the current procedures used by offices to document and report conduct-related matters to the OPR.

(5) Suitability dismissals may not be appealed within the FBI and only preference-eligible employees may appeal such dismissals outside of the FBI.

\*\*EffDte: 03/23/2000 MCRT#: 950 Div: D3 Cav: SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

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## SECTION 22. FOREIGN LANGUAGE PROGRAM

### 22-1 LANGUAGE TESTING MATTERS (See MIOG, Part 1, 67-6.3.3, 67-7, 67-7.10.)

#### 22-1.1 General Information - Policies and Procedures (See MAOP, Part 1, 22-1.2, 22-1.4; MIOG, Part 1, 67-6.3.3.)

Language testing of applicants is performed using one of two existing test batteries. They are the Foreign Language Test Battery (FLTB) and the Spanish Language Test Battery (SLTB). The FLTB is administered to Special Agent (SA) applicants in any language, or to Language Specialist (LS), Language Monitor (LM), Contract Linguist (CL), and Contract Language Monitor applicants in all languages except Spanish. The SLTB is administered to LS, LM, CL, and Contract Language Monitor applicants in the Spanish language. Test instruments and test batteries for FBI employees may vary, depending upon Bureau and specific program needs. The processing office must administer tests in accordance with test administration procedures provided with the test materials described below. Testing should take place in a quiet environment, free from distractions.

Examinees should be properly advised of the testing procedures prior to the actual test(s), including when and when not to use dictionaries, and must be monitored during the entire test administration. Test materials are for official use only and must be afforded appropriate test security measures at all times to avoid compromise. Loss or compromise of test materials damages the integrity of the FBI's language testing effort, and represents a financial loss to the Bureau. Examinees should be advised that all speaking tests are audio-recorded. At the conclusion of testing Language Training and Assessment Unit (LTAU), FBIHQ, sends the processing office an official report of results. Should the applicant fail any portion of the test battery, the report of results will include a statement of the retesting policy.

#### 22-1.2 Testing SA Bureau Applicants (BUAPs)

(1) Language Program Processing: The processing office must request the test materials from FBIHQ, Testing and Assessment Unit/LSS. SA applicants are administered Phase I of the FLTB which consists of a listening and reading comprehension test. After the test is administered, the processing office returns all test materials to Testing and Assessment Unit/LSS for grading. Should the applicant pass Phase I, the processing office schedules Phase II of the FLTB, which consists of a speaking test in the foreign language.

(2) Non-Language Program (Non-LP) Processing: Those competitive SA applicants who qualify under other programs, but are not most competitive for Phase II of the SA Selection System (SASS) testing may be considered most competitive if they pass the FLTB in one of the Bureau's critical languages. The processing office must request and return the test materials as described in MAOP, Part 1, 22-1.1; however, only a passing score in the listening portion of Phase I of the FLTB is needed in order to proceed to Phase II of the FLTB-Non-LP. In that case, Testing and Assessment Unit/LSS will advise the processing office to obtain a completed Self-Assessment Form (SAF) from the applicant. Testing and Assessment Unit/LSS will contact the processing office if a speaking test is warranted based on the results of the SAF. The processing office should then schedule Phase II of the FLTB-Non-LP which consists of a speaking test in the foreign language.

(3) Other SA (Speaking Only) Processing: SA applicants who have successfully completed Phase II of the SASS testing and qualify under other programs but who have indicated that they have foreign language ability should be afforded a speaking proficiency test in the final stages of the applicant processing. The processing office should contact FBIHQ, Testing and Assessment Unit/LSS to schedule a speaking ability test in the foreign language, identifying the examinee as an SA (Speaking Only) applicant. An official report of results will be sent to the processing office.

### **22-1.3 Testing Procedures for Language Specialists and Contract Linguists (See MAOP, Part 1, 22-9.1.)**

Testing procedures and policies are identical for processing LS and CL applicants.

(1) Processing under all languages (except Spanish): The processing office must request the testing materials from FBIHQ, Testing and Assessment Unit/LSS. LS/CL applicants are administered Phase I of the FLTB, which consists of a listening and a reading comprehension test in the foreign language and a translation test from the foreign language into English. (In languages where no translation test exists, an English writing test is administered.) After administering Phase I, the processing office should return all test materials to LTAU for grading. Should the applicant pass Phase I, the processing office schedules Phase II of the FLTB, which consists of speaking ability tests in the foreign language and in English.

(2) Processing under the Spanish Language: The processing office must request the test materials from FBIHQ, Testing and Assessment Unit/LSS. Field offices with high-volume Spanish testing may request multiple quantities of Phase I tests to have on hand so that the testing process can begin immediately. LS/CL (Spanish) applicants are administered Phase I of the SLTB which consists of a listening summary translation exam. Should the applicant pass Phase I, Testing and Assessment Unit/LSS will send materials for Phase II of the SLTB which consists of two (2) tests: one from Spanish into English and the other from English into Spanish. Testing and Assessment Unit/LSS will not accept requests for multiple quantities of these tests. Should the applicant pass Phase II, the processing office schedules Phase III of the SLTB, which consists of speaking ability tests in Spanish and English.

(3) Language Monitor (LM) and Contract Language Monitor (CLM) testing assesses the applicant's ability to carry out monitoring duties which consist of listening to foreign language oral conversations and summarizing these conversations into English. The processing office must request the testing materials from FBIHQ, Testing and Assessment Unit/LSS. LM/CLM applicants in all languages except Spanish are administered the listening comprehension portion of the FLTB and the English Composition test. Applicants in Spanish are administered a listening summary translation exam. After the administration of these tests, the processing office should return all test materials to the Testing and Assessment Unit/LSS for grading. Should the applicant pass Phase I, the processing office schedules Phase II of the FLTB, which consists of speaking ability tests in both the foreign language and the English language.

(4) Contract Document Translator (CDT) testing assesses the applicant's ability to translate from the foreign language into English. CDT applicants in all languages are administered the reading comprehension test in the foreign language and a translation test from the foreign language into

English. (SOURCE: PER OFFICIAL PROCUREMENT VEHICLE, "CONTRACT LINGUIST Basic Ordering Agreement (BOA)", FISCAL YEAR 2006 VERSION.)

#### **22-1.4 Testing On-Board Personnel**

(1) Field office support personnel interested in applying for either the SA position under the Language Program, the LS position, or the LM position should contact their field office Applicant Coordinator. Support personnel assigned to FBIHQ should contact the Applicant Coordinator at WFO. Support employees interested in these positions are required to follow the processing procedures stated in MAOP, Part 1, 22-1.1.

(2) The processing office will coordinate all language testing with Testing and Assessment Unit/LSS, FBIHQ, and all results will be sent directly to the processing office's Applicant Coordinator. Testing and Assessment Unit/LSS will test in accordance with language requirements and priorities.

(3) On-board SA and support personnel interested in establishing a base-level rating in order to make their foreign language skills a matter of record should contact the field office Foreign Language Coordinator (FLC) for guidance or contact FBIHQ, Testing and Assessment Unit/LSS directly to schedule the appropriate test in the foreign language. All test results will be forwarded to the field office FLC for appropriate distribution.

#### **22-1.5 Other Testing (See MAOP, Part 1, 22-4.)**

(1) Foreign Language Incentive Program (FLIP): On-board employees in the San Juan field office may qualify for FLIP payment if they meet the minimum qualifying proficiency level set for FLIP. The employee must contact Testing and Assessment Unit/LSS to schedule a speaking test in Spanish. The test will be administered telephonically, and the results will be reported to the field office via an official report of results.

(2) Foreign Language Pre/Post-training Tests: An employee who is participating in Bureau-paid language training may be required to take an aptitude test and/or other pretraining tests. An end-of-training, FBI-administered speaking test and any other testing deemed necessary to evaluate and measure the success of language training will be required. Testing and Assessment Unit/LSS may also require language testing of employees who received FBI-paid language training for the purpose of longitudinal studies regarding the long-term effectiveness of such training. Employees will be advised of the testing procedures at the appropriate time.

(3) Defense Language Aptitude Battery (DLAB): The DLAB is a multiple-choice test with audio and written stimuli delivered in an artificial language designed to test a person's aptitude for learning a foreign language. The DLAB is administered to a person one time only; therefore, if a person has taken the DLAB before (including while in the military), he or she need not retake it. SA personnel may take the DLAB at any time. Support personnel can take the DLAB only if directed by Testing and Assessment Unit/LSS in connection with language training. The DLAB should be available through the Applicant Coordinator's (AC) office. The AC may request the DLAB from Testing and Assessment Unit/LSS. On the day of the test, the test administrator must monitor the examinee for the entire duration of the exam. Upon completion of the exam, the test administrator must collect all test materials, including the answer sheet(s), and return them to

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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Testing and Assessment Unit/LSS for processing. The results of the test will be sent to the field office via an official report of results.

### **22-1.6 Foreign Language Test Security**

All test booklets and cassettes are serially numbered. Most test materials are maintained at Testing and Assessment Unit/LSS and charged out as requested, but some are charged out permanently to specific field offices. All test materials, whether permanently or temporarily issued to a field office, are to be maintained in the SAC's safe or other designated safe with controlled access and should be provided appropriate security at all times. Only authorized personnel should have access to test materials. Test materials should not be duplicated or faxed. All notes and drafts of translation and writing tests should be collected from the examinee and properly disposed of to prevent test compromise. The field should always adopt measures to ensure that examinees are closely monitored while taking the test.

### **22-1.7 Retesting Policy and Waivers**

(1) Only one retest of each failed portion of the FLTB and SLTB is permitted. Retests are a different version of the same test and are permitted after a waiting period of at least one (1) year, but not more than two (2) years from the initial test date. If the failed portion is not retaken within two years of the original test date, the entire test battery must be retaken. Passing test battery scores are good for three (3) years from the date that the last phase of the test was administered. After three years, if the applicant has not filled a position within the FBI where he or she utilizes the language skills successfully, the entire test battery must be retaken.

(2) Speaking Proficiency test scores for on-board personnel are valid for one to five years, depending on the skill level. Scores of 0, 0+, 1, 1+, 2 and 2+ are valid for one (1) year. Scores of 3 and 3+ are valid for three (3) years. Scores of 4, 4+ and 5 are valid for five (5) years. Pretraining test scores cannot be older than one year, regardless of the level of proficiency of the last test score. To update scores, on-board personnel should contact the FLC in their field office or Testing and Assessment Unit/LSS to schedule a speaking test.

(3) A DLAB retest can be administered only once, at least six months from the first administration, if:

(a) The examinee was administered the DLAB by the Defense Language Institute (DLI) or Testing and Assessment Unit/LSS and the agency is unable to provide a copy of the official DLAB score; or

(b) There were irregularities during the administration of the DLAB test. In this instance, the Staffing Assistant/Language Coordinator should prepare an electronic communication (EC) detailing what irregularities occurred during the test administration and forward to Testing and Assessment Unit/LSS.

(c) In other instances, examinees must provide written justification in the form of an EC detailing why they are requesting a retest. The EC should be forwarded to Testing and Assessment Unit/LSS. Testing and Assessment Unit/LSS will review the request and make a determination. All determinations will be final and will be made on a case-by-case basis.

SENSITIVE

(4) Upon request from the appropriate field office, the one-year waiting period for retaking the failed portion of a test battery, either the FLTB or the SLTB, may be waived by Testing and Assessment Unit/LSS's Program Manager, Testing Management System, if the individual (a) offers a critical language, and (b) in the opinion of Testing and Assessment Unit/LSS's Program Manager, Testing Management System, the individual has a reasonable expectation of success on the second try. The three-year period after an applicant's test scores are considered to have expired may be waived by Testing and Assessment Unit/LSS's Program Manager, Testing Management System, if (a) there is a hiring delay that is not due to any fault of the applicant, and (b) if the applicant's scores are high enough that, in the Program Manager's opinion, there is a reasonable expectation that no significant language attrition has occurred.

(5) The requirement that all scores must be passing may be waived, in exceptional circumstances with the approval of both Language Testing's Unit Chief and the Manager of the Testing Program, if the following conditions are met: (a) a written opinion from the appropriate field office showing that an investigation will be hindered in the absence of a linguist, (b) the applicant's deficient | score is close to the passing score, (c) the applicant's other scores are passing, and (d) the position for which the applicant will be hired is temporary and contractual. (SOURCE: PER EC 66F-HQ-A1192082; SERIAL 503; DATE 8/21/2002)

### **22-1.8 Military Language Test Scores**

Applicants for whom the Defense Language Proficiency Test is required as part of their test battery, and who have passed this test while in the military, do not need to retest if they provide evidence of passing scores that are not more than two years old. Testing and Assessment Unit/LSS will accept as evidence an original official report, with raised seal and inked signature, sent directly from the Defense Language Institute.

### **22-1.9 Reasonable Accommodation**

The processing office should contact the OEEOA, for any examinee's request for reasonable accommodation.

### **22-1.10 Cheating**

Any examinee discovered cheating on any portion of the language test battery will be disqualified and will be ineligible for any further testing by Testing and Assessment Unit/LSS. There are no exceptions to this policy.

### **22-1.11 Speaking Proficiency Test (SPT) Cancellations**

(1) The processing office is to notify Testing and Assessment Unit/LSS of any cancellations at least forty-eight (48) hours prior to the scheduled test date.

(2) Examinees who have cancelled on two (2) consecutive occasions will have their file closed out by Testing and Assessment Unit/LSS, and no further testing will be administered for a six (6) month period.



(3) Examinees who do not cancel and do not report for testing will have their files closed out by Testing and Assessment Unit/LSS, and no further testing will be administered for a one (1) year period.

## **22-2 FOREIGN LANGUAGE TRAINING PROGRAM (See MAOP, Part II, 1-1.9.)**

### **22-2.1 Background (See MAOP, Part 2, 1-1.9.)**

(1) Objectives and Prioritization - Because of the globalization of every aspect of our society, a large percentage of the FBI's investigations involve subjects and/or victims who are non- English speakers. The need for foreign language skills has increased significantly, and they have become extremely important in every phase of these investigations, from human intelligence collection to preparation for trial. To address this language need, the Language Training Unit is tasked with the responsibility of providing language or language-related training to employees who have not been hired to perform language-related assignments, but for whom the foreign language is necessary for the performance of official duties. The FBI will also provide language-related training to enhance an employee's current foreign language skills and thus better his or her job performance. The FBI's targeted proficiency level for language students is the same as the proficiency goal for hiring, a Level 3 on the Interagency Language Roundtable scale. However, the minimum proficiency goal set for any particular student's language training may be higher or lower, depending on Bureau need. Priority will be given to employees with a direct operational need for a language, and/or to languages for which the Bureau has no or very limited capability.

(2) Bureau Requirements - A minimum of one year of Bureau service is required before an employee may be considered for language training. Other requirements are set forth below under the individual categories of training.

#### **(3) Training Agreement**

(a) Government Employees' Training Act (GETA) policy stipulates that training at government or nongovernment facilities must have a direct bearing on overall organizational job requirements for which there are not enough qualified personnel. Such training cannot be for the purpose of qualifying individuals for positions or promotions for which they otherwise would not be qualified while suitably qualified personnel are available for such positions. Employees receiving training incur a service agreement under GETA provisions which is described in MAOP, Part 2, 8-1.4.

(b) All personnel who receive foreign language training paid for by the FBI must sign a Continued Service Agreement and agree to use these acquired language skills as needed by the FBI. The length of the service obligation will be stated in the Agreement, and will be determined by the cost and duration of training.

#### **(4) Types of Training**

In order to match language training to the needs of individual field offices and employees, different types of training are provided.

(a) Survival language training is for employees who have no previous training and no proficiency in a given language, that is, for employees whose proficiency in the language is equivalent to a 0 on the Interagency Language Roundtable (ILR) scale, and who want to learn survival-level language

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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skills. MTT training will be made up of two survival language training courses, Survival I and Survival II. Less commonly taught languages such as Hindi, Greek, etc., will be referred to the full-time program.

(b) Full-time language training is for employees who have had previous training in a given language, and have current (not more than one year old) Speaking Proficiency Test (SPT) scores between 0+ and 2+, who want to improve their language skills. These employees are eligible for placement in a full-time intensive or full-time immersion program taught at a private language school.

(c) In-country language training is available for advanced language learners who study difficult languages. In-country training will make it possible for the student to spend an extended period of time in the country where the language is spoken. It will provide for the combination of language study with work in a professional environment. The goal of in-country training is for the student to reach Level 3, the general professional proficiency level, as measured according to the U.S. Interagency Language Roundtable scale.

(d) The Video Tele-Training (VTT) Program is for employees who have had previous language training, have a current (not more than one year old) SPT score between 1+ and 2+, and want to refresh, maintain, or enhance their language skills. These employees are eligible for part-time language instruction through the FBI's VTT program, which provides "long-distance learning" where the student(s) and instructor can interact through a video conferencing system.

#### (5) Training Selection

The best course of language instruction for each applicant is chosen on the basis of the information contained in the Language Training Application (LTA), which is submitted to Language Training Unit during its annual Open Season. Training selection will depend on:

(a) The Final Learning Objectives (FLOs), which are the specific foreign language requirements the applicant requests to prepare him/her to carry out assigned duties;

(b) The criticality of the language need, with the highest priority given to the greatest need and potential benefit to the FBI; and

(c) In the case of a Special Agent (SA) who comes to the FBI under the Language Program, or an SA who has received language training from the FBI and has achieved some proficiency in a certain language, but who subsequently has a job-related need to receive training in a second language, Language Training Unit will provide that SA with MTT survival training in the second language. After the SA completes MTT training in the second language, Language Training Unit will continue to provide language training to the SA only in the language in which the SA is stronger, that is, for which the SA has a higher score on the Speaking Proficiency Test (SPT), provided that the SA has an ongoing need for that language. If the SA wants to continue training in the language in which he/she is weaker, that is, in which the SA has a lower SPT score, the head of the SA's division will have to justify to Language Training Unit why the SA should receive training in his/her weaker language. Also, the SA will have to have completed any service obligation incurred for training in the first language in order to continue training in the second. An exception

SENSITIVE

SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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will be made to this rule if the SA needs training in a second language because he/she has been nominated to the Legat Program.

(d) Availability of funds.

(6) Training Evaluation

(a) In accordance with GETA and Language Training Unit policy, all training (including self-study) shall be evaluated in terms of cost effectiveness. This will include evaluation of the training institution, post-training testing of students, and long-term tracking of student language-related performance.

(b) Language Training Unit will monitor FBI student language training (including self-study). It will be necessary for the student(s) to demonstrate satisfactory progress in achieving the stated proficiency goal in order to continue training. Decisions regarding termination of training contracts or self-study programs are based upon unsatisfactory progress or attendance will be made by the LTAU.

(c) To measure the success of all FBI-paid language training, students must submit to pre-training and post-training testing, as well as other assessments designed to measure the quality and short-/long-term effectiveness of language training provided. Students will also be required to complete a post-training questionnaire.

(7) The minimum professional proficiency is a level 3 speaking proficiency on the Interagency Language Roundtable Scale. Level 3, therefore, is the targeted proficiency level for language | students. The terminal proficiency goals for Legal Attaches and Assistant Legal Attaches are: Speaking Level 3, Listening Level 3, and Reading Level 2. The proficiency goals for Intelligence Analysts assigned to Legat offices are the same. Language Training Unit will consider requests for the language maintenance program for individuals with a speaking proficiency level of 3 if the funding is available.

**22-2.2 Open Season - Special Agents GS-10 through GS-13 (See MAOP, Part 2, 1-1.9.)**

Requests for language training for SAs GS-10 through GS-13 must be made through the open season procedure at the beginning of each fiscal year. This procedure will allow for cost-effective grouping of SAs according to similar needs and ability levels, timely processing, and priority selection of SAs with the greatest operational need for language training. Per an annual electronic communication (EC), Language Training Unit will advise each field division of the duration of open season and the appropriate procedures to follow when applying for language training. Special language training requests based on unanticipated needs submitted at other times during the year will be reviewed on a case-by-case basis.

**22-2.3 Supervisory Special Agents (SSAs) GS-14 and Above (See MAOP, Part 2, 1-1.9.)**

SSAs with documented language training requirements may submit a language training application at any time. Language Training Unit will review and prioritize such applications and design a suitable training approach to meet the SSA's needs.

SENSITIVE

## **22-2.4 Foreign Language Training for Support Personnel**

(1) Language Training Unit provides language training for FBI Language Analysts (LAs), which may include specialized training in higher level translation skills or in consecutive or simultaneous interpretation. New LAs will be trained in the formats and conventions used to translate foreign language materials and to process pertinent information.

(2) All LAs will be instructed as necessary in the Intelligence Community's standardized systems of Romanization for languages not written in the Latin alphabet. These standards ensure uniformity in the transliteration of names from these languages. Instruction in standardized Romanization systems will be available to other FBI employees as well, whether as part of MTT training or through other training. The Intelligence Community (IC) standards are available on the Language Service's web page.

(3) Foreign language training is also available for support personnel who are not hired to perform duties related to processing foreign language materials and for whom the foreign language skill is necessary to function while performing their official duties (e.g., Office Assistants in Legal Attache (LEGAT) offices).

## **22-2.5 Foreign Language Training for Legal Attache (LEGAT) Personnel/Selectees and Spouses**

### **22-2.5.1 Legal Attache Personnel/Selectees**

LTAU is responsible for coordinating language training for Legal Attaches, Assistant Legal Attaches, Office Assistants, and any other Bureau employees who have been selected for, or are under transfer orders to, a LEGAT assignment.

(1) Legat personnel, including those who have been selected for, or are under transfer orders to, a Legat assignment when applying for language training must complete an "Application for Language Training." The application should be submitted to Language Training Unit, FBIHQ. Language Training Unit will need 30 days to process a training request.

(2) Legat personnel who are already in a foreign assignment, in addition to the application, must also obtain a completed "Language Training Provider Form" (LTPF) from the potential teacher or language training institution if no FBI contract training provider is available locally. For training which is anticipated to exceed \$2,500.00, but not exceeding \$25,000.00, three LTPFs must be obtained to meet procurement regulations. The LTPF is not required for training which will take place under existing FBI language training contracts.

(3) There will be open enrollment for all Legat training requests. However, all pre-training requirements must be completed before training will be approved by Language Training Unit.

(4) Prior approval for all language training requests must be granted by Language Training Unit before funding can be allotted based on the regulations outlined in the Government Employee Training Act (GETA).

(5) If appropriate, Language Training Unit may assign self-instructional materials to employees as the most suitable approach. Employees may also initiate a request for self-instructional materials, at any time, by contacting Language Training Unit's Foreign Language Resource Center.

(6) Legat personnel whose tour of duty will end within one year will not be approved for additional language training, with the exception of self-instructional materials.

(7) The minimum professional proficiency is a level 3 speaking proficiency on the Interagency Language Roundtable Scale. Level 3, therefore, is the targeted proficiency level for language students. The terminal proficiency goals for Legal Attaches and Assistant Legal Attaches are: Speaking Level 3, Listening Level 3, and Reading Level 2. The proficiency goals for Intelligence Analysts assigned to Legat offices are the same. Language Training Unit will consider requests for the language maintenance program for individuals with a speaking proficiency level of 3 if the funding is available.

(8) The terminal proficiency goals for Office Assistants are Speaking Level 2, Listening Level 2, and Reading Level 1.

(9) All training involves mandatory testing requirements. Pretests may include the Defense Language Aptitude Battery (DLAB) for beginners, and the Self-Assessment Form and/or an oral telephone test for non-beginners. Post-training testing involves an oral telephone test. Post-training requirements also include a post-training questionnaire and may involve additional assessment forms.

(10) Employees who receive Bureau-paid language training incur a service obligation commensurate with the duration and cost of training. (Consult MAOP for specific information.)

(11) Training approval by Language Training Unit will be limited to or depend on available funds, the suitability of the requested training to FBI needs, and as described herein.

#### **22-2.5.2 Spouses of LEGAT Personnel/Selectees**

By regulation, spousal training cannot be funded through GETA or the Language Training Unit language training budget. The Office of International Operations will locate appropriate funding for this purpose if the funding is available. Language Training Unit will process language training requests for spouses for up to \$2,500.00 per year. (No spousal training will be approved within the last year of the international assignment.)

(1) All pre- and post-training requirements for spouses are the same as for employee training described above; the proficiency goals for spouses are Speaking Level 2, Listening Level 2, and Reading Level 1.

(2) Depending on availability, spouses may utilize Bureau self-instructional materials through LTAU's Foreign Language Resource Center.

#### **22-2.6 Foreign Language Resource Center (FLRC)**

##### **(1) Foreign Language Self-Study Training**

Language Training Unit's Foreign Language Resource Center (FLRC) provides self-study foreign language training materials for Special Agents, Legal Attache personnel, and support personnel who need basic language development, follow-up skill building, and/or refresher training. Self-study foreign language training materials are available in different formats (such as workbooks, audio tapes, video tapes, and CD-ROM computer-delivered courseware), in various skill levels, and

SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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in many different languages. Priority will be given to those employees demonstrating the most pressing needs (i.e., TDY or short-term assignments). Otherwise, the materials will be available on a first-come, first-served basis for a period of three months. Individuals utilizing self-study foreign language training materials will need to fulfill certain pre- and/or post-training test/evaluation requirements as determined by Language Training Unit.

(2) Other Resources

Language Training Unit's Foreign Language Resource Center provides a link between the FBI and other language community resources, such as on-line glossaries and other multimedia resources. The FLRC provides advice and other ancillary language-related services, including referrals to appropriate agencies and organizations.

**22-3 DELETED**

**22-4 FOREIGN LANGUAGE INCENTIVE PROGRAM (FLIP) (See MAOP, Part 1, 22-1.5.)**

(1) The purpose of FLIP is to reward FBI employees in the San Juan Division for substantial use of their Spanish language expertise in service to the FBI. Each FLIP recipient must have a valid oral proficiency score of 2 or higher in Spanish. Scores of 2+ and below are valid for a period not to exceed one year; scores of Level 3 or 3+ are valid for a period not to exceed three years; scores of Level 4 and higher are valid for a period not to exceed five years. It is the responsibility of the FLIP participant to ensure that test scores are current. Test appointments must be made by March 30th of the FLIP Award year.

(2) Each FLIP recipient must have a rating of Meets Expectations on all critical elements on their most recent annual performance appraisal report.

(3) SAC, San Juan, or his/her designee, must certify that employees are required to use their Spanish language ability in the performance of their duties.

**22-5 EMPLOYEE LANGUAGE ANALYST PROGRAM**

(1) The LS Program was established in 1996 to ensure prompt and professional attention to all areas of concern relating to the administrative and operational issues of LSs, Language Monitors (LMs) and Supervisory Foreign Language Program Coordinators (SFLPCs).

(2) All administrative issues regarding promotions, transfers, training (non-GETA-funded), Language Specialist Advisory Committee (LSAC) functions, resource reallocations and/or redesignations are managed by the Foreign Language Program Manager(s) primarily responsible for managing LS Program issues as assigned by the FBI Linguist Program Manager.

(3) The LS Program's mission is accomplished through liaison with FBIHQ entities, non-FBI personnel, field office personnel, and the LSAC. Tracking issues and initiatives within the Foreign Language Program (FLP) that directly impact the LS program ensures that the program is efficient, effective and responsive to the needs of LSs, LMs, Supervisory Foreign Language Program Coordinators, and the FBI.

SENSITIVE

### **22-5.1 Entry-Level Grade Determination and Promotions for the Language Specialist (LS) and FBIHQ Translator Position**

(1) All applicants, including on-board employees, must pass the Bureau foreign language test battery with requisite scores in order to be considered for the LS or LM position.

(2) The career ladder for the LS position is GS-7 through GS-12 and the career ladder for the LM position is GS-7 through GS-13. Promotions within these ladders are contingent upon the incumbent's meeting of experience and/or educational requirements identified by MAOP, Part 1, 22-5.1 (3) through (6) and upon supervisory approval. (For additional information regarding LS promotion to the GS-13 level, see MAOP, Part 1, 22-5.2 through 22-5.6.

(3) Applicants or on-board employees who possess qualifying experience and/or college-level education totaling four years qualify for the GS-7 LS and LM positions.

(a) The college degree may be in any subject. Qualifying experience consists of any work with a foreign language (i.e., translating, teaching, interpreting, editing foreign-language manuscripts, or experience in positions requiring a bilingual capability). Also considered are life experiences from residing in the nonnative language culture. Where English is the nonnative language, residence in the United States qualifies. Life experience, however, may only be applied toward the GS-7.

(b) For Bureau employees who pass the foreign language examination, qualifying experience may also include experience gained through normal FBI duties. This type of experience may only be applied toward the GS-7. While previous Bureau experience may not be language-related, familiarity with the FBI's mission, policies, and procedures gives these candidates a greater amount of institutional knowledge. This knowledge is essential in order to perform at an acceptable level within the LS and FBIHQ Translator position.

(4) Applicants or on-board employees who possess qualifying experience and/or college-level education totaling five years qualify for the GS-9 LS and LM positions.

(a) Completion of a Master's degree qualifies an applicant for the GS-9 LS and FBIHQ Translator positions. The Master's degree must be in the foreign language or a related subject (for example: English, foreign affairs, area studies, etc.)

(5) Applicants or on-board employees who possess qualifying experience and/or college-level education totaling seven years qualify for the GS-11 LS and FBIHQ Translator positions.

(a) Completion of a Ph.D. qualifies a candidate for the GS-11 LS and LM positions. The Ph.D. must be related to foreign language or country area studies.

(6) Applicants or on-board employees who possess qualifying experience and/or college-level education totaling eight years qualify for the GS-12 LS and LM positions.

(7) On-board employees who have served as LMs at the GS-12 level for a period of one year qualify for the GS-13 LM position.

(8) If an applicant gains additional experience and/or education which would affect their hiring grade after the initial grade determination and prior to entering on duty, the Bureau Applicant Employment Unit, Administrative Services Division (ASD), will forward the applicant's file to the Language Administration and Acquisition Unit for supplemental review. If this review discloses



the applicant possesses additional work experience and/or education which qualifies them for a higher grade, the matter will be forwarded to the Pay Administration and Support Staffing Unit, ASD, for final determination.

### **22-5.2 Criteria for Promotion to the GS-13 Level for Language Specialists (See 22-5.1.)**

(1) The GS-13 Language Specialist position is not part of the Language Specialist career path. It is unique, and each recommendation for promotion to that level will be considered on an individual basis. Each GS-13 position will be limited to the incumbent. In order to be considered for promotion to the GS-13 level, a Language Specialist must have: completed one year at the GS-12 level; an overall fully successful rating on their last Performance Appraisal Report; and, their rating official's recommendation.

(2) The rating official of the Language Specialist being considered for promotion must draft an electronic communication certifying that they meet the established criteria for promotion to the GS-13 level position and that there is sufficient complex work within the candidate's foreign language fluency at that field office to warrant the promotion.

(3) All eligible GS-12 Language Specialists will be evaluated in two phases to determine if they meet the qualifications for promotion to the GS-13 level. Phase one is the submission of one of the following documents which will be evaluated for accuracy, correct register, punctuation, and syntax (if possible, the work exemplars should not contain any markings which would identify the Language Specialist):

- (a) a verbatim audio translation (length 6-10 pages); or
- (b) a document translation (length 6-10 pages).

The work exemplars must exhibit a level of difficulty and institutional knowledge to demonstrate the ability to perform the duties and responsibilities at the GS-13 level. Difficulty may be demonstrated by the subject matter (technical, legal, political, scientific, etc.), specialized terminology, or quality of the material. The work exemplars will also be evaluated to determine the level of English in the summaries and translations to ensure the correct grammar, syntax, spelling, and semantics have been employed.

(4) For phase two, the Language Specialist will be further evaluated to determine the extent to which their education, work experience, and training indicate that they possess the following six Knowledge, Skills, and Abilities (KSAs) which have been identified as necessary in order to demonstrate possession of the required experience to perform the duties and responsibilities of the GS-13 Language Specialist. Of the six KSAs, number one has been identified as a core KSA and the Language Specialist must score at least five points on this KSA and a minimum of three points on the other KSAs. To be considered for promotion the LS must score at least 20 out of a possible 30 points.

KSA #1 - Ability to communicate effectively in writing in order to provide expert level verbatim translations from recorded and written material (foreign language to English and English to foreign language) from a variety of documents including financial, medical, legal, coded information;



SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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KSA #2 - Ability to evaluate the work of others;

KSA #3 - Ability to communicate orally in order to interact and work independently with people at all levels of responsibility;

KSA #4 - Ability to research difficult and hard-to-find terminology from a variety of resources in order to render accurate translations both written and oral for a variety of documents;

KSA #5 - Ability to provide in-depth and precise oral or written analysis or profiles on investigative targets and/or situations; and

KSA #6 - Knowledge of federal and FBI policies and guidelines pertaining to national security and criminal investigative programs.

This certification, along with the completed promotion package from the Language Specialist, must be submitted by field office management to the appropriate Translation Deployment Unit for that language at FBIHQ, Attention: Language Services Section, for further review and evaluation.

(5) Submission deadlines for receipt of promotion packages will be February 1st and August 1st of each year. Packages received after either of these dates will not be considered until the next scheduled session.

(6) Upon receipt of a completed promotion package, which must include work exemplars, completed KSA responses, and certification from the rating official, the Program Manager or Program Specialist assigned to the appropriate Translation Deployment Unit for that language will send the work exemplars to an expert of the submitted foreign language for review and evaluation. The TDU will make every effort to ensure the anonymity of the candidates. After the work exemplars are reviewed, the KSAs will be further evaluated by a Qualifications Review Board (QRB). If there are discrepancies or concerns as a result of the work exemplar review, a second review will be conducted.

### **22-5.3 Composition and Standards for the GS-13 Language Specialist QRB (See 22-5.1.)**

(1) The QRB is a rotational national board comprised of three SLs or GS-13 LSs and chaired by either the Unit Chief of the appropriate Translation Deployment Unit for that language or his/her designee as the final selecting official.

(2) The QRB will evaluate the promotion package using a crediting plan approved by the Administrative Services Division (ASD).

(3) The evaluation process will determine if correct grammar, syntax, spelling, and semantics have been employed and that the level of English and the foreign language is at the expert level. The examples will also be reviewed for accuracy, relevancy, conciseness, and institutional knowledge.

(4) The Section Chief, LSS, or their designee, will convene a new QRB at each sitting to fairly reflect the make-up of the pool of candidates and to ensure geographical diversity.

(5) All deliberations will be audio-taped and maintained by the appropriate Translation Deployment Unit for that language for a period of FIVE years. (See MAOP, Part 1, 7-6.7 and 22-5.6 (15)(d).)

SENSITIVE

#### **22-5.4 Personnel Resource List (PRL) Transfer Matters (See also MAOP, Part 1, 11-16.6 and 22-5.1.)**

- (1) An EC from Administrative Services to All Divisions, dated March 3, 1999, and titled "SUPPORT PERSONNEL TRANSFER POLICY" set forth approval for no-cost, personal convenience transfers for employees assigned to the 1040 job series.
- (2) Personnel Resource List (PRL) transfers are offered to LSs and LMs throughout the FBI. PRL transfers are based upon seniority and are approved at no cost to the FBI if there are vacancies designated for the language of the requesting LS or LM.
- (3) The advertisement for a PRL transfer to fill an existing vacancy in a field office is at the discretion of LSS. LSS will assess and determine if an interoffice PRL transfer will have an adverse effect on the Foreign Language Program and on the national workflow as prioritized by the operational divisions at FBIHQ.
- (4) PRL transfers are approved in the best interest of the FBI. Exigent operational needs may at times provide a temporary basis to forestall the PRL transfer or relocation of an LS or LM. Release of the LS or LM may also be temporarily denied when granting the request would have a significant negative impact on organizational efficiency or effectiveness.
- (5) In instances where an employee is denied release pursuant to a special position PRL transfer from their current office for more than 30 days, the concurrence of the Transfer Unit must be obtained.
- (6) Because of the difficulty in replacing some LSs who may otherwise be approved for a transfer, concurrence is required from the division where the LS or LM is departing, as well as from the receiving office. If concurrence is not received from the LS or LM's supervisor, LSS will not approve the transfer. Furthermore, LSS will assess if the interoffice PRL transfer will have an adverse action on operational needs of the participating field divisions and will determine if filling the vacancy with an outside applicant is best for the FLP.
- (7) Due to retirements, resignations and removals, vacancies often change throughout the year for each division. When LS or LM vacancies occur, LSs and LMs are given priority consideration for the vacant position. If no LSs or LMs apply for a transfer to the office with the existing vacancy by a set deadline, the position is either offered to Contract Linguists or on-board personnel or applicants for the LS position who have passed all phases of the foreign language test battery.
- (8) Transfer requests are not carried over from one open season to the next; therefore, each LS or LM requesting a PRL transfer must submit his/her first, second or third choice for a PRL transfer during each open season.
- (9) LSS has established two open seasons for each calendar year during which PRL transfer requests will be accepted, (January 1 - March 1 and June 1 - August 1). LSs and LMs requesting PRL transfers may request them during these times.
- (10) LSs and LMs requesting PRL transfers must satisfy the following criteria:
  - (a) the LS or LM must have one year of continuing service with the FBI as a permanent employee;

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(b) have a rating of at least "Meets Expectations" on each critical element of their most recent Performance Appraisal Report;

(c) agree to bear all costs associated with the transfer;

(d) agree to work whatever shift is required by the receiving office;

(e) be able to report for duty within 90 days of the issuance of the transfer orders; and,

(f) be willing to serve a minimum of three years in his/her new office of assignment.

(11) Exigent operational necessity may at times provide a temporary basis to forestall the PRL transfer or relocation of LSs. Release may also be temporarily denied when granting the request would have a significant negative impact on organizational efficiency or effectiveness. In instances where an employee is denied release from their current office for more than 30 days, the concurrence of the Transfer Unit must be obtained.

(12) All transfer requests should be made by completing the PRL Transfer Form and returning it to the Employee Language Analyst Assessment Program/LSS, FBIHQ, by COB, March 1 and August 1. To be considered for PRL transfers, interested LSs and LMs must complete the Language Specialist Program PRL Transfer Form and return it to LSS by the specified deadline for each open season.

(13) LSs and SLSSs are urged to secure a copy of the referenced EC at 66F-HQ-A1240026-TF, serial 322 (for information on other rules and regulations effecting PRL transfers as they pertain to the LS Program).

(14) At the end of each open season, LSS will forward the names of all LSs requesting transfers to the Transfer Unit for processing or retention. If necessary, linguists may be officially notified of their placement and ranking on the PRL, but cannot be guaranteed a transfer.

#### **22-5.5 Language Specialist Professional Development Certification Plan (PDCP) (See MAOP, Part 1, 22-5.1.)**

(1) The Professional Development Certification Plan is applicable to all LSs and LMs.

(2) In the event that only one LS is assigned to an office, the LS's supervisor should ensure that training required by this plan is provided. Some of the requirements may be met by sending an LS's and LM's work to be reviewed by an experienced LS or LM in another division or, if funding is available, allowing the LS to travel to another field division for one-on-one training.

(3) Additionally, to ensure full compliance with this training initiative, Supervisory Foreign Language Program Coordinators and Foreign Language Program Managers are encouraged to coordinate training dates with intraoffice automation professionals or outside vendors, and the Chief Division Counsel to provide training to LSs on legal and computer-related matters.

(4) S Supervisory Foreign Language Program Coordinators and Foreign Language Program Managers must ensure that all LSs for whom they are responsible for issuing performance ratings complete the following:

(a) Review the LS Administrative and Operational Handbook (LS Handbook)

SENSITIVE

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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1. The LS Handbook was developed to ensure that all LSs, LMs and Supervisory Foreign Language Program Coordinators and Foreign Language Program Managers have an all-inclusive directory of current policies and other guidelines established for the LS program. Included in the LS Handbook are: policies established for training, transfers, and promotions; copies of performance plans for each LS and LM position; position descriptions for each LS and LM position; FBI and federal regulations regarding temporary duty assignments, tips for courtroom testimony; FISA and Title III guidelines; and acronyms utilized within the FBI and the FLP. Overviews of various criminal, national security and counterterrorism program initiatives are also provided.

(b) Review FBI Guidelines and Policies regarding the FLP found in this section (22) of the MAOP.

1. FBI guidelines and policies regarding the FLP included in the MAOP and Manual of Investigative Operations and Guidelines (MIOG) are often not reinforced. Knowledge of MAOP and MIOG procedures are vital in order for LSs and LMs to ensure that their final products are completed within full and acceptable compliance as outlined in the MAOP and MIOG.

(c) Computer Training

1. LSs and LMs must have or acquire basic computer skills in order to manage communications that they must produce on a daily basis. Therefore, LSs and LMs must attend a basic software utilization training course, i.e., WordPerfect or Word, Windows, etc. This training can be accomplished through a vendor or "in-house" training by the field office's computer personnel. In addition to basic computer training, orientation and continual training must be provided to LSs on the operations of FBI digital collection systems such as Digital Storm, Red Wolf, and Voice Box, as applicable to each field office.

(d) Legal Training

1. It is imperative that LSs know which FBI internal guidelines and federal laws are applicable to minimization while monitoring Title IIIs, and Department of Justice and FBI rules and regulations pertaining to handling electronically-intercepted materials.

2. The legal training provided to LSs under this initiative should be commensurate to that which is required for incoming new Special Agents. Supervisory Foreign Language Program Coordinators and Foreign Language Program Managers should consult their respective Chief Division Counsel to determine when this training is offered in his/her division.

3. Testifying in court is a rare duty for most LSs. Knowing courtroom etiquette and how to prepare to testify in court while representing the FBI is very important. Therefore, with the implementation of this training initiative, LSs must attend Moot Court training.

(e) Intra-office Training

Intra-office training introduces LSs and LMs to the policies and procedures within each field division. This training affords new LSs the opportunity to receive one-on-one training from experienced LSs or Supervisory Foreign Language Program Coordinators and Foreign Language Program Managers regarding FBI translation procedures and regulations. This training will include instructions for preparing verbatim and summary translations, as well as having the incoming LS's work reviewed by an experienced LS or a Supervisory Foreign Language Program Coordinator.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(f) Interpreting Training

Other training recommended, based upon availability, includes interpreting training and attending an LS in-service at Quantico or another site. Interpreting training must include the completion of at least one interpreting assignment and, if feasible, the LS should attend a basic consecutive interpretation training course or debriefing.

(g) In-Service Training

In-service training will be provided as authorized by the Training Division. LSs, LMs and Supervisory Foreign Language Program Coordinators and Foreign Language Program Managers will be advised when these training events will be held.

(5) Instructions for Implementation of the PDCP

The following instructions must be followed to ensure proper tracking of tasks completed by each LS and LM:

(a) Supervisory Foreign Language Program Coordinators and Foreign Language Program Managers must provide a copy of the Professional Development Certification Form (PDCF) to all new LSs and LMs within the FIRST two weeks of assignment to the LS position.

(b) Upon completion of each task, the LS or LM and his/her supervisor must certify the completion by signing the PDCF and providing the actual date of completion of each task.

(c) Upon completion of certifying all tasks, the LS or LM is provided a copy of the PDCF for his/her personal file and a copy should be retained in the LS's or LM's intraoffice personnel file.

(d) The LS's or the LM's supervisor must provide a copy of the PDCF to LSS for retention.

(e) DEADLINES

1. A completed PCDF is required for/by each LS or LM one calendar year from the LS's or the LM's EOD date.

2. LS supervisors and/or rating officials must ensure that the deadlines for completion of all training requirements set forth in the PDCP are met.

**22-5.6 Language Specialist and Language Monitor Promotions (See MAOP, Part 1, 22-5.1.)**

(1) This section sets forth promotion policy for LSs and LMs assigned to FBI field offices and FBIHQ, Language Services Translation Center (LSTC).

(2) LMs may advance to the GS-9 level only. This advancement is approved after the LM has served one year in the GS-7 and is recommended by his/her supervisor after having met all expectations and/or requirements of the GS-7 LM position.

(3) LS promotions below the GS-13 level are approved at the field office level by the LS's rating official.

(4) All LSs, whether assigned to a field office or to FBIHQ, LSTC, must present a promotion package to LSS in order to be considered for promotion to the GS-13 LS position.

SENSITIVE

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(5) The requirements for consideration for promotion to the GS-13 LS position are satisfied by knowledge and skills in the following:

(a) English and one foreign language sufficient to render translations with correct grammar, syntax, spelling and use of a wide range of both technical and nontechnical vocabulary;

(b) advanced skill in translating that has been gained through extended experience to render material in precise, accurate, idiomatic English of a level and in a style appropriate to the subject matter; and,

(c) mastery of an exceptionally wide range of vocabulary and grammar, spelling and syntax. It also involves mastery of all aspects of the translating field and knowledge of the subject matter well enough to be considered an expert translator in that field.

(6) Duties of a GS-13 LS

(a) GS-13 LSs are recognized as experts in the field of translation (in other words, they provide translations and interpretations that are final and authoritative and are sought out by other LSs for assistance).

(b) GS-13 LSs are responsible for translating and/or interpreting very difficult material from a variety of disciplines (scientific, technical or political). Standard assignments for courts, attorney meetings, etc., do not meet these requirements.

(c) The work of a GS-13 LS affects investigations and intelligence initiatives undertaken by the Bureau, and occasionally by other departmental agencies. Liaison with contacts is not limited to FBI officials, and includes high-ranking officials from outside the FBI (foreign judges, heads of foreign government agencies, heads of foreign law enforcement agencies, attorneys, etc.) or people who provide information critical to the course of FBI investigations.

(d) GS-13 LSs provide accurate evaluations, assessments, and/or rate other linguists' work, which include GS-13 Promotion Packages and Quality Control work reviews.

(7) In order for LSs to be considered for promotion to the GS-13 LS position, GS-13 level work must be generated by and available in the recommended LS's office on a constant and long-term basis. Any LS recommended for promotion to the GS-13 LS position must spend at least 25 percent of his/her 8-hour workday completing GS-13 level work assignments. Therefore, any division submitting GS-13 promotion packages must provide proof that the division is constantly making GS-13 level work available to the recommended LS. Additionally, proof must be provided which indicates that the division is expected to continue to generate and/or have available GS-13 level work for at least 3-5 years. Packages received from divisions that cannot provide this information will not be accepted.

(8) LSs promoted to the GS-13 LS position must be available to complete GS-13 level work as needed and assigned. LSs who refuse to complete GS-13 LS assignments, including evaluating GS-13 promotion packages, will be considered as not meeting the expectations of their new position and may be considered ineligible to remain in the GS-13 LS position.

(9) Promotion Open Season

SENSITIVE

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(a) LSS has established two open seasons for which all eligible full-time LSs may apply for promotion to the GS-13 LS position. An LS may apply for promotion ONCE each calendar year. Promotion packages must be received by LSS by February 1 or August 1 of each calendar year. All packages must be submitted by the LS's supervisor. Packages received after the established deadlines or without proper documentation will be returned to the Linguist for submission during the next open season.

(b) The promotion process consists of two phases: Phase I - LSs may submit samples for evaluation; and Phase II, LSs may submit Knowledge, Skills and Abilities statement (KSAs). Evaluations of work samples and KSAs will be conducted by GS-13 Linguists and SLSSs.

(c) Advancement to Phase II cannot be accomplished until the LS's work samples are certified as meeting the criteria established for promotion to the GS-13 LS position.

(10) Explanation of GS-13 Promotional Criteria

The following information explains the criteria for promotion to the GS-13 LS position and the evaluation process followed by reviewers of GS-13 work samples.

(a) Referencing the Position Classification Standard for the GS-1040 Job Series, the requirements for consideration for promotion to the GS-13 LS position is satisfied by knowledge of English and one foreign language. This knowledge of English and one foreign language must be sufficient enough to render translations with correct grammar, syntax, spelling and use of a wide range of both technical and nontechnical vocabulary. Advanced skill in translating that has been gained through extended experience to render material in precise, accurate, idiomatic English of a level and in a style appropriate to the subject matter should also be demonstrated.

(b) Each LS has been previously provided a sample promotion package which lists six KSAs that must be addressed by LSs seeking promotion to the GS-13 LS position. The primary and core duty of a GS-13 LS is outlined in KSA #1, which is "the ability to communicate effectively in writing in order to provide expert level verbatim translations from written and recorded material (foreign language to English and English to foreign language) from a variety of documents including financial, medical, legal, coded and/or encrypted information."

(11) Explanation of the Evaluation Process

(a) The work samples provided by a LS are reviewed by GS-13 LSs or Supervisory Foreign Language Program Coordinators (SFLPCs) and Foreign Language Program Managers (FLPMs). All reviewers of GS-13 work samples utilize a standard evaluation form that describes the core duties of the GS-13 LS position. This evaluation form details the level of difficulty and the types of translations that are routinely completed by GS-13 LS's.

(b) Additionally, the reviewers use a standard key (the Error Notation Key) to annotate errors found within work samples. The reviewers provide comments on the work samples in regards to the accuracy, content, structure, grammar, vocabulary, syntax and the technical nature of the translation.

(c) If denied promotion, the LS is eligible to submit another promotion package during the next open season. The package must be received by LSS prior to the deadline set for each open season. The reviewers' comments forwarded to the LS with the denial letter should aid LSs in deciding the

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

proper course of action to take in making improvement in the areas noted. It is also recommended that, if applicable and if funding is available, the LS should consider registering for a course that may help to improve in areas where skill enhancement is necessary.

**(12) Phase I - Instructions for submitting work samples.**

The initial submission for the LS's promotion package must include the following:

- (a) An EC recommending the LS for promotion;
- (b) A signed supervisor certification form;
- (c) A signed LS certification form;
- (d) Four copies of three diverse work-related samples that are not more than three years old and do not total more than 10 pages combined.
- (e) Each work sample must be numbered and its components clearly marked (i.e., Sample I (original) and Sample I (translation); Sample II (original) and Sample II (translation); Sample III (original) and Sample III (translation)).
- (f) Each page of each work sample must be numbered.

**(13) Phase II - Instructions for Submitting KSA Packages.**

(a) LSs must submit the KSA package to his/her rating official for approval. The LSs supervisor must forward the KSA package to LSS by an official EC. LSs should not list references for verification or his/her name within the body of the KSAs, but may list references on a separate sheet of paper.

(b) The LS's KSA package must contain the following:

- 1. One original set of KSAs WITH THE LS'S NAME AND FIELD OFFICE (to be retained by LSS), and
- 2. Four copies of the LS's KSA submissions VOID OF NAME OR FIELD OFFICE to be rated by a Qualifications Review Board (QRB).

**(14) Return of promotion packages to candidates for noncompliance to submission procedures.**

The following is a noninclusive list of grounds for which promotion packages will be returned for noncompliance:

- (a) Translations from audio without the audiotape and vice versa;
- (b) Supervisor recommendation missing;
- (c) Translation missing for document(s) submitted;
- (d) Work samples: Too many or too few pages. Work samples should consist of three different work samples. The combined total number of pages should not exceed 10 (ten) pages for all three samples;
- (e) Original document missing;

**SENSITIVE**



SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

- (f) Submitting the same work sample twice (new work samples must be submitted for each open season);
  - (g) Submitting additional work samples for a secondary language. The work sample submitted should be for the language for which LS is assigned, i.e., if he/she is an Arabic LS and is assigned to an Arabic LS position, his/her work samples should be from or into Arabic; and,
  - (h) KSA packages received that have the LS's name on all copies of the KSA. The LS's name and identifying information should only be on one copy of the KSA submission. The remaining three (3) copies should be blank in the space for the name and other personal identifying data. This is for the purpose of immediately submitting KSAs for evaluation.
  - (i) Documents typed in all caps or not properly marked, i.e., pages not numbered and/or no differentiation between the original source material and the translation.
- (15) Instructions to Evaluators of GS-13 Promotion Packages.
- (a) Upon receipt of GS-13 promotion packages, LSS/TDU personnel assigns each package an Employee Tracking Number (ETN). The ETN is a unique number that ensures the anonymity of each package during the entire promotion process.
  - (b) During Phase I evaluators rate three work samples submitted by candidates applying for the GS-13 LS position. Evaluators utilize the LSS approved Error Notation Key (ENK) as a guide for annotating errors, omissions and other anomalies found within the samples. Specific instructions regarding the use of the ENK is provided during hands-on training or self-study instructions offered by the LSS/TDU.
  - (c) During Phase II evaluators rate KSA packages submitted by candidates who have passed Phase I. Evaluation of KSA packages are performed by a combination of three GS-13 LSs and SLSSs known as a QRB.
  - (d) The purpose of the QRB is to review and rate promotion packages submitted by LSs seeking promotion to the GS-13 LS position. An Administrative Services Division-approved crediting plan will be utilized. All QRB proceedings are tape recorded and held by LSS for FIVE years. (See MAOP, Part 1, 7-6.7 and 22-5.3 (5).)
  - (e) When serving on a QRB, members must adhere to the following guidelines:
    - 1. Rate each package utilizing the ASD's approved Crediting Plan Evaluation Form;
    - 2. Complete the rating sheet and report the scores to LSS by fax or e-mail;
    - 3. Retain the entire package until a QRB is convened to discuss the promotion package;
    - 4. A QRB will convene only if there is a point difference that requires further discussion. In the event that a QRB cannot reach a consensus on the final score of a KSA package and detailed evidence has been provided by the LS that clearly supports statements provided in response to the KSA question, the entire KSA package along with all comments made by all raters will be forwarded to the Unit Chief of the Translation and Deployment Unit for final disposition.

SENSITIVE

5. After a QRB has rated KSAs and no further discussions are required, QRB members must return all original materials to LSS by Federal Express. Any photocopies made of the promotion packages must be shredded.

(16) LSS Report of Results and/or Status of Promotion Packages to GS-13 Candidates

LSS intends to notify GS-13 candidates within 30-45 workdays regarding the status of the promotion package. However, exigent operational deadlines may sometimes delay the processing of the package. If the LS's work samples are acceptable, he/she will be given 30 days from the date of the notification EC to submit a completed KSA package to his/her supervisor for review. If the LS's work samples are not acceptable, he/she will be notified via an official communication along with a summation of the reviewers' comments.

(17) GS-13 Promotion Package Appeal Procedures - Phase I

If the LS wishes to appeal the reviewers' decision, he/she may do so in writing, fully detailing the reasons which justify the appeal, within 10 days from the date of notification EC by an official EC to the appropriate Unit Chief of the Translation Deployment Units, LSS.

(18) GS-13 Promotion Package Appeal Procedures - Phase II

If the LS wishes to appeal the QRB panel's decision, he/she may do so in writing, fully detailing the reasons which justify the appeal, within 10 days from the date of the notification EC, via an official EC to the Section Chief of the LSS.

## **22-5.7 On-Board and Former Employees Seeking Reinstatement to the LS or LM Position**

(1) All former and on-board employees seeking reinstatement into an LS or LM position must have test scores that are no more than three years old. This policy is also applicable to those employees returning from Legat and/or overseas assignments where they were not assigned to an LS position.

(2) LSS test certification expires after three years unless an employee is continually assigned to an LS, LM, SFLPC or FLPM or Contract Linguist position. Therefore, if an employee separates from an LS or LM position and wishes to return to an LS, SFLPC or FLPM position, and, has test scores on file in the LSS that are more than three years old, he/she must be retested (recertified) in the applicable foreign language before being reconsidered for reassignment to an LS, SFLPC or FLPM or LM position.

(3) If the employee passes all testing requirements, he/she must compete with other employees for any available LS positions that exist in the current office of assignment.

## **22-5.8 Language Specialist of the Year Award**

(1) The LS of The Year Award was established in order to recognize the outstanding achievements or contributions made by individual LSs throughout the FBI. This is a non-monetary award to be presented each April for service rendered in the previous calendar year.

(2) Nominations for LS of the Year Award will be accepted from November 1 - December 1 of each calendar year. Nominations must be presented on the Official Language Specialist of the Year Nomination Form. Nominations that are not submitted on the required form will not be accepted.

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

(3) Award

The Language Specialist of the Year Award will be awarded as a wooden plaque with an engraved plate bearing the name of the award, the recipient and the year for which the award is given, as well as an inscription with the name of the Bureau and LSS. Only one Language Specialist of the Year Award will be granted per year. The selectee and six finalists will be chosen from those nominated by their respective supervisor from all seven regions established by the Language Specialists' Advisory Committee. Finalists will receive a certificate from LSS congratulating them on their selection.

(4) Nomination Process

(a) The FBI Linguist Program Manager will oversee the nomination process. By November 1 of each year, this program manager will notify rating officials that they can submit one nomination for Language Specialist of the Year Award and will instruct that nominations be sent to LSS by December 1 of each year.

(b) Nominations can only be submitted by the LS's rating official, and each rating official may nominate one LS. Nominations should include the name of the nominee, the nominee's assigned field office, the name of the person making the nomination, and a brief narrative no longer than two pages explaining why the nominee is deserving of the award. The narrative must cite specific examples of actual work tasks and actions that demonstrate the required qualifications.

(c) Nominations should be based on sustained exceptional performance and will be rated on three areas: dedication, productivity, and professionalism shown during the previous calendar year.

(5) Listed below is a NONINCLUSIVE list of areas of consideration that may be noted within the narrative:

(a) DEDICATION may be demonstrated by a continued willingness to work long hours or unusual shifts; filling last-minute TDY assignments; or, putting work priorities ahead of personal convenience.

(b) PROFESSIONALISM may be indicated by presenting consistently polished work product; displaying a professional demeanor while conducting and establishing liaison with individuals at all levels of responsibility inside and outside of the FBI for whom he/she may be assigned translation and/or interpreting assignments; and, diplomacy under pressure.

(c) PRODUCTIVITY implies a level of output consistently above that produced by other Language Specialists without a decrease in quality or accuracy.

(6) Selection Committee

(a) The FBI Linguist Program Manager will group the nominations by each LSAC region (1-7) and distribute the nominations to the selection committee by December 31 of each year.

(b) The selection committee will be comprised of a randomly chosen combination of three Language Specialist Supervisors. This will include Supervisory Foreign Language Program Coordinators or Foreign Language Program Managers and/or Language Specialist Supervisors for the first year. Thereafter, the selection committee will be comprised of two Language Specialist

SENSITIVE

SENSITIVE

ManI-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

---

Supervisors and the Language Specialist of the Year from the preceding year. Language Specialist supervisors cannot serve on the selection committee for consecutive years.

(c) There will be two selection committees. The first committee will review all nominations and select 7 regional finalists and will have until January 15 to review the nominations and select a finalist from each region, after which the program manager will schedule a face-to-face meeting, a video conference or teleconference with the second committee to discuss the nominations, review the 7 regional finalists' nominations and select the LS of the Year by February 1 of each calendar year. The decision for the LS of the Year will be made by March 15 of each year and the LS of the Year will be awarded by April 1 of each calendar year.

(d) In addition to the final reviews conducted by the selection committee, Language Services Translation Center supervisors and Deployment Program Specialists will be contacted for input relative to assistance rendered by the nominated LSSs in support of national priority matters and temporary duty assignments.

(7) Selection Criteria

(a) The appointed TDU program manager will serve as a nonvoting chair to record the votes of selection committee members to determine the finalists in each region. There will be one finalist selected for each of the seven regions.

(b) After finalists have been selected, committee members will deliberate and vote to determine which of the finalists is to be named Language Specialist of the Year based on the following scoring system: Dedication (1-10 points); Productivity (1-5 points), and; Professionalism (1-5 points).

(8) Presentation

(a) The FBI Linguist Program Manager at LSS will announce the name of the Language Specialist of the Year along with the names of the six regional finalists by March 15 of each year.

(b) The plaque for the winner and certificates for the six finalists will be sent to the recipients' respective field offices to be presented in an all-employee conference or other suitable setting before April 1 of each year.

**22-6 TRANSLATION POLICY (See MIOG, Part 2, 13-23.)**

**22-6.1 Request for Translation**

(1) Designate request for translation "Attention: Translation and Deployment Unit I, II, III (depending on the language), FBIHQ." To see which languages are covered by which TDU unit go to: [http://di.fbin.fbi/lss/translation/LSTC\\_Language\\_POC\\_Breakdown.pdf](http://di.fbin.fbi/lss/translation/LSTC_Language_POC_Breakdown.pdf).

(2) Handle material as evidence when applicable, and clearly indicate request that the material should be handled as evidence.

(3) Request summary translation unless a full translation is absolutely essential.

SENSITIVE

### **22-6.2 Translation in Reports**

- (1) If translations are set forth in a report, the translator's identity should not be set forth in any portion of the report.
- (2) Parenthetical comments made by translators are for information and guidance and should not be incorporated in a report or in any communication to be used in a report.

### **22-6.3 Responsibilities of the Field and Legal Attaches with Respect to Translation**

The office initiating the request for a translation has the responsibility of taking whatever investigative action is necessary and of disseminating pertinent details contained therein to other interested offices and to FBIHQ.

### **22-6.4 Translations in the Field and Legal Attaches**

- (1) All translations handled in the field and Legal Attaches must be performed within office space, unless otherwise approved by FBIHQ, and must be performed by fully qualified personnel who have passed appropriate translation tests.
- (2) All translations of forms or other material for official distribution from English into a foreign language done by personnel other than FBIHQ Translators must be submitted to the appropriate Translation and Deployment Unit I, II, III for review and retyping, if necessary, before printing and/or distribution.
- (3) The translating office will generally furnish two copies of the translation to the contributor.
- (4) Unless otherwise instructed by FBIHQ, when material is sent directly from one field office to another for translation, furnish a copy of the cover communication to FBIHQ, Attention: Translation and Deployment Unit, FBIHQ, and follow the same procedures on the return of the translation to the contributor.
- (5) In connection with translation disseminated, whether the dissemination is restricted to other interested offices or includes outside agencies, the translator's name must appear only on the translating office's file copy.

### **22-6.5 Translations at FBIHQ**

All translations handled at FBIHQ must be performed within FBIHQ office space, unless otherwise approved, and must be performed by fully qualified personnel who have passed appropriate translation tests.

### **22-6.6 FORWARDING ELECTRONIC COMMUNICATIONS ACROSS ARACHNET**

- (1) The Language Services Translation Center (LSTC) serves as the coordinator for all waning of lines nationwide on the Digital Collection System (DCS; also known as Red Wolf). All offices wanting to transfer DCS data across Arachnet network should contact one of the Translation and Deployment Units (depending on the language) to coordinate the transfer and provide the necessary information. This is due in large part to the great amount of foreign language support that information gained by the DCS usually require.

SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(2) The LSTC will attempt to assist any field office with its request for coverage of DCS materials, but this will be done based on the Bureau's priorities for language coverage.

(3) For more information see EC dated 11/05/2002, 66F-HQ-A1222316-TL. (SOURCE: 66F-HQ-A1222316-TL.)

## **22-7 LANGUAGE SPECIALIST (LS) AND LANGUAGE MONITOR (LM) TRANSFER REQUESTS**

(1) LSs and LMs interested in Personnel Resources List (PRL) transfers must complete an LSS Linguist Transfer Request Form and return it prior to February 1st for consideration during the first open season or prior to September 1st for consideration during the second open season. Only LSs and LMs whose names appear on the current PRL at the time of the selection process will be considered for a PRL transfer.

(2) LSs and LMs will be officially notified of their placement and ranking on the PRL by the Translation and Deployment Unit.

(3) Hardship Transfers (See MAOP, Part 1, 11-16.5.)

(4) Unrequested Transfers

(a) LSs are required to sign a preemployment mobility agreement prior to employment. Accordingly, they must be available for transfer to any office, to include those not listed as their PRL choice (see MAOP, Part 1, 11-16.6).

## **22-8 MISCELLANEOUS**

### **22-8.1 General FISA and Language Workload Survey**

(1) The Operations Management Unit/LSS requires that statistics be sent to the Standards, Policy, Automation, and Metrics Program (SPAM) on a monthly basis. This includes details of the work that linguists perform nationwide, as well as a report of all FISA cases and how much is processed across the country. The linguist workload information is used to assist with workload hiring and recruiting initiatives, indicating how many linguist resources LSS has and how many they need. Both this data and the FISA information is shared with the upper echelons of FBI management to enable the Bureau to determine how well it is covering the critical Counterterrorism and Counterintelligence FISAs.

(2) Beginning 8/1/2006 the General FISA and Language Workload Survey (GFLWS) was combined from earlier monthly CT/CI and Quarterly Workload Surveys. All field offices with linguists and/or FISAs are required to send the GFLWS survey, completed, by the 15th of the month after the reporting period. Thus, for June reporting period, the survey is due by the 15th at SPAM/OMU/LSS.

(3) Field offices are required to provide ECs with the GFLWS and to include not only FISAs that linguists work on, but any active FISA in the field office.

(4) For more information about the GFLWS see EC dated 6/20/2006, 321E-HQ-A1222316-WM Serial 153. (SOURCE: 321E-HQ-A1222316-WM; Serial 153.)

SENSITIVE

## **22-8.2 Foreign Language Program Coordinator**

- (1) Each field office must designate a Foreign Language Coordinator (FLC) to serve as the office's foreign language training representative and primary liaison with the Language Services Section, FBIHQ.
- (2) All foreign language training requests made by Special Agent and support personnel must be coordinated with and approved by that office's FLC prior to submission to FBIHQ.
- (3) The FLC must maintain an up to date listing of completed language training and certified proficiencies of personnel assigned to that office.
- (4) The FLC serves as the office's principal point-of-contact with the Translation and Deployment Units, FBIHQ, in requesting temporary duty assignment assistance from other FBI components and non-FBI linguists. Prior to making such requests, the FLC must ensure that ALL linguist resources within their office are fully exhausted.
- (5) The FLC is responsible for ensuring their office completes and submits a Language Specialist Field Workload Survey, when required, for each language by established deadlines. They are also responsible for QC reports, etc., if no SFLPC is stationed in the office (see MAOP, Part 1, 22-8.1.).
- (6) The FLC is responsible for submitting QC reports quarterly on their linguist and the work they do.

## **22.8.3 Quality Control Unit and Policy**

- (1) The Bureau has implemented a Translation Quality Control Policy in order to ensure quality translation products by the LS's, LM's, CL's, and CM's, and any linguists that perform work for the FBI. There are five categories of translation work that must undergo Quality Control Review (QCR).
  1. All translations from English into the Foreign Language.
  2. All translations into English that will be disseminated as public source material outside the FBI.
  3. All summaries, transcripts, and translations going to court.
  4. Random samples of translation work done by linguists with more than 1 year of operational experience as FBI linguists as well as at least two examples of TIII or FISA materials marked "Not Pertinent."
  5. All translation work done by linguists with less than 1 year of operational experience as FBI linguists for their first forty hours of work and after their initial training period. This is followed by random reviews for the next 80 hours of their work.
- (2) This review is intended to ensure that linguists are translating FBI documents accurately, completely, and without missing pertinent information. It also is intended to ensure that linguists understand the standards and translation guidelines of the Bureau and use them consistently.
- (3) Field offices are required to report on a quarterly basis on all of the linguists under their control regarding what QC reviews have been conducted and what the results of those reviews are.

SENSITIVE

Manl-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1

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(4) The Quality Control Unit trains and certifies QC Reviewers so that QC reviews are performed in a consistent fashion. The Unit also audits all reporting for compliance with the policy and to ensure accuracy and consistency.

(5) For more information about the QC policy and how to implement it, see the Quality Control Unit's web site at <http://oi.fbinet.fbi/lss/qcu/> and Translation Quality Control Policy and Guidelines; Modified Procedure and Guidelines (66F-HQ-A1222316 Serial 2158), dated 12/30/2004 at <http://oi.fbinet.fbi/lss/omu/TranslationQCPolicy+Guideline.pdf>. Or e-mail the QCU at: HQ\_Div19\_Quality\_Control.

#### **22-8.4 Regional Program Managers**

(1) The Operations Management Unit/LSS has created a Regional Program Manager program for managing the Foreign Language Program nationwide. The Regional Program Managers (RPMs) are located in 8 sites around the country, covering eight regions:

1. Northeast (New York)
2. Mid-Atlantic (Washington, DC)
3. Southeast (Miami)
4. Gulf (Houston)
5. Southwest (San Antonio)
6. Southern California and Hawaii (Los Angeles)
7. Northwest and Alaska (Salt Lake City)
8. North Central (Chicago)

(2) RPMs have the following responsibilities over the Foreign Language Program:

1. Instruct, assist, and educate Foreign Language Coordinators regarding policy and procedures;
2. Monitor FLP performance in offices, detect inefficiencies, and ensure alignment with national priorities;
3. Guarantee full, timely and accurate reporting of foreign language workload metrics;
4. Ensure optimum utilization of linguist resources for both local and national needs;
5. Brief office management regularly regarding FLP issues; and
6. Partner with the field in managing linguist resources, serving as Reviewing Officials for linguist supervisors.

(3) For more information, see EC dated 8/3/2005, 66F-HQ-A1222316 Serial 2486. (SOURCE: 66F-HQ-A1222316; Serial 2486.)

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### **22-8.5 LSS Control Files**

(1) The Records Management and Finance divisions approved LSS's request for a Foreign Language Program (FLP) classification and designated the same as 321E, effective October 1, 2005. Effective October 1, 2005, LSS reclassified its main file 66F-HQA1222316 to 321E-HQ-A1222316, which will serve as the main FLP file number. Field offices were requested to create 321E sub-files to manage the various aspects of the Foreign Language Program in their respective offices.

(2) For specific sub-files see EC dated 9/21/2005, 319W-HQ-A1487698-DI; Serial 2. (SOURCE: 319W-HQ-A1487698-DI; Serial 2)

### **22-9 CONTRACT LINGUIST PROGRAM**

The FBI's Contract Linguist Program provides vital foreign language support to fieldwide counterterrorism, foreign counterintelligence, and criminal investigations. It is administered through the Language Resource and Planning Unit (LRPU), Language Services Section (LSS), which serves as the Contracting Officer's Technical Representative (COTR) for all Basic Ordering Agreements (BOAs) issued to independent contractors as well as contract translation agencies.

#### **22-9.1 Screening Process**

The screening process for each Contract Linguist/Monitor candidate is extremely thorough and includes a series of language proficiency tests (see MAOP, Part 1, 22-1.3), a polygraph examination, a personnel security interview, and a background investigation (see MIOG, Part 1, Section 260-6).

Each office is responsible for the processing of Contract Linguist/Monitor candidates through the initiation of the background investigation. The Language Resource and Planning Unit (LRPU), LSS, coordinates the background investigation and furnishes a complete background investigation to the Law Enforcement and Contractor Adjudication Unit for final adjudication.

#### **22-9.2 Contract Administration**

The FBI contracts for various types of language-related services (translation, interpreting, testing and monitoring) on a short-term and/or long-term basis. These services are primarily performed within FBI space or an approved location utilizing FBI-supplied materials and equipment. CONTRACTORS PERFORMING TRANSLATION, MONITORING AND INTERPRETING SERVICES ARE NOT AUTHORIZED TO WORK OUTSIDE OF FBI SPACE, SUCH AS WORKING IN THEIR RESIDENCE OR PLACE OF BUSINESS UNLESS SPECIFICALLY AUTHORIZED IN WRITING. ANY SUCH AUTHORIZATION WOULD NECESSARILY BE LIMITED IN SCOPE. The BOA is the document which defines the services to be performed by the contractor, and the contracting policies and procedures which govern the program. Actual work assignments are issued by a work order placed against the BOA. The duration, type of service, and place of performance will be set forth in each work order.

#### **22-9.3 Translation Service (Contract Linguist)**

The translation service is primarily document-to-document or audio-to-document translation. The material may be composed of voice recordings, whereby the Contract Linguist cannot question the

speaker(s) as to the meaning, terminology or significance of inflection. The subject matter may be in any area for which the FBI has jurisdiction. The Contract Linguist shall translate into English from the target language, the speech and/or writings of non-English speaking individuals and on occasion render from English into the target language. These translations may be provided to the requestor in either verbatim or summary form depending on the assignment.

#### **22-9.4 Translation Service (Contract Document Translator)**

The translation service is primarily document-to-document translation. The material to be translated will primarily be textual whether paper documents or computer generated text or graphics and of varying degrees of legibility. The subject matter may be in any area for which the FBI has jurisdiction. (SOURCE: OFFICIAL PROCUREMENT VEHICLE, "CONTRACT LINGUIST Basic Ordering Agreement (BOA)", FISCAL YEAR 2006 VERSION.)

#### **22-9.5 Monitoring Service (Contract Language Monitor)**

The monitoring service is comprised of audio summary translations. The material may consist of voice recordings, whereby the Monitor cannot question the speaker(s) as to the meaning, terminology, or significance of inflection. The subject matter may be in any area for which the FBI has jurisdiction. The Monitor shall analyze intelligence data translated from recorded material. The Monitor shall provide the necessary minimization requirements during an investigation. The monitor cannot appear as expert witnesses in Federal Court unless they meet the requirements of a fully qualified Contract Linguist. (SOURCE: OFFICIAL PROCUREMENT VEHICLE, "CONTRACT LINGUIST Basic Ordering Agreement (BOA)", FISCAL YEAR 2006 VERSION.)

#### **22-9.6 Monitoring Service (Contract English Monitor)**

The monitoring Service in English requires the preparation of verbatim and/or summary transcriptions of English language audio transmissions. The material is composed of voice recordings, whereby the Monitor cannot question the speaker (s) as to the meaning, terminology, or significance of inflection. The subject matter maybe in any area for which the FBI has jurisdiction. The monitor can appear as an expert witness in Federal Court. (SOURCE: OFFICIAL PROCUREMENT VEHICLE, "CONTRACT LINGUIST Basic Ordering Agreement (BOA)", FISCAL YEAR 2006 VERSION.)

#### **22-9.7 Language Testing Services (Contract Speaking Proficiency Tester/Contract Rater/Contract Tester)**

Linguists providing testing services perform speaking proficiency tests, written tests, and/or test administration duties. The purpose of the speaking proficiency and written tests are to determine the language ability of FBI applicants, contractors, and on-board employees in English and the target language. The test administration function provides administrative support to the Testing Program.

#### **22-9.8 Interpreting Service (Contract Interpreter)**

The interpreting service is primarily English into the target language, either simultaneous or consecutive. It may also be necessary to interpret from the foreign language into

English. Interpreting shall be for high-level meetings and conferences, instructional seminars, guided tours (such as the FBI Headquarters Tour Route) and other occasions (as an example: during polygraph examinations of non-English speaking examinees).

#### **22-9.9 Contract Management - Nondisclosure**

All information developed as a result of work orders placed against the BOA is for the exclusive use of the FBI. All reports, work papers, internal memoranda, or any other documents produced by the contractor shall become the property of the FBI. The contractor expressly agrees by signing the BOA not to publish, disclose, or disseminate in any form to any person, natural or artificial findings, recommendations, work products, or any other information relating to the services provided to the FBI.

#### **22-9.10 Record Keeping**

The contractor is required to keep detailed records of their hours worked, (i.e., invoices), travel related paperwork (i.e., vouchers and receipts) and documents regarding their work produced as it pertains to their work orders.

#### **22-9.11 Audiometer Exams**

The contractor, excluding those contractors who only provide service under the Contract Testing services, shall complete an annual hearing examination prior to commencement of work on October 1. The physician shall provide a written report regarding the results of the examination. The original report relaying the results shall be submitted to the Contracting Officer's Technical Representative (COTR), Language Services Section (Room WB-602), FBIHQ. The cost for this test shall be borne solely by the contractor. The FBI will not reimburse the contractor for this expense. This test shall be given by an independent audiologist.

#### **22-9.12 Work Order Procedures**

Work orders shall be issued to the contractor prior to the commencement of work or travel. The contractor will be issued a work order for each travel assignment, including travel within the resident agencies of the local field office. The contractor shall provide the required service as set forth in the work order. The contractor shall not accept any work or travel assignments without receiving the written work order from the COTR. In emergency situations, the COTR will issue a verbal work order; however, the following business day, a written work order will be issued.

#### **22-9.13 Place of Performance**

The contractor shall perform required services under FBI supervision in FBI space in the geographic location where they live; however, work locations may extend beyond those areas if approved by the COTR. Contract SPTs may perform authorized duties from their residence or place of business as stated on the work order.

**22-9.14 Period of Performance**

The terms of the BOA shall start on the effective date and continue through September 30, of the fiscal year, with an option to renew annually. The BOA may be canceled in its entirety by either party upon 30 days' written notice to the other party. However, the BOA may be terminated by the FBI at any time if the parties fail to agree upon any addition, amendment and/or deletion to this BOA which is required by statute, Executive Order, the Justice Acquisition Regulations, or Contract Linguist Program policy. The BOA may also be terminated by the FBI at any time if the contractor fails to attend a required meeting or workshop or perform services agreed upon by acceptance of a work order issued.

**22-9.15 Security Requirement**

All contractors shall possess a current valid FBI security clearance and/or facility access at the appropriate level to perform the required service. Loss or suspension of the required access and/or clearance at the appropriate level will result in the contractors inability to perform in accordance to the terms and conditions of this BOA. As a result, inability to perform the services agreed upon will lead to immediate termination of this agreement and any work order issued thereunder.

**22-9.16 Training**

Upon receipt of a work order and the commencement of work, contractors will be given on-the-job training in FBI procedures and guidelines. Contractors will be given information regarding the specific area of investigation in which they will be working, and other such pertinent training as is necessary for the satisfactory performance of their duties. Some computer system training will be given, when necessary.

**22-9.17 Past Performance**

The FBI will continuously evaluate the quality of the contractor's performance. The evaluation may include periodic work reviews and language testing. This information will be considered for each assignment of work orders and for each renewal of the BOA.

**22-9.18 Labor Hour Pricing**

The work order will include the labor-hour rate(s) and/or per test rate established for each contractor. The rate listed is NONNEGOTIABLE.

**22-9.19 Overtime**

Overtime will be paid for work performed in excess of 40 hours per week only with prior written approval from the COTR, Language Services Section, FBIHQ. In the absence of the COTR, the Language Service's Program Manager over the Contract Linguist Program may approve the Overtime Request Form. In emergency situations, the designated supervisor shall contact the COTR the next business day and advise of the circumstance and request overtime approval. However, the form must be submitted with the written circumstances stated. Overtime hours will be reimbursed at the rate of one and one-half times the hourly rate. If prior approval is not received, any work performed in excess of 40 hours per week shall be paid at the hourly rate as stated in the work order.

**22-9.20 Holiday Pay**

Holiday pay will only be paid when the contractor is requested to work by the COTR or the COTR's field office representative on the following holidays: New Year's Day; Martin Luther King's birthday; George Washington's birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veteran's Day; Thanksgiving day; and Christmas day. Holiday pay must also be requested in advance using the Overtime Request Form with written approval from the COTR. It is required that the same procedure be followed as if requesting overtime.

**22-9.21 Travel**

Travel may be required by the contractor. Contractors may not travel until a work order is issued and accepted. The work order will be issued for a 30-day period or less. A new work order will be issued after the initial 30 days for any anticipated TDY assignment over 30 days. In the event that a contractor must travel in an emergency situation, oral approval will be given by the COTR.

**22-9.22 Travel Reimbursements**

Contractors will be reimbursed for travel expenses in accordance with the Federal Travel Regulation per diem rates in effect at the time the travel was taken. The per diem rate that is reimbursable is the rate for the TDY locality, not the rate where lodging is obtained.

**22-9.23 Government Furnished Material**

Any equipment or supplies required by the contractor to perform the required duties shall be government-furnished material. This shall include computer equipment, Xerox machine (if needed), office space (desk and phone), tape recorder and headset, and office supplies. All government-furnished material shall be provided to the contractor prior to commencement of an assignment. The contractor shall carefully perform a complete inspection at the time of issuance. The contractor shall immediately advise the issuing office of any defects of the material provided. The contractor assumes full responsibility for the care and safekeeping of all government-issued material.

**22-9.24 Payment Consideration**

Payment to the contractor for orders placed under the BOA shall be made no later than 30 days from the date a proper invoice is received at the FBI contracting office. All invoices are to be submitted monthly; on or after the first day of the following month. Invoices will not be accepted before this date nor will they be accepted on a bi-weekly basis. All invoices are to be submitted to the COTR at the appropriate address. Treasury regulations do not permit payment of nonoriginal invoices; therefore, facsimile and xerox copies will not be accepted. All payments will be sent via direct deposit to the contractor's designated financial institution.

**22-9.25 Payment Inquiries**

Inquiries regarding payment information are NOT to be made before the initial 30 days of acceptance of a proper invoice have passed. All inquiries are to be made in writing and directed to the COTR. The inquiry may be sent via facsimile or by mail. Inquiries made to the Commercial Payment Unit will not be entertained.

## **22-10 DEPLOYMENT PROGRAM**

- (1) Contact your Foreign Language Coordinator to determine whether or not you have Language Specialists (LSs) or Contract Linguists (CLs) within your office that may be available to assist.
- (2) Contact your Applicant Coordinator so that he/she can identify potential CLs that are in background.
- (3) If no in-house resources are available, write an electronic communication (EC) to ask for linguistic assistance. Send the EC to Intelligence Directorate, Attention: Linguist Deployment Program/LSTC/LSS, FBI HQ. This communication must include the following:
  - (a) Title of case
  - (b) Case File Number
  - (c) Brief synopsis about the case, identifying language and dialect
  - (d) Total number of linguists needed
  - (e) Total number of active lines
  - (f) Total number of shifts per day
  - (g) Anticipated start date of Title III/FISA
  - (h) Anticipated length of Title III/FISA
  - (i) Point of contact name and phone number
- (4) In your communication include taskings or assignments that in-house LSs or CLs are performing which may prevent them from assisting in this Title III or FISA.
- (5) Keep the appropriate TDU for the languages needed current with any changes or additions to your initial request for assistance. As field office requirements for linguists on FISAs and Title IIIs are always changing, the TDUs will not reserve any linguists when the initial EC is received. Continued communication between the Unit Chiefs and Foreign Program Managers of the TDUs and the requesting office will ensure the availability of linguists when an office is ready to begin monitoring the FISA or Title III.
- (6) All receiving offices are advised not to contact any field divisions or translation agency regarding the availability of LSs or CLs. If you know of a linguist in another division or if there is a linguist in your division available or willing to go on TDY, please contact the Linguist Deployment Program Specialist at LSTC/LSS/FBI HQ to get approval and coordination for deployment.
- (7) In the event that the TDU for the needed language receives several requests for the same language at the same time, the Deployment Program Specialist will consult with the appropriate substantive desk for assistance and prioritization of casework, and will advise the affected field offices accordingly.
- (8) In order to evaluate the efficiency of the linguists sent on TDY, the TDUs request that an FD-780, Office Follow-Up form, be filled out and sent to Deployment Program Specialist, LSTC/LSS/FBI HQ, no later than five business days after the Title III or FISA has ended.

## | SECTION|23. POSITION MANAGEMENT PROGRAM|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3                      Cav:                      SecCls:

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### | |23-1    PURPOSE

|                      The FBI Position Management Program is an integrated part of  
| the administrative planning process for the Bureau and its  
| organizational components, and includes due regard for work methods,  
| equipment, facilities, procedures, techniques, skills and knowledges.  
| Adherence to the principles stated in this section when planning and  
| executing position and organizational design activities will result in  
| such benefits as increased organizational efficiency, manageable  
| operating costs, better service delivery, elimination of  
| organizational "stove-piping," and better defined pathways for the  
| development and utilization of our workforce at all organizational  
| levels within the Bureau.|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3                      Cav:                      SecCls:

### | |23-2    RESPONSIBILITIES

|                      The Personnel Officer is responsible for the overall  
| administration of the FBI Position Management Program, and shall  
| ensure both that position management issues are addressed in an  
| effective and consistent manner throughout the Bureau, and that  
| processes associated with requesting and approving position and  
| organizational design changes are properly carried out by all parties.  
| At any time deemed appropriate, the Personnel Officer or his/her  
| designee will conduct a substantive review and validation of position  
| management methodologies, processes and decisions, and institute any  
| actions deemed necessary to ensure compliance with applicable law and  
| regulation, as well as with Bureau policy as set forth in this  
| section. Specific responsibilities of other executives, management  
| officials, supervisors, and organizational elements follow.|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3                      Cav:                      SecCls:

### 23-2.1 Section Chief, Human Resource Management Section (HRMS)

The Section Chief, Human Resource Management Section (HRMS), Administrative Services Division (ASD), is delegated the responsibility for ensuring that position management requests are reviewed and decisions rendered in an effective and consistent manner, and for approving/disapproving specific requests for position management studies/actions reviewed by the Position Management Unit (PMU).

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### 23-2.3 HRMS Unit Chiefs

Individual Unit Chiefs within HRMS are responsible for determining which requested actions received in their organizations have the potential for significant position management and/or resource allocation implications and, therefore, require review by the HRMS Section Chief. For those requests which do not require HRMS Section Chief review, the Unit Chiefs are responsible for managing the review and disposition of such requests within their units and for coordinating such reviews with other HRMS units as required.

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3 Cav: SecCls:

### | 23-2.4 Heads of FBI Organizational Components

Assistant Directors and Heads of Offices (in FBIHQ) and Assistant Directors in Charge and Special Agents in Charge (in FBI field divisions) are responsible for ensuring that the position management policy set forth in this section is actively supported within their organizations, and that all processes and requirements associated with proposing position management related actions for their organizations are followed.

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3 Cav: SecCls:



## **| 23-2.5 Supervisors and Line Management Officials**

| Supervisors and line management officials in all FBI  
| organizations are responsible for addressing the position management  
| issues identified in this section when proposing the establishment of  
| new position(s), or other actions regarding existing positions, under  
| their cognizance, and/or when proposing addition, deletion or  
| realignment of functions within their organizational elements.|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3 Cav: SecCls:

## **| 23-3 POSITION MANAGEMENT PRINCIPLES AND OBJECTIVES (See 23-4.2.)**

| (1) It is Bureau policy that all positions and  
| position structures should be based on the following basic position  
| management principles:

| (a) A minimum number of positions with as low a  
| proportional ratio as possible of supervisory, managerial and staff  
| support positions to nonsupervisory operating positions, consistent  
| with the need for effective execution of assigned programs and  
| functions. This includes minimizing the use of deputy, assistant, and  
| comparable top-level positions which increase management and  
| supervisory overhead costs and which have a questionable impact on  
| productivity. Additional supervisory or staff positions required for  
| developing an inexperienced workforce, performing a new mission, or  
| implementing new laws, regulations, and procedures should be earmarked  
| for review during periodic program evaluations to determine continuing  
| need.

| (b) A reasonable balance between professional and  
| technical/support positions; specifically, a balance closely related  
| to the frequency of professional and technical/support tasks in the  
| organization's normal work cycle.

| (c) A reasonable proportion of trainees and  
| lower-graded employees to fulfill estimated replacement needs for  
| full-performance level and higher-graded employees, taking into  
| account predictable requirements, past records of separations and  
| transfers, expansion needs if pertinent, availability of trained  
| replacements in the labor market, and training time required.

| (d) A clear delineation of work assignments and  
| job-to-job relationships which avoids excessive supervision and  
| review, excessive staff advice and assistance, and overlaps,

| conflicts, and ambiguities in work assignments.

|                   (e) Adequate opportunity for development and  
| progression up well-defined career ladders and career paths for those  
| employees who show significant capability and potential for more  
| responsible positions requiring planned experience at lower levels.  
| Such opportunities need not be in a single organization if all steps  
| are available by rotation among activities.

|                   (f) Sufficient job interest to attract, retain, and  
| motivate employees of the needed level of competence; specifically,  
| sufficient challenges, variety and responsibility to attract and hold  
| professional, technical, administrative and clerical competence where  
| needed and sufficient opportunity to attract high-quality employees at  
| the normal entry levels.

|                   (g) A clear understanding and definition of the kinds  
| and levels of skills and knowledges required for competent and safe  
| performance of the duties of all positions, to avoid recruitment of  
| over-qualified as well as under-qualified employees.

|                   (h) A sound use of grade levels, resulting in a  
| well-balanced position structure where grades are fully supported by  
| essential work to be accomplished, and employees are fully utilized at  
| the level of the positions to which they are assigned.|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3                   Cav:                   SecCls:

## **| 23-4     SUBMITTING POSITION MANAGEMENT REQUESTS TO HRMS|**

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3                   Cav:                   SecCls:

### **| 23-4.1   Consultation with Position Management Unit**

|                   Prior to formalizing any written requests for position  
| management actions, FBIHQ and field divisions should contact PMU for  
| advice on preparing the request, and to fully discuss the proposed  
| action(s), thereby reducing the risk that unforeseen considerations  
| will arise once the request is formally submitted.|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3                   Cav:                   SecCls:

### **| 23-4.2 Core Requirements for Establishing a Business Case for Proposed Position Management Actions (See 23-4.3.)**

| (1) All requests for the establishment of new position(s), changes to existing positions, or realignment of positions or functions within an organization, must be predicated on a "business case" for undertaking review of and implementing the action(s) being sought. In order for HRMS to determine that a legitimate business case exists for proceeding, organizations should include discussion of the following factors as part of their written request:

| (a) Changes in the mission or functions of the organization which have had an impact on existing position(s), or require the establishment of a new position(s);

| (b) Technological or other changes which require new bodies or levels of knowledge, skills and abilities;

| (c) Whether the new/changed duties identified are presently, or were formerly, performed by some other position(s) in the organization;

| (d) The impact of the proposed action(s) on supervisory position(s) with cognizance over the new/changed duties identified;

| (e) The benefits that are expected to accrue to the requesting organization from the proposed action(s) (e.g., increased organizational efficiency/effectiveness, reduced operating costs, better service delivery, elimination of "stove-piping"); and

| (f) The relationship of the proposed action(s) to the overall principles and objectives of the FBI's Position Management Program, as described in Section 23-3 above.|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3

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### **23-4.3 Additional Supporting Information for Position Management Requests**

In addition to the information required by Section 23-4.2 above, organizations may submit drafts of any new or revised position descriptions included within the scope of the request and should provide a current organizational chart which clearly depicts the relationships of all positions under review to each other and to the supervisory and managerial positions to which they report. Organizations may be asked to submit specific additional supporting information as a result of the conduct of the review by the cognizant HRMS unit(s).

\*\*EffDte: 05/31/2002 MCRT#: 1207 Div: D3                      Cav:                      SecCls:

**| |23-5      RELATIONSHIP OF HRMS POSITION MANAGEMENT PROCESSES TO  
RESOURCE ALLOCATION PROCESSES**

|                      All requesting organizations, including divisions with  
| delegated position classification authority, should be aware that any  
| position management study which causes classes of positions to be  
| changed because of a business case must have PMU and (when required)  
| HRMS concurrence prior to implementation. As part of this process,  
| PMU will continue to coordinate all position management actions with  
| the Finance Division and the Resource Management Allocation Board  
| (RMAB) prior to the release of study results.|

\*\*EffDte: 08/24/2001 MCRT#: 1130 Div: D3                      Cav:                      SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

## | SECTION|24. MEDICAL SUPPORT OPERATIONS|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

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### | 24-1 ORGANIZATION (Formerly 16-5.1.1)

| (1) The Health Care Programs Unit at FBIHQ is located  
| in Room 6344, JEH Building. The Health Care Programs Unit at  
| FBIHQ and authorized Health Services in the field offices are  
| staffed with registered nurses who are required to have a minimum  
| of two years of occupational health nursing experience before  
| entering on duty with the FBI.

| (2) FBIHQ Health Care Programs Unit is staffed to  
| provide services from 7:00 a.m. to 5:00 p.m., Monday through  
| Friday for employees. The field offices' Health Services provide  
| services during the workday, as established by the SAC/ADIC.  
| Emergency recommendations are given by the medical officer on  
| call, telephonically during nonduty hours by contacting the  
| switchboard.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

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### | 24-1.1 Functions of the Health Care Programs Unit (Formerly 16-5 through 16-5.1.2)

| (1) The primary functions of the Health Care Programs  
| Unit are: to provide assessment and initial emergency treatment,  
| counseling, recommendations, referrals to physicians, interviews  
| regarding health problems and/or omissions on EOD physical  
| examination reports, follow-up service when indicated regarding  
| health problems, contacting employees' physicians, and promotion  
| of better health, awareness and safety habits through health  
| education and preventive health programs.

| (2) Immunizations and other injections are given when  
| indicated and required, i.e., international travel, evidence  
| recovery at disaster scenes, etc. In Health Services staffed  
| with only one nurse, injections are given only when approved by  
| FBIHQ Health Care Programs Unit.

| (3) All physical examination reports on support and  
| Agent applicants, hardship transfers, Legat personnel and their  
| families and all physical examination for special assignments are  
| reviewed in the field Health Services, then forwarded to FBIHQ  
| Health Care Programs Unit for fitness-for-duty qualification

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**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| determination. In those field offices having a nurse, the nurse  
| is responsible, with the SAC's/ADIC's concurrence, for monitoring  
| contracts and scheduling annual physical examination at nearby  
| contract facilities.

| (4) The nurse(s) assigned in the field will be  
| responsible for providing educational programs for employees  
| regarding good health habits, health services operations and  
| preventive health programs available to all employees.

| (5) Employees injured on duty may be sent to a medical  
| facility for examination and/or treatment, or may select a duly  
| qualified physician or hospital in the nearby area. The Health  
| Service provides the injured employee with Form CA-16 (Request  
| for Examination and/or Treatment, Form CA-17 (Duty Status Report), and  
| Form CA-1 (Federal Employee's Notice of Traumatic Injury and Claim for  
| Continuation of Pay/Compensation), with attached Privacy Act of 1974  
| Notice.

| (6) Health Care Programs Unit coordinates federally  
| mandated programs such as Bloodborne Pathogens, Hearing  
| Conservation, and Medical Surveillance Programs such as lead and  
| other exposures.

| (7) In order to evaluate the services provided by  
| health care contractors, the Health Care Programs Unit asks that  
| all Special Agents and specialty employees receiving a fitness-  
| for-duty physical examination complete an FD-866 and return the  
| form to the Health Care Programs Unit at FBIHQ, Room 6344,  
| Attention: Fitness-for-Duty Program.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

## **| 24-1.2 Field Health Services (Formerly 16-5.2)**

| The Atlanta, Boston, Chicago, Clarksburg Satellite  
| Facility, Cleveland, Dallas, Denver, Detroit, Houston,  
| Los Angeles, Miami, Newark, New York, Philadelphia, Quantico,  
| San Diego, San Francisco, and Washington Field Offices are  
| equipped with Health Services which function along the same lines  
| as the FBIHQ Health Care Programs Unit. Occupational Health  
| Nurses who function as Regional Occupational Health Program  
| Managers are located at the Chicago and New York Offices and  
| FBIHQ. These nurses assist divisions without assigned medical  
| personnel.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

## **| 24-2 Special Agent Essential Tasks**

**SENSITIVE**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

## **| |24-2.1   Lift/Carry**

- |                      (1)   With assistance, lift and carry individual (e.g.,  
| subject) resisting arrest to vehicle or into back of vehicle or  
| van.
  
- |                      (2)   Lift and carry body bunker (25 lbs.) while  
| conducting a search of home, apartment, or building.
  
- |                      (3)   Lift and carry trash/trash cans to separate  
| subject's trash.
  
- |                      (4)   Without assistance, lift and carry objects  
| weighting 30 to 50 lbs. (e.g., boxes of paper, electronic  
| surveillance equipment, personal computers, two-man ram, evidence  
| recovery boxes).|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

## **| |24-2.2   Push/Pull**

- |                      (1)   With assistance, pull/drag uncooperative  
| individuals (e.g., boxes of paper, electronic surveillance  
| equipment, personal computers, two-man ram, evidence recovery  
| boxes).
  
- |                      (2)   Without assistance, pull/drag uncooperative  
| individuals (e.g., subject) 20-25 feet during a search or arrest  
| situation.
  
- |                      (3)   Without assistance, separate uncooperative persons  
| by pushing, pulling, using locks, grips, or holds (e.g., break up  
| fights).
  
- |                      (4)   With assistance, separate uncooperative persons by  
| pushing, pulling, using locks, grips, or holds (e.g., break up  
| fights).
  
- |                      (5)   With assistance, physically restrain (e.g.,  
| handcuff, hold) or subdue a resistive individual (e.g., subject,  
| drugged person).
  
- |                      (6)   Handcuff a subject.
  
- |                      (7)   Place leg restraints on a subject.
  
- |                      (8)   Apply touch pressure to control a person without

| injury.

|           (9) With assistance, place (pull/push) resistive  
| subject into vehicle (e.g., back seat of car, van).

|           (10) Without assistance, place (pull/push) resistive  
| subject into vehicle (e.g., back seat of car, van).

|           (11) Use rake to sift through debris for evidence.

|           (12) Use shovel to dig/turn over debris while looking  
| for evidence.

|           (13) Use sifters to sift through debris to find  
| evidence.

|           (14) Without assistance, physically restrain (e.g.,  
| handcuff), hold or subdue a resistive individual (e.g., subject,  
| drugged person) using reasonable force on the job or during  
| training.

|           (15) Use bodily force (e.g., body, foot) to gain entry  
| through a locked door or barrier.

|           (16) Use hand tools (e.g., screwdrivers, wrenches) to  
| install or repair electronic equipment.

|           (17) Practice and maintain a high proficiency level of  
| current defensive and tactical skills.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

### **| 24-2.3 Climb**

|           (1) Climb up/down stairs carrying equipment.

|           (2) Climb over guard rail or medical barrier (2-3 feet).

|           (3) Climb over wire or chain-link fence.

|           (4) Climb over wooden fence.

|           (5) Climb over wall (4 feet or higher).

|           (6) Climb through first floor window to gain entry to  
| a building.

|           (7) With assistance, climb through second floor window  
| to gain entry to a building.

|           (8) Climb/pull self through attic opening to access  
| attic or loft to execute a search warrant or search for a person.



- |           (9)   Climb 6-13 foot stepladder or fixed ladder to  
| enter building, attic, fire escape, or loft.
  
- |           (10)   Climb 14-20 foot straight ladder or fixed ladder  
| to access building, attic, or roof.
  
- |           (11)   Climb into/out of dumpsters to locate subject or  
| evidence.
  
- |           (12)   Climb onto or into the back of tractor-trailer or  
| piece of heavy equipment.
  
- |           (13)   Climb up fire escape to gain access to building or  
| secure escape path.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

#### **| |24-2.4   Quick Movements**

- |           (1)   Block and evade blows, punches, kicks, etc., with  
| arms, hands, or legs.
  
- |           (2)   Quickly get out of vehicle in response to an  
| emergency call or to chase subject.
  
- |           (3)   Quickly get into vehicle to pursue subject in car  
| or to assist another Agent in an emergency.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

#### **| |24-2.5   Bend/Stoop/Squat**

- |           (1)   Stoop/squat to search for physical evidence under  
| seats, dash, hood of vehicle (e.g., car, heavy equipment) or to  
| gather information (e.g., VIN#).
  
- |           (2)   Stoop/squat to look for physical evidence at crime  
| scene.
  
- |           (3)   Bend/stoop to search for evidence in rubble of bomb  
| scene.
  
- |           (4)   Stoop/squat to install tracking/recording devices  
| in confined spaces, under furniture, or in vehicles (e.g., under  
| seats, dash, hood).
  
- |           (5)   Bend/stoop/squat to connect or disconnect computers.

- |           (6) Stoop/squat over to assist handcuffed subject from  
| a prone position to a standing position.
- |           (7) Bend/stoop to talk to person on ground or children.
- |           (8) Bend/stoop/squat to get behind cover to conduct  
| surveillance (2-12 hours/day).
- |           (9) Bend/stoop to get under cover when executing a raid.
- |           (10) Kneel/crouch in back of van to conduct  
| surveillance.
- |           (11) Kneel/crouch to prepare or operate surveillance  
| equipment.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| 24-2.6 Stand**

- |           (1) Stand for extending periods (e.g., one hour or  
| more) during surveillance.
- |           (2) Stand for extended periods of time on full alert  
| during hostage or barricade situation.
- |           (3) Stand for extended periods of time to search or  
| seize evidence (e.g., office building, label evidence, crime  
| scene bomb scene).
- |           (4) Stand for several hours indoors or outdoors while  
| conducting interviews at an incident or crime scene.
- |           (5) Stand to provide security support for various  
| events (e.g., Olympics, political events).|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| 24-2.7 Walk**

- |           (1) Walk on flat surfaces to conduct search or during  
| investigation.
- |           (2) Walk to follow subject during surveillance.
- |           (3) Walk in a search pattern over varied terrain to  
| look for evidence or individual.
- |           (4) Walk continuously to conduct search of wooded

| areas.

|           (5) Walk up hills, gullies, or embankments.

|           (6) Walk in loose, dirt, gravel, mud, or sand.

|           (7) Walk across elevated surfaces (e.g., flat  
| roofs, catwalks).

|           (8) Walk to escort prisoners from jail to court.

|           (9) Walk up and down stairs.

|           (10) Approach arrest location maintaining cover  
| and with appropriate speed and identification displayed  
| to secure perimeter.

|           (11) Walk while wearing 25 to 55 pounds of gear.

|           (12) Walk to provide security support for various  
| events (e.g., Olympics, political events).|

    \*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| 24-2.8 Run**

|           (1) Run to stay ahead of subject during  
| surveillance.

|           (2) Run in pursuit of fleeing subject.

|           (3) Run up and down stairs.

|           (4) Run to position to set up for a search  
| warrant or arrest.

|           (5) Run while wearing 25 to 55 pounds of  
| gear during training or mission.

|           (6) Move team members through a confrontational  
| or tactical situation.|

    \*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| 24-2.9 Jump**

|           (1) Jump over obstacles (e.g., guard rail, ditch,  
| hedge, bicycle) 2-4 feet.

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| (2) Jump down from elevated (4-5 feet) surface (e.g.,  
| fence, wall, platform, porch, loading dock).

| (3) Jump up and pull self onto an elevated (4-5 feet)  
| surface (e.g., platform, porch, loading dock).|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3 Cav: SecCls:

## **| |24-2.10 Crawl**

| (1) Crawl to look for evidence (e.g., look for hair,  
| fibers).

| (2) Crawl or crouch into position to conduct  
| surveillance.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3 Cav: SecCls:

## **| |24-2.11 Sit**

| (1) Sit in vehicle or van on surveillance for an  
| extended period of time.

| (2) Sit for extended periods of time (e.g., one or  
| more hours) at desk, in meetings, or during court cases.

| (3) Sit to interview victims or subjects.

| (4) Sit to monitor (e.g., take notes and record time of  
| call) a Title III case.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3 Cav: SecCls:

## **| |24-2.12 Firearms**

| (1) Load and unload handgun, shotgun, rifle, and MP5.

| (2) Assemble/disassemble and clean handgun and other  
| weapons.

| (3) Fire 50 rounds with handgun at target during  
| practice or firearms qualification from standing, kneeling,  
| prone, and behind barricade positions. Fire up to 200 rounds at  
| each quarterly training session.

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- | (4) Fire handgun on the job (moving or stationary).
- | (5) Fire 2 strings of 5 rounds using a shotgun during  
| practice or firearms qualification.
- | (6) Fire shotgun on the job (moving or stationary).
- | (7) Fire MP5 during firearms qualification or on the  
| job.
- | (8) Fire weapon after pursuing subject on foot.
- | (9) Cover subject and areas of responsibility with  
| weapon for extended period of time.
- | (10) Cover an area of responsibility for an extended  
| period of time.
- | (11) Clear a home/apartment/building while covering  
| area with weapon.
- | (12) Discharge chemical (e.g., Capstun, pepper spray)  
| at resistive individual (e.g., subject) while avoiding blow back  
| effects to others in the area.
- | (13) Hold weapon (handgun, shotgun) on felony subject  
| until back-up arrives.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

## **| 24-2.13 Operate Hand Controls**

- | (1) Operate keyboard on computer to enter/retrieve  
| information.
- | (2) Install a body wire on another Agent, informant, or  
| cooperative witness.
- | (3) Operate camera to take pictures of surveillance  
| activities, crime scene, victim, evidence, and subjects.
- | (4) Operate binoculars, monoculars, and other night  
| vision equipment while conducting surveillance.
- | (5) Photocopy evidence for presentation at trial or  
| hearing.
- | (6) Duplicate surveillance tapes for presentation at  
| trial or hearing.
- | (7) Operate radio/cell phone while driving vehicle/van  
| at high speeds.

**SENSITIVE**

|           (8)   Operate tape recorder to record interviews or  
| confessions.

|           (9)   Operate video camera/camcorder to record  
| surveillance activities, crime scene, victim, evidence, and  
| subjects.

|           (10)   Operate electronic surveillance equipment (e.g.,  
| CCTV, microphones, body recorder and transmitters) to obtain  
| information or evidence.

|           (11)   Take photographs to support investigations,  
| publications, or products.|

    \*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

#### **| 24-2.14   Drive**

|           (1)   Drive vehicle (car, van) at posted speeds in the  
| performance of daily duties.

|           (2)   Drive vehicle on open road (i.e., uncongested) at  
| high speeds in response to call or emergency.

|           (3)   Drive vehicle through congested areas in response  
| to call or emergency.

|           (4)   Drive vehicle at posted speeds on open road (e.g.,  
| uncongested) and in congested areas.

|           (5)   Drive in pursuit of a subject fleeing on foot.

|           (6)   Drive to conduct surveillance of a moving vehicle.

|           (7)   Pull into and out of traffic in pursuit of subject.

|           (8)   Drive 2 or more hours to get from one location to  
| another.

|           (9)   Transport prisoner/subject to jail, hospital, or  
| FBI office.|

    \*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

#### **| 24-2.15   Write**

|           (1)   Take notes while conducting interviews,  
| observations, surveillance to record and summarize information  
| for documentation purposes.

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- |           (2) Write electronic communications (ECs) (e.g.,  
| memos, investigative proposals) that provide thorough,  
| appropriate, relevant, and timely information about a case or  
| lead.
- |           (3) Complete reports (e.g., information in Title III  
| investigation).
- |           (4) Write results of investigation efforts (e.g.,  
| inserts, FD-302, reports, logs) on a timely basis.
- |           (5) Write materials (e.g., operations plan, community  
| outreach) that will be disseminated in an oral or written format  
| (e.g., briefings, training).
- |           (6) Generate database or spreadsheets to track and  
| classify investigative information.
- |           (7) Prepare affidavits in support of various types of  
| warrants (e.g., search, arrest, seizure, Title III).
- |           (8) Prepare evidence (e.g., transcripts of wiretaps)  
| for presentation at trial or hearing.
- |           (9) Take notes on items of concern during squad or  
| task force meetings.
- |           (10) Prepare forms to carry out an arrest plan or to  
| request resources needed for an investigation (e.g., money, body  
| recorder).
- |           (11) Complete receipts or logs (e.g., to catalog  
| evidence seized, transfer evidence voucher to property clerk,  
| return property to owner).
- |           (12) Record locations of all evidence recovered from  
| crime scene.
- |           (13) Make sketches, displays, or drawings to provide a  
| graphic aid for use in investigations.

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

## **| 24-2.16 Read**

- |           (1) Review and adhere to Bureau and other agency  
| policies and procedures (e.g., conduct, deadly force) and  
| appropriate manuals for operation of equipment (e.g., night  
| vision gear, gas masks, shields).
- |           (2) Read Bureau and other agency (e.g., DEA) case

**SENSITIVE**

- | files and records to locate information.
- |           (3) Review forms (e.g., FD-302, incident reports) for  
| completeness and accuracy.
- |           (4) Review inventory records for accuracy and  
| completeness to determine the status of equipment.
- |           (5) Read reports consisting of short, descriptive  
| phrases (e.g., FD-302, incident reports, criminal history  
| records, posted lists, I.D. cards, aircraft log books).
- |           (6) Examine documents and files from computer  
| (e.g., Lexis-Nexis, Internet databases, ACS (Automated Case  
| Support, Bureau computer system), reading from computer screen  
| 50-80 percent of time).
- |           (7) Read legal documents, federal, state, and city laws  
| and codes.
- |           (8) Read and interpret coded material (e.g., NCIC  
| printout).
- |           (9) Read tape transcripts.
- |           (10) Read handwritten documents from subjects during  
| investigation.
- |           (11) Read floor plans to carry out training or  
| mission.

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| 24-2.17 Comprehension/Cognitive Skills**

- |           (1) Maintain chain of custody to ensure admissibility  
| when collecting, packaging, and preserving physical evidence for  
| study and analysis.
- |           (2) Use ACS computer system to access other case files.
- |           (3) Serve subpoenas and execute search warrants or  
| other court orders to obtain information and evidence.
- |           (4) Classify incidents to determine the appropriate  
| report or form to complete.
- |           (5) Evaluate documents to determine the appropriate  
| security classification of information.
- |           (6) Analyze documents, evidence (e.g., financial  
| documents, bank records, telephone records, letters), and other



**SENSITIVE**

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- | information to determine if a federal violation has occurred.
- |           (7) Determine whether probable cause exists to search  
| persons or property.
- |           (8) Evaluate information on criminal activities to  
| determine whether to initiate a preliminary or full  
| investigation.
- |           (9) Analyze and compare cases or pieces of evidence  
| for relationships or similarities.
- |           (10) Assess the reliability and accuracy of  
| information received from subjects, witnesses, victims, or other  
| law enforcement personnel.
- |           (11) Assess personality characteristics and beliefs of  
| individuals (e.g., subjects, informants, witnesses) using  
| information from files, observations, personal contacts, etc., to  
| allow for effective interactions or to create psychological  
| personality profiles.
- |           (12) Prepare emergency and nonemergency plans for  
| conducting investigations or executing arrests such as  
| identifying locations, personnel, communication, and equipment  
| requirements, and safety considerations.
- |           (13) Adapt and adjust plans in response to changes  
| in circumstances during an arrest or seizure of evidence.
- |           (14) Adjust focus of investigation in response to new  
| evidence or arrests.
- |           (15) Catalog wire taps and summarize the tapes and  
| logs for each day.
- |           (16) React quickly and made split-second decisions  
| about the use of physical and deadly force in unexpected  
| situations.
- |           (17) Plan and organize case load with little  
| supervisory assistance to ensure that deadlines are met and all  
| cases proceed effectively.
- |           (18) Control the activities of informant sources  
| i.e., make assignments and payments, ensure that all appropriate  
| guidelines are followed).
- |           (19) Direct and monitor the activities of undercover  
| personnel, their work effectiveness, and well-being.
- |           (20) Review the performance of and provide  
| supervision/instruction to other Agents.
- |           (21) Direct the manpower and direction of a case.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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- |           (22) Work in a team environment as a member or a  
| leader in diverse settings which include individuals from a  
| variety of organizations (e.g., FBI offices, local, state,  
| federal, or foreign agencies).
- |           (23) Make and track assignments and evaluate the  
| effectiveness of Agents.
- |           (24) Identify and develop strategies for obtaining  
| information.
- |           (25) Identify sources of information needed to solve a  
| problem, carry out a task, or conduct an investigation or  
| inspection.
- |           (26) Develop long-range plans (e.g., strategic plans,  
| training, scenario plans) and accompanying objectives.
- |           (27) Identify and consider trends (e.g., changes in  
| the law, technological developments, crime patterns) and  
| conditions (e.g., global, political, social) when developing  
| long-range or strategic plans.
- |           (28) Balance short-term requirements with a broader,  
| long-term perspective.
- |           (29) Take into account and consider organizational  
| systems, constraints, and other units, programs, and functions  
| when developing long-range plans.
- |           (30) Locate individuals using investigative  
| techniques.
- |           (31) Cultivate and develop informants/assets.
- |           (32) Respond to leads from other FBI offices in a  
| timely manner.
- |           (33) Summarize information from telephone or radio  
| call conversation.
- |           (34) Maintain case files (e.g., arrests, warrants).
- |           (35) Determine the monetary value of recovered or  
| seized property by referring to appropriate sources of  
| information.
- |           (36) Listen to description of an incident and  
| interpret the details in relation to the law and other factors  
| (e.g., recent crimes).
- |           (37) Recognize inconsistencies in subjects' behavior  
| and verbal statements.
- |           (38) Arrange for and conduct lineups and photo spreads  
| of subjects to obtain identification of subjects.

**SENSITIVE**

- |           (39) Determine best method to conduct surveillance.
- |           (40) Determine entry format (e.g., occupant  
| permission, knock, no knock).
- |           (41) Decipher code language encountered during a  
| Title III.
- |           (42) Make recommendations regarding Bureau policies  
| and procedures.
- |           (43) Dispatch teams at an incident or from a command  
| post.
- |           (44) While working with other law enforcement agencies,  
| judge whether others are safe and competent to perform duties.
- |           (45) Ensure understanding of current operational plan  
| according to FBI and DOJ policy.
- |           (46) Be knowledgeable of Lesson Plans and Standard  
| Operating Procedures (SOPs).
- |           (47) Develop new training scenarios and research  
| various techniques and equipment.
- |           (48) Learn new skills related to operational mission  
| (e.g., driving tactical equipment, tractor-trailer rigs) in a  
| very short period of time to meet mission requirements.
- |           (49) Quickly recover and move on after a stressful or  
| unpleasant situation.
- |           (50) Serve as relief supervisor to improve skills for  
| possible promotion to team leader.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **|24-2.18 Calculate**

- |           (1) Analyze financial records to determine whether  
| fraud has occurred.
- |           (2) Perform simple arithmetic calculations (add,  
| subtract, multiply, divide).
- |           (3) Inventory evidence (e.g., money, computers).
- |           (4) Use weights and measures (metric-grams/kilograms,  
| street value of drugs).

|           (5) Calculate the hours needed to determine necessary  
| manpower.

|           (6) Prepare expense vouchers.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| 24-2.19 Communicate**

|           (1) Interview witnesses, informants, victims to obtain  
| or provide information or assistance.

|           (2) Interrogate subjects and informants to elicit  
| relevant information/evidence.

|           (3) Brief/inform others (e.g., other Agents, other law  
| enforcement agencies, supervisors, ASAC, SAC, foreign governments)  
| about problems, situations, work progress, or crime-related  
| information.

|           (4) Present cases to the Assistant U.S. Attorney  
| stating facts, summarizing information, and answering questions.

|           (5) Provide testimony by stating facts and answering  
| questions.

|           (6) Lecture to outside agencies (e.g., civic leagues,  
| schools) as a representative of the Bureau (e.g., drug education).

|           (7) Provide information regarding specialty (e.g.,  
| bankruptcy fraud, computer virus crime) to other Agents.

|           (8) Use radio to report routine or emergency incidents  
| and locations.

|           (9) Participate in hostage negotiations (e.g., over  
| the phone, face-to-face, radio) with subjects.

|           (10) Talk subject (armed or unarmed) or mentally  
| disturbed or drug incapacitated person into surrendering.

|           (11) Use telephone to gather/exchange information  
| with other Agents, law enforcement agencies, witnesses, etc.

|           (12) Talk to citizens to answer their questions and  
| respond to their concerns.

|           (13) Communicate with individuals from a variety of  
| backgrounds (e.g., socioeconomic, ethnic) during covert  
| operations.

|           (14) Communicate with individuals speaking a foreign

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| language.

|           (15) Talk to emotionally upset or out-of-control  
| individuals.

|           (16) Maintain composure and communicate information  
| (e.g., description of individuals, vehicles) under stressful  
| conditions (e.g., in pursuit, witness to violent event,  
| environmental hazards).

|           (17) Inform subject of his/her legal rights during  
| interrogation.

|           (18) Dictate case notes clearly into recorder so that  
| they may be transcribed.

|           (19) Request, clarify, and comprehend information  
| presented by others (e.g., team members, team leaders, law  
| enforcement agencies) in order to plan and execute mission in a  
| safe and effective manner.

|           (20) Extract critical information from an interview  
| and correctly relay that information to appropriate persons. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

## **| 24-2.20 Hearing**

|           (1) Listen to conversation being recorded on a body  
| wire or other electronic eavesdropping equipment (may be in a  
| noisy environment, busy intersection, bar, train station, through  
| static in electronic system).

|           (2) Relisten to surveillance tapes and check the  
| transcripts for accuracy and to make revisions.

|           (3) Overhear conversations in a bar or other noise  
| environment.

|           (4) Hear an order or instruction spoken in a normal  
| tone from a distance of 10-25 feet.

|           (5) Hear conversation over the sounds of machinery/  
| traffic while interviewing individuals or receiving instructions  
| at crime scene.

|           (6) Listen to radios and distinguish appropriate calls.

|           (7) Identify speech and voice characteristics over the  
| phone (e.g., sex, age, accent) while recording messages  
| accurately.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (8) Listen to sounds while searching an area for an  
| individual/subject (e.g., whispering, movement, breathing).

| (9) Listen at closed door for noise or voices before  
| entering room or building.

| (10) Listen to surveillance tapes to transcribe  
| information recorded.

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3 Cav: SecCls:

## **| 24-2.21 Vision**

| (1) Search wooded areas for evidence (e.g., weapons,  
| clothing, blood).

| (2) Search buildings/structures for evidence (e.g.,  
| weapons, clothing, blood).

| (3) Search building/structures for subjects.

| (4) Survey/evaluate crime scene or crisis site to  
| quickly gather information (e.g., potential danger, neighborhood  
| residents, gang look-outs, bystanders, exits, entrances,  
| obstacles, usage patterns).

| (5) Monitor subject activities using visual (e.g.,  
| CCTV) and/or auditory techniques (e.g., microphones, body  
| recorders and transmitters) to determine a subject's patterns or  
| gather evidence.

| (6) Be vigilant during surveillance of CCTV.

| (7) Search wooded areas for subjects.

| (8) Use flashlight at night to read documents or take  
| notes during surveillance.

| (9) Read street signs, mailboxes, and house numbers  
| from vehicle.

| (10) Read license plate from a distance up to 50 feet.

| (11) Identify model and color of vehicles from 100  
| feet away.

| (12) Distinguish colors at traffic signals, signs,  
| computer and electronic wiring, and bomb wiring.

| (13) Observe and report description (e.g., hair color,  
| height, clothes) of individual from a distance of 30 to 100 feet.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           (14) Recognize a person previously known based on  
| description (but wearing different clothes) from a distance of 30  
| to 100 feet.

|           (15) Recognize a person based on a photograph you saw  
| previously (e.g., day, week ago).

|           (16) Recognize a person based on a verbal description  
| (e.g., age, hair color, clothing).

|           (17) Determine whether a person is under the influence  
| of drugs or alcohol by using visual cues.

|           (18) Focus sight of gun and determine what is in  
| subject's hand.

|           (19) Scan videotape quickly to gather evidence or to  
| look for subject.

|           (20) Conduct site survey before conducting a mission.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| |24-2.22 Miscellaneous**

|           (1) Follow through on assignments, even under  
| difficult and adverse conditions (sleep deprivation, stressed,  
| fatigued).

|           (2) Participate in personal physical fitness training  
| to maintain readiness required for performance of duties.

|           (3) Process arrested subjects (e.g., fingerprint,  
| photograph, inventory personal property).

|           (4) Detect smells that should be investigated and  
| approximate their origin (e.g., smoke, gas, alcohol).|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| |24-3 FITNESS FOR DUTY (FFD) EXAMINATIONS (Formerly MAOP, Part 1, 20-5.1)**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

### **| 24-3.1 Special Agent FFD Examinations|(See MAOP, Part 1, 24-3.2.)|(Formerly MAOP, Part 1, 20-5.1, 20-5.1.1)**

**SENSITIVE**

|           | (1) Even-numbered birthdays - Complete FFD examination.  
| The first even-numbered birthday examination may be waived after entry  
| on duty if timing interval since baseline examination is less than two  
| years.

|           | (2) Odd-numbered birthdays - Update Standard Form (SF) 93,  
| Report of Medical History. Individuals should update their medical  
| history and make a statement in Block 7a "Present Health" of one of  
| the following:

|           | (a) "No change in medical condition since previous  
| examination." In this case the SF-93 will be routed by the medical  
| coordinator to HCPU for updated report into the Bureau Personnel  
| Management System to indicate current FFD status.

|           | (b) "Health review needed, change since last  
| examination." The Occupational Health Nurse (OHN) assigned (if none  
| assigned, the medical coordinator will send this information to FBIHQ,  
| HCPU, FFD) will clarify by telephone or personal interview any  
| significant (potential for interference with essential tasks) change  
| in medical condition since the previous FFD examination. Need for and  
| content of interim examination will be determined by this review  
| process, in consultation with an FBI medical officer, as appropriate.

|           | (3) Exercise Stress Testing (EST) frequency will vary based  
| upon age, baseline test at age 40 years, repeated at ages 44 and 48  
| years and at every complete FFD examination beginning at age 50 years  
| (age 50, 52, 54, 56 years).|

\*\*EffDte: 03/18/2005 MCRT#: 1377 Div: D3

Cav:

SecCls:

### **24-3.2 Foreign Appointments (See Legal Attache Manual, Part 1, 4-6.) (Formerly MAOP, Part 1, 20-5.1, 20-5.1.1)**

|           | (1) FBI REQUIREMENTS: All Special Agents (SAs) are  
| required to have a Fitness For Duty (FFD) physical examination  
| conducted in years in which they have an even-numbered birthday.  
| Odd-numbered birthdays require completion of the Standard Form 93  
| (SF-93), Report of Medical History, to determine if an interim focused  
| examination is required. To accommodate SA personnel on Legal Attache  
| assignments abroad in remaining compliant with FFD examinations, there  
| is flexibility with regard to timing of physical examination as  
| follows:

|           | (a) SAs who anticipate travel back to CONUS  
| within a period of three months prior through three months past their  
| birth month should contact the Legat Medical Program Manager within  
| Health Care Programs Unit (HCPU) for guidance and assistance in  
| scheduling their physical examinations. Time permitting during travel  
| to CONUS, physical exams may be scheduled either at FBIHQ or at the



**SENSITIVE**  
**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| contracted examination facility in the field office to which they are  
| traveling.

| (b) If travel to CONUS within this time frame  
| is not anticipated, SA Legat personnel may request a Department of  
| State "In-service" physical examination be conducted by the Regional  
| Medical Officer (RMO) at post. HCPU will accept this physical as  
| their periodic FFD physical. The caveat to this is that the SA must  
| request a copy of the physical from the RMO and send it to the Legat  
| Medical Program Manager.

| (2) DEPARTMENT OF STATE REQUIREMENTS

| (a) Pre-post Physical Examinations: All Legat  
| Program appointees, both Agent and support, as well as their spouses  
| and eligible dependents are required to take a prescribed medical  
| examination prior to departure for post and receive a medical  
| clearance before passports are issued. If there are questions  
| regarding eligibility of dependents for medical clearance, the correct  
| answer corresponds to whether or not they are being funded for travel  
| with the sponsor.

| (b) During Overseas Tour of Duty: Department  
| of State physical examinations are offered, not required, to all  
| Legat employees and their eligible family members after being at post  
| for a period of two years.

| (c) Transfers to a Different Post: In the  
| event that a Legat employee has a direct transfer to another post,  
| he/she should contact the Legat Medical Program Manager within HCPU at  
| FBIHQ for guidance regarding need for an updated physical exam.

| (d) Exiting the Legat Program: When exiting  
| the Legat Program, all Legat Program employees and their eligible  
| dependents are entitled, if they desire, to an exit physical  
| examination. If adequate examination facilities are available, these  
| examinations are encouraged to be done at post 60 to 90 days prior to  
| departure. However, if adequate medical facilities are not available,  
| or if the employee and dependents prefer, the examinations may be  
| conducted within 90 days of arrival in the United States. Completion  
| is especially important to document medical condition(s) which might  
| require follow-on care. Failure to complete the exit examination may  
| result in nonpayment of such claims.

| (e) Newly Acquired Dependents: Dependents  
| newly acquired as a result of marriage, birth, adoption, or legal  
| guardianship should have a physical within 90 days of the event. A  
| copy of the physical examination reports should be sent to the Legat  
| Medical Program Manager.

| (f) Dependent At Age 21: Dependents of Legat  
| employees, upon reaching the age of 21, are no longer covered  
| medically by Department of State. These dependents may elect to have  
| a separation physical conducted 90 days prior to their 21st birthday.

| (3) TEMPORARY ASSIGNMENT EXAMINATIONS

**SENSITIVE**

| To be ensured coverage by the Department of State Medical  
| Program of unexpected medical problems, employees on overseas  
| assignment in excess of 60 calendar days a year are expected to  
| complete a Department of State physical examination and receive a  
| medical clearance prior to proceeding abroad on TDY assignment.  
| Contact the Legat Medical Program Manager for guidance and assistance.

| (4) HOSPITALIZATIONS AND/OR MEDEVACS

| All Legat offices should establish a policy and procedure  
| for notifying the Legat Medical Program Manager of any hospitalization  
| and/or medical evacuations (medevacs) of Legat employees or their  
| family members. This will facilitate authorization to establish a  
| fund citation for payment and assist reestablishment of medical  
| clearance.

| (5) SERIOUS ILLNESS OR INJURY

| Legat employees with either an illness or injury that  
| prevents them from performing the essential duties of their position  
| for a period in excess of 30 days should report their medical  
| condition to the Legat Medical Program Manager.

\*\*EffDte: 07/10/2005 MCRT#: 1397 Div: D3 Cav: SecCls:

**| 24-3.3 Periodic Examination for Non-Agent Employees|(See MAOP, Part 1, 24-3.1.)(Formerly MAOP, Part 1, 20-5.1, 20-5.1.1)**

(1) Applicants: Applicant FFD examinations are required for auto mechanics, language specialists (audiometer test only), police officers, investigative specialists, health care workers (including occupational health nurses and medical officers), electronics technicians, latent fingerprint specialists, latent fingerprint photographers, and members of the Support Surveillance Group, Hazardous Materials Response Unit, and Evidence Response Team. (See MIOG, Part 1, 67-8.5.1.)

| (2) Employed Members: Upon employment,|support employees  
| in FFD positions will receive FFD examinations at the same frequency  
| and scope as noted for Special Agents in MAOP, Part 1, 24-3.1.  
| Exceptions are made for auto mechanics and health care workers and  
| others removed from exposure risk or worldwide duty travel  
| requirements. EST will be performed only if required to make a FFD  
| determination when a significant question is raised by FFD  
| examination, and must be approved by HCPU. Language specialists'  
| audiometer testing will be conducted according to the periodic  
| examination schedule of every two years, on even-numbered birthdays.

\*\*EffDte: 03/18/2005 MCRT#: 1377 Div: D3 Cav: SecCls:

#### **| 24-3.4 Basic Medical History Requirements for Employees Not Otherwise Covered by the FFD Program**

|           Anyone receiving an immunization at FBI expense in  
| anticipation of overseas travel should be required to complete a  
| SF-93, Report of Medical History, no less frequently than every  
| three years. When an employee is scheduled or arrives for an  
| immunization, a check of their local employee health file should  
| be accomplished. If SF-93 is older than three years or no  
| medical file exists, one should be made at that time and SF-93  
| completed and/or updated and placed on record. A copy of the  
| SF-93 is sent to a local or regional FBI Occupational Health  
| Nurse (OHN) for review. If questions of sufficient gravity are  
| raised which require more detailed information, the OHN will  
| attempt to clarify by telephone call to obtain additional  
| history. If still concerned, the SF-93 should be forwarded to HCPU  
| for medical officer review and recommendation regarding overseas  
| clearance. Refusal to cooperate with medical history  
| requirements will result in employee's medical mandate exclusion  
| from overseas travel.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

#### **| 24-3.5 Authority for Examinations and Related Follow-up Actions (Formerly MAOP, Part 1, 20-5.1 and 20-5.1.5)**

|           No FFD physical examination is to be arranged for any  
| individual without prior authority of FBIHQ. The exceptions are  
| the required physicals and audiometry examinations afforded at  
| designated medical facilities that are assigned by the HCPU.  
| Physicals arranged by employee with their private physicians will  
| not serve as a substitute for the Bureau-required FFD physical.  
| The FBI will not pay for any physicals that have not been  
| properly authorized.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

#### **| 24-3.6 Employee Responsibility to Provide Information**

|           (Formerly MAOP, Part 1, 20-5.1.2)

|           Employees undergoing such examinations must, when  
| interviewed by the medical examiner, advise examiner of pertinent  
| physical symptoms, medical history, including any defects or  
| injuries for which such employee may be receiving pensions or  
| compensation awards from the Office of Workers' Compensation

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Programs, Department of Veterans Affairs, and the like, in order  
| that the medical examiner may adequately consider this  
| information as relating to the scope of the examination. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 24-3.7    Provision of Information to Medical Examiner (Formerly MAOP, Part 1, 20-5.1.4)**

|                      The medical examiner must be furnished with a copy of  
| the previous report of medical examination (SF-88), its  
| attachment (FD-300), and SF-93, a report of medical history. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 24-3.8    Employee Responsibility to Report Treatment (Formerly MAOP, Part 1, 20-5.1.3)**

|                      (1) All investigative personnel, electronics technicians  
| and language specialists must promptly notify their SAC or  
| division head when they receive treatment, care or attention from  
| a private physician for a condition which might impair an  
| employee's fitness for duty. These employees must also notify  
| division head or SAC of any condition manifesting itself to the  
| extent of impairment of fitness for full duty, even though such  
| condition is not being treated by a physician. FBIHQ should be  
| promptly advised of treatment for any serious condition. Colds  
| and other minor illnesses need not be made a matter of record. |

|                      (2) A commercial driver must immediately notify his/her  
| management official when taking a medication that could manifest  
| itself to the extent of impairment of fitness for full duty. This  
| includes the use of both controlled substances and over-the-counter  
| medications. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 24.4      MEDICAL PROFILE SYSTEM (Formerly MAOP, Part 1, 20-5.2)**

|                      (1) This system outlines the medical, physical, and  
| job-related environmental parameters determined necessary to  
| accommodate the employee's physical or mental capabilities or  
| restrictions. Medical Profile is a system in which an employee  
| is identified in a particular category relative to his or her

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| current individual medical status or condition. Each profile  
| states whether or not the employee is medically qualified to  
| perform the full duties of his or her job description.

| (2) The Medical Profile System also includes medical  
| mandates that outline the medical, physical, and job-related  
| environmental parameters needed to accommodate the employee's  
| medical condition or disability.

| (3) A physician's medical diagnosis, laboratory and  
| examination results will be kept in a separate, strictly  
| confidential record system. The diagnostic information will be  
| revealed only in accordance with the standards of practice and  
| medical confidentiality, i.e., with permission of the employee. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

#### **| 24-4.1 Special Agents (Formerly MAOP, Part 1, 20-5.2.1)**

| (1) Medical mandates (restrictions) are assigned by the  
| Bureau's Medical Officer (MO), a Bureau physician, or a private  
| physician utilized by the employee when he/she has an illness,  
| injury, physical/mental condition that precludes or limits their  
| ability to perform the expected duties of their position.

| (a) Condition will be followed closely by the  
| Fitness-For-Duty Subunit, Health Care Programs Unit to effect the  
| proper assignments of medical mandates (restrictions) as well as  
| the removal of medical mandates.

| (b) Nonarduous duties will be designated based on  
| the medical mandates that are assigned to the employee, taking  
| into consideration his/her physical and/or medical capabilities.

| (c) It will be determined by the physician if an  
| employee is medically capable of assignments involving raids,  
| arrests, and use of firearms.

| (2) Agents on Medical Profile System with assigned  
| medical mandates (restrictions) are to be permitted to  
| participate in firearms training, provided the Agent's evaluating  
| physician is fully familiar with the Agent's condition, and is  
| aware of the nature of firearms training, and furnishes a written  
| statement that, in the physician's opinion, such participation  
| would not be injurious to the Agent's health or dangerous to  
| others. (See MIOG, Part 2, 12-16 (1).)

| (3) In instances where the evaluating physician does  
| not certify the Agent to attend training and the prospects for  
| future participation are remote due to the Agent's condition,  
| authority to carry a firearm will be rescinded and any  
| Bureau-issued weapon turned in. (See MIOG, Part 2, 12-16 (2).)

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|           (4) When a doctor recommends removal of medical  
| mandates (restrictions), a medical statement from the physician  
| must be submitted to Fitness-for-Duty Subunit, Health Care  
| Programs Unit (HCPU), FBIHQ to support the employee's removal  
| from medical mandates subject to approval by the FBI's MO.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

**| 24.4.2   Resident Agents (Formerly MAOP, Part 1, 20-5.2.2)**

|           (1) No Agent with assigned medical mandates  
| (restrictions) will be designated or continued as a Senior  
| Resident Agent, Alternate Senior Resident Agent, or Resident  
| Agent. This applies also to any Agent who has any physical  
| disability of any kind or who is being treated for any  
| disability. In considering a recommendation for designation of  
| resident agency personnel, carefully evaluate physical  
| qualifications and include a statement with your recommendation  
| that there are no physical disabilities or there is no ongoing  
| treatment for any disability. In each case you should receive  
| assurance from the Agent involved that he/she has no physical  
| disability of any kind and is not being treated for any physical  
| disability nor has there been any manifestation of a disability.  
| Ensure that FBIHQ is advised in each instance in which a Resident  
| Agent becomes disabled, is being treated for a disability, or in  
| which there is any question concerning this. When recommending  
| retention, complete justification must be furnished, together  
| with comments whether sufficient amount of nonarduous work exists  
| to keep such Agent fully occupied and that sufficient Agents are  
| available to handle emergency assignments.

|           (2) FBIHQ should be advised at least once every 60  
| days of employee's condition unless the condition is such that  
| more frequent correspondence is necessary.

|           (3) In forwarding any communication to FBIHQ  
| pertaining to Resident Agents, caption should include appropriate  
| designation. If the Agent has a disability or is under treatment,  
| include complete information regarding prognosis, as well as  
| specific date Agent will be restored to full-duty status. Such  
| data must be substantiated by statements from a qualified  
| medical examiner.

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

**| 24-5   MEDICAL MANDATES PROGRAM**

|           (1) Medical conditions which render an incumbent

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Bureau employee unable to perform essential functions of the  
| position held may be short or long term in nature. Similarly,  
| a serious medical diagnosis or physical limitation may require  
| recurrent screening for potential problems of assignment. The  
| following system categorizes restrictions into levels of  
| immediacy and follow-up, called Medical Mandates. There are four  
| levels:

|                   (a) Medical Mandate I - No specific restrictions  
| are present but a serious diagnosis requires additional scrutiny  
| before assignment to locations with austere conditions and/or  
| medical support availability. An example would include an  
| employee with a well-controlled seizure disorder or adult onset  
| diabetes mellitus, or presence of previously treated and stable  
| coronary artery disease.

|                   (b) Medical Mandate II - A medical condition has  
| been identified which restricts essential job functions for more  
| than 30 days but is expected to resolve within a reasonable  
| period of time with no permanent limitations of those functions.  
| Examples include required surgical procedure or recovery from a  
| serious injury such as a broken leg or hip.

|                   (c) Medical Mandate III - A prolonged serious  
| medical condition or physical limitation with prolonged and  
| uncertain duration, that is, has not reached maximum medical  
| improvement. Examples include cancer diagnoses requiring  
| continuing therapy to reach hopeful stabilization or improvement,  
| or physical injuries which require rehabilitation. Six months to  
| a year is normally expected to be the maximum observation period  
| before definitive resolution unless extenuating circumstances  
| dictate a longer observation period.

|                   (d) Medical Mandate IV - A medical condition or  
| physical limitation which is considered to be permanent which has  
| reached maximum medical improvement, and which prevents the  
| employee from fulfilling an essential function of the job, with  
| or without reasonable accommodation. Examples include paralysis  
| or nonrecoverable loss of major organ function such as heart,  
| kidney, or liver.

|                   (2) Medical Mandates Program Entry - Inquiries and/or  
| examinations may not exceed the scope of a medical condition's  
| effect on the employee's ability, with or without reasonable  
| accommodation, to perform the essential functions of the job  
| without posing a direct threat. Employees may become subject to  
| the Medical Mandates Program by:

|                   (a) Self-identification, voluntarily supplying  
| information from their personal physician;

|                   (b) Supervisory request based upon observed limitations  
| which are affecting the employee's ability to perform the essential  
| functions of his or her job, or based upon objective concerns  
| that the employee may be a direct threat to self or others; or

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| (c) Following identification in conjunction with  
| a regularly scheduled FFD examination.

| (3) Medical Mandates Process - Once an FFD question is  
| raised, medical information is forwarded to HCPU for Medical  
| Officer review and recommendation regarding entry into the  
| Medical Mandates Program. If the information submitted is  
| insufficient for the required review to be completed, the Medical  
| Officer will so state with a letter directing attention to  
| specific questions remaining in the case. At entry into the  
| program, specific recommendation is made regarding placement of  
| the employee in Medical Mandate I, II, III, or IV, and any  
| required schedule for follow-up medical information. In  
| addition, the employee is flagged in the Critical Case Tracking  
| portion of the Bureau Personnel Management System (BPMS) to  
| assure proper interaction between HCPU evaluations and  
| supervisors and managers when employees in the Medical Mandates  
| Program are identified for assignments such as deployments,  
| transfer, and other special duties.

| (4) Maximum Medical Improvement Procedures - Maximum  
| medical improvement is a prognostic statement explaining that  
| medical treatment has fulfilled its likely benefit to an  
| individual, such that remaining limitations are considered  
| permanent. Determination of maximum medical improvement may be  
| made by the employee's personal physician, by specialty  
| consultation related to an FFD examination, or by lack of  
| progress in treatment for a prolonged period as determined by  
| the FBIHQ Medical Officer reviewer and by the Medical Mandates  
| Evaluation Board (MMEB).

| (5) Referral to the Disabilities Program Manager -  
| When maximum medical improvement is reached, an employee will be  
| notified in writing by HCPU that referral has been made to the  
| Disabilities Program Manager, OEEOA. Notification will include  
| an explanation of the MMEB procedures and the employee's rights.  
| Such notification will allow 45 days for an employee to consult  
| his or her physicians and attorneys of choice at the employee's  
| own expense, and provide him or her an opportunity to present  
| written comments and materials, including medical information and  
| legal briefs to the Disabilities Program Manager. Upon the  
| employee's request, the FBI will furnish him or her an  
| opportunity to review the materials upon which the FBI has relied  
| in placing the employee in Medical Mandate IV.

| (6) Bureau-requested FFD - To clarify medical factors  
| in the case, at the Bureau's discretion the employee may be  
| ordered, pursuant to Title 5, CFR, Section 339.301, to undergo a  
| FFD examination at Bureau expense. The examination will focus on  
| questions raised by the medical officer, but generally will  
| include current diagnosis, prognosis for recovery, continuing  
| treatment, and whether or not the employee has reached maximum  
| medical improvement. Examinations will not exceed the scope of a  
| medical condition's effect on the employee's ability, with or  
| without reasonable accommodation, to perform the essential  
| functions of the job without posing a direct threat. Failure

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| of the employee to comply with the FFD examination and/or to  
| provide requested medical information may be considered  
| insubordination for appropriate administrative action.

|           (7) Reasonable Accommodation - The Disabilities  
| Program Manager will forward the information to HCPU for  
| additional medical review and to the Administrative Law Unit  
| (ALU), Office of the General Counsel (OGC). Once the medical and  
| legal consultations are complete, the case will be scheduled for  
| review by the MMEB.

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

## **| 24-6 MEDICAL MANDATES EVALUATION BOARD (MMEB)**

|           (1) Appointment of Voting Members - The MMEB will  
| consist of FBIHQ supervisors/managers, and field office  
| supervisory personnel familiar with the essential functions of  
| the position held by the employee being reviewed. Voting members  
| will be appointed by the Assistant Director, ASD.

|           (2) Term of Appointment - Members serve for a period  
| of one year and may be reappointed for additional one year terms  
| until unavailable to serve.

|           (3) Composition

|           (a) The Chairperson of the MMEB will be the  
| Section Chief with management responsibility for the HCPU.

|           (b) Voting members will be the Chairperson and  
| other appointed management personnel from FBIHQ and field  
| offices, including support personnel managers and Supervisory  
| Special Agents as required. FBIHQ representative will be drawn  
| from Section Chief positions of the various divisions. Field  
| representative will include an Assistant Special Agent in Charge  
| from nearby field offices and/or designated field supervisor(s).

|           (c) Disabilities Program Manager, OEEOA, serves  
| as administrative deputy to the Chairperson, to include the actions  
| as described below.

|           (d) Permanent advisors to the MMEB will be the  
| Disabilities Program Manager (OEEOA), FBIHQ Medical Officer(s), a  
| Fitness-for-Duty nurse, a representative of OGC, and a  
| representative from the unit within the ASD which oversees  
| staffing issues.

|           (4) MMEB Timing and Quorum - Meetings will generally be  
| held on the first Thursday of each month or at the call of the  
| Chairperson. A quorum will consist of three voting members and  
| the Chairperson and permanent advisors or their designees. If

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| the employee is an SA, at least one voting member will be an SA.  
| If the employee is a support employee, at least one voting member  
| will be drawn from the same job family as the employee, preferably  
| the Program Manager. Decisions are reached by majority vote.

| (5) Report of MMEB Findings - After making the  
| determination of whether or not an employee is capable of  
| performing the essential functions of his or her position with or  
| without reasonable accommodation, the MMEB shall set out its  
| findings and make recommendations as to the appropriate  
| disposition of the case in writing, enumerating its reasons to  
| the ASD Personnel Officer. Voting members and advisors may  
| submit in writing dissenting views if desired. The employee will  
| be provided a copy of the MMEB's findings and recommendations.

| (6) Personnel Officer Review and Disposition - The  
| Personnel Officer will review the Board's findings,  
| recommendations and dissenting views, if any, and make the final  
| determination as to what action shall be taken. The possible  
| actions include:

| (a) Approving the findings and recommendations in  
| whole or in part;

| (b) Disapproving the findings and recommendations  
| in whole or in part;

| (c) Returning the case to the MMEB after an  
| additional specified period of observation for reconsideration.  
| ASD will supervise all required follow-up action.

| (7) Notification - MMEB notification of affected  
| employees will be by mail, signed by the Personnel Officer, and  
| go through the appropriate division/office head.

| (8) Disabilities Program Manager Responsibilities -  
| Forwards case file information to ALU for review and provides  
| input to the MMEB during proceedings regarding disabilities  
| program management.

| (9) Health Care Programs Unit (HCPU) Responsibilities

| (a) The Medical Officer prepares a synopsis of the  
| essential medical details of the case for review by the MMEB,  
| including evidence regarding maximum medical improvement and  
| persistent medical imitations once all pertinent information is  
| obtained;

| (b) Copies and distributes case files to members  
| for review at least three duty days prior to each meeting;

| (c) Prepares and maintains official minutes of  
| proceedings of each meeting;

| (d) Prepares electronic communications (ECs)  
| and letters to employees regarding results of MMEB decisions,

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| and;

|                   (e) Tracks actions to completion.

|                   (10) Human Resources Representative Responsibilities -  
| Provides expert opinions as to appropriate and possible personnel  
| actions.

|                   (11) Legal Representative Responsibilities - Reviews  
| medical and personnel details of each case for meeting discussion  
| and provides written legal guidance related to determination of  
| disability and evaluation of reasonable accommodation decisions  
| of the MMEB.

|                   (12) Division/Office Head Responsibilities - Every  
| effort shall be made by division/office heads to assist employees  
| who accept a reasonable accommodation to a new Bureau position,  
| as well as assisting those who are removed from the rolls of the  
| FBI. Efforts shall include offer of services of the FBI's  
| Employee Assistance Program and assistance in applying for  
| disability retirement and/or workers compensation if the case is  
| job related.

|                   (a) Position Search - The MMEB may request the  
| division/office head to identify a vacant position for which the  
| employee is otherwise qualified, which meets the reasonable  
| accommodation requirements of the employee or which does not have  
| any specific medical/physical requirements. If no appropriate  
| vacant position can be identified within the employee's  
| division/office, the search will be referred to the appropriate  
| FBIHQ staffing office for additional guidance.

|                   (b) Position Offer - If an appropriate vacant  
| position is identified, it will be offered to the employee  
| requiring the accommodation by the division/office head. If the  
| position is outside the employee's previous commuting area, the  
| reassignment will be offered to the employee as a cost transfer  
| (i.e., at the FBI's expense, according to policy decision by ASD  
| on January 6, 2000).

|                   (c) Position Acceptance/Denial - Documentation as  
| to the availability or nonavailability of a position and the  
| employee's acceptance or refusal of the position will be  
| communicated by EC back to the appropriate unit within ASD  
| dealing with position management.

|                   (d) Position Unavailable - If an appropriate  
| vacant position is not available, or if the employee refuses to  
| accept a vacant position being offered, the following action will  
| be initiated:

|                   1. A proposal will be made to terminate the  
| employee from the rolls of the FBI for nondisciplinary reasons  
| due to inability to perform the essential duties and  
| responsibilities of the position, with or without accommodation.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|                   2. The employee will be urged to file for  
| disability retirement and will be provided assistance to do so  
| by a retirement counselor assigned to the Personnel Assistance  
| Section.

|                   3. If the employee believes the condition  
| was precipitated by or is in any manner work related, application  
| may be made for reimbursement from the Office of Workers'  
| Compensation, U.S. Department of Labor.

|                   (13) Appeal Procedure/Reinstatement

|                   (a) The employee may appeal the final  
| determination of the Personnel Officer to the Assistance Director  
| (AD), Administrative Services Division (ASD). Any appeal must be  
| within 30 days after the employee is notified of the final  
| determination. Upon the employee's request, documents used by  
| the MMEB in its deliberation will be provided to the employee.  
| The employee may include with the appeal additional written  
| submissions relevant to the appeal which the employee desires  
| the AD, ASD to consider in deciding the appeal.

|                   (b) If within one year of release an employee's  
| medical condition has improved to the point that he/she is  
| capable of performing the essential functions of the position  
| previously held, he/she can request a reevaluation. If  
| improvement is validated, application may be made for  
| reinstatement to the employee's former position. The employee  
| remains subject to other standard reinstatement requirements  
| (e.g., updated background investigation).

|                   (c) If the employee has fully recovered from a  
| COMPENSABLE injury WITHIN ONE YEAR from the date of eligibility  
| for compensation, the employee shall be restored immediately and  
| unconditionally to his or her former position or an equivalent  
| one, pursuant to the requirements of Title 5, CFR,  
| Part 353.301 (a).

|                   (d) If an employee is fully recovered from a  
| COMPENSABLE injury AFTER ONE YEAR from the date of eligibility  
| for compensation, the employee shall receive priority  
| consideration, agency wide, for restoration to the position that  
| he/she vacated, or any equivalent one, pursuant to the  
| requirements of Title 5, CFR, Part 353.301(b).|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

**| 24-7   PHYSICAL FITNESS PROGRAM (See MAOP, Part 1, 15-1.1.1(3).) (Formerly  
MAOP, Part 1, 20-5.4)**

|                   Special Agents are encouraged to establish and sustain  
| a high level of physical fitness. Physical fitness enables

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| Agents to cope more readily with the stresses of a law  
| enforcement career and handle critical contingencies readily and  
| confidently. The success of the program, in terms of benefits to  
| the individual and the Bureau, depends on the professionalism of  
| each Agent participant and on the management of the program by  
| our SACs, ASACs, Field Supervisors and Field Fitness Advisors.  
| Accordingly, the following guidelines have been established for  
| the maintenance of the FBI Focus on Fitness Program:

|         (1) Each Special Agent is responsible for his or her  
| availability while participating in the program. Rapid response  
| should be of paramount concern to each Agent. As such, it is  
| incumbent upon each individual participating in the program to  
| establish a recall procedure in the event of immediate need.

|         (2) Three one-hour exercise periods per week have been  
| authorized for Physical Fitness Program participants. Workouts  
| may be coupled with lunch periods. All exercise periods must  
| occur during the participant's regularly scheduled work shift,  
| including one hour immediately before, and one hour immediately  
| after the scheduled work shift. Workouts are not to be conducted  
| at home. AVP guidelines prohibit exercise periods as overtime.  
| Note: The requirement that exercise periods must occur during  
| the participant's regularly scheduled work shift does not apply  
| to those individuals attending New Agents classes. Specific  
| exceptions to the requirement may be granted to those individuals  
| assigned to undercover operations or to those working permanent  
| shift work with the prior written approval of the SAC.

|         (3) Field Fitness Advisors are directed to publicize  
| benefits of participation in the program to encourage maximum  
| participation. These benefits include, but are not limited to,  
| such areas as the following: decreasing the risk of coronary  
| heart disease through the lowering of blood pressure, decreasing  
| pulse rate and cholesterol levels, improving diet and weight  
| control, reducing stress and tension, improving emotional and  
| physical well being, and increasing energy, alertness, and  
| productivity. Suggestions, recommendations, or requests of a  
| specific nature should be directed to the Training Division,  
| Attention: Physical Training Unit.

|         (4) All Special Agent personnel whose most current  
| annual physical examination certified them "fit for duty" may  
| voluntarily participate in the semiannual FIT tests scheduled by  
| their respective field divisions or Headquarters divisions.  
| This FIT test is to be administered by a Certified Special Agent  
| Fitness Instructor. "Certified" means that this Agent, acting in  
| the capacity of a Fitness Instructor, has attended and  
| successfully completed the one-week Basic Law Enforcement Fitness  
| Instructor Certification Course in-service taught by the Training  
| Division at the FBI Academy or at a field school taught by members  
| of the Physical Training Unit of the FBI Academy.

|         (a) Each Agent's results are to be entered in the  
| Fitness Information Terminal System (FITS) and he/she is to be  
| furnished a personalized, confidential fitness history form

**SENSITIVE**

| showing past performance and current performance compared to  
| existing Bureauwide performance norms by sex, age and event.

|           (5) Injuries and occupational diseases arising from  
| participation in previously approved Physical Fitness Program  
| activities are compensable under the Federal Employees'  
| Compensation Act. Workers' compensation benefits may be paid for  
| injuries or occupational diseases only if the employee was  
| authorized to participate in the Physical Fitness Program, the  
| nature of the exercise causing such activity was on the approved  
| Physical Activity Classification List, and the injury occurred  
| during an authorized time frame. (See MAOP, Part 1, 15-1.1.1,  
| for instructions on submitting worker's compensation claims.)

|           (6) Participation is also encouraged for field  
| Electronic Technicians (ETs), inclusive of supervisory ETs and  
| Telecommunications Managers, following guidelines and policies  
| set forth above. Participation of ETs assigned to FBIHQ is  
| encouraged but is with the consent of their Assistant Director. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

## **| 24-8   PSYCHOLOGICAL FITNESS FOR DUTY (FFD) PROCESS (Formerly MAOP, Part 1, 20-5.5)**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

### **| 24-8.1   Psychological FFD Evaluations (Formerly MAOP, Part 1, 20-5.5.1)**

|           Set forth for the purpose of clarification are the  
| responsibilities of the Health Care Programs Unit (HCPU),  
| Employee Assistance Unit (EAU), Administrative Services Division  
| (ASD), and the Security Programs Manager, Security Division, with  
| regard to FFD, but more particularly as it related to the roles  
| of the respective staffs of each program in dealing with  
| psychological problems affecting FBI employees. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

### **| 24-8.2   Background (Formerly MAOP, Part 1, 20-5.5.2)**

|           (1) The FFD Program is managed by the HCPU, Personnel  
| Assistance Section (PAS), ASD. The FFD Program assesses an  
| employee's physical and psychological fitness to safely perform  
| the essential functions of his/her position, and to assist the  
| Security Program Manager in making determinations as to the

| employee's ability to hold a security clearance, which is a  
| condition of employment.

|           (2) Pursuant to Title 5, Code of Federal Regulations  
| (CFR), Part 339.301, the FBI may order psychological FFD  
| evaluations for all employees who are subject to medical  
| requirements, i.e., Special Agents (SA), police officers,  
| investigative specialists, electronic technicians, and auto  
| mechanics. Psychological FFD evaluations are authorized when  
| employees exhibit otherwise unexplained irrational, bizarre, or  
| aberrant behavior/conduct which prevents them from suitable  
| performing the essential functions of their positions and/or  
| calls into question their trustworthiness to maintain their  
| security clearances.

|           (3) The authority of Bureau-mandated FFD evaluations  
| is covered in:

|           Title 5, CFR, Part 339.301  
|           MAOP, Part 1, Section 1-25, Drug Deterrence Matters  
|           Executive Orders 12968, 10450  
|           Public Law 100-71, Section 503|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3           Cav:           SecCls:

### **| 24-8.3   Psychiatric Evaluation Process (Formerly MAOP, Part 1, 20-5.5.3)**

|           (1)   INFORMATION AND DETERMINATION PHASE

|                   (a) A Special Agent in Charge (SAC) or division  
| head may request a psychological FFD evaluation of an employee,  
| subject to Title 5, CFR, Part 339.301, whose conduct or behavior  
| adversely impacts his/her ability to suitable perform the  
| essential functions of the job; or whose trustworthiness is  
| questioned, and therefore, whose security clearance could be  
| withdrawn. Documentation regarding the individual's alleged  
| aberrant behavior; past and current medical information; past and  
| current performance documentation; and documentation leading up  
| to and including specific details causing the request for a  
| psychological FFD evaluation should be submitted to HCPU, PAS,  
| ASD. Upon receipt of the information HCPU will review the  
| medical file, clinical records, private physician and/or  
| therapist and hospital records. HCPU will also review the most  
| current physical examination results. The review of this  
| material is to determine whether there is a physical explanation  
| for the behavior/conduct at issue.

|                   (b) A psychological FFD evaluation may be  
| requested in the case of employees not covered by Title 5, CFR,  
| Part 339.301, whose trustworthiness is questioned, and,  
| therefore, whose security clearance could be withdrawn. Is such  
| cases HCPU will review submitted documentation regarding

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| conduct/behavior and current medical records and refer the issue  
| to the Reinvestigation Unit, Security Division. The  
| Reinvestigation Unit will evaluate whether or not a  
| trustworthiness issue exists and, if so, request HCPU to conduct  
| a psychological FFD evaluation.

| (c) The criteria for determining the need for a  
| psychological FFD evaluation are that the identified behavior/  
| conduct is not physically explained and indicates a significant  
| defect in the ability of the employee to perform the essential  
| functions of his/her position particularly when:

| 1. the employee poses a threat to the  
| health, safety or physical well-being of themselves or others; or

| 2. the employee poses a threat to national  
| security.

| (d) Behavior that negatively affects the  
| employee's performance or is disruptive to the workplace should  
| first be addressed by the supervisor, administratively, through  
| the Performance Appraisal System, the Office of Professional  
| Responsibility or any other appropriate action available to  
| management. This should include referral to Employee Assistance  
| Program (EAP), if appropriate. In addition, if the employee's  
| behavior is not consistent with the interests of national  
| security, documentation must be submitted to the Reinvestigation  
| Unit. Such behavior would include:

| 1. suicidal or homicidal behavior;

| 2. any behavior which shows that the  
| individual may not be reliable or trustworthy; or

| 3. any illnesses, including any mental  
| condition, of a nature which in the opinion of competent medical  
| authority may cause a significant defect in judgment or  
| reliability, with due regard to the transient or continuing  
| effect of the illness, and the medical findings of such case.

| (e) When an employee has been recommended for a  
| psychological FFD evaluation, management should evaluate the  
| safety and disruptiveness of the behavior in the workplace, and  
| the employee's ability to fulfill the duties and responsibilities  
| of the position. If the behavior is unduly disruptive or is a  
| threat to the health, safety or physical well-being of others,  
| then consideration should be given to removing the employee from  
| the workplace. Management should immediately contact the Section  
| Chief, PAS, ASD, and the Security Programs Manager, Security  
| Division, and request approval to place the employee on  
| administrative leave, if such a decision is warranted.

| (f) In either case the employee should be kept on  
| administrative leave until a medical or psychological professional  
| has conducted an examination and given a diagnosis and prognosis  
| of the employee's condition in a written report to HCPU. When an

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPPI MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| employee has been notified that he/she has been found unfit to  
| return to duty, the employee must then utilize accrued sick leave,  
| annual leave, or leave without pay while receiving treatment.  
| The Voluntary Leave Transfer Program is also an option.

| (2) NOTIFICATION PHASE

| Once sufficient documentation has been obtained and  
| reviewed by the aforementioned managers and mental health  
| professionals, a letter will be sent to the employee advising  
| him/her of the authority that the FBI has to order a psychological  
| FFD evaluation. The letter will specifically address the date and  
| location of where the evaluation is to occur. Failure of an  
| employee to report for an authorized psychological FFD  
| evaluation can and will be considered insubordination and can  
| result in administrative action being taken, up to and including  
| dismissal from the FBI. The letter is sent via overnight delivery  
| to the SAC with instructions for presenting the letter to the  
| employee.

| (3) EVALUATION PHASE

| (a) The psychological FFD evaluation is conducted  
| by a licensed mental health provider on contract to the FBI.  
| Presently, approved contractors are located in Chicago, Illinois;  
| Chapel Hill, North Carolina; Los Angeles, California, and  
| Washington, D.C. Where possible, arrangements are made through  
| the EAP Coordinator in the designated city to facilitate and  
| assist the employee through this process.

| (b) During the examination, the evaluator is  
| authorized to conduct any physical, psychological, or psychiatric  
| tests deemed necessary and appropriate to fully evaluate the  
| employee's FFD status. The evaluator is required to furnish HCPU  
| with appropriate documentation setting forth the results of the  
| examination. The report must address the following areas which  
| correspond to Title 5, CFR, Part 339.104:

| 1. the history of the condition, including  
| references to findings from previous examinations, treatments,  
| and responses to treatment, if appropriate;

| 2. clinical findings of the mental health  
| status examination and the results of psychological tests;

| 3. diagnosis, including current clinical  
| status;

| 4. prognosis, including plans for future  
| treatment and an estimate of the expected time frame for  
| recovery;

| 5. an explanation of the impact of the  
| medical or psychological condition on overall health and  
| activities, including the basis for any conclusion that  
| restrictions or accommodations are or are not warranted, and

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| where they are warranted, an explanation of their therapeutic  
| or risk-avoiding value;

|                   6. an explanation of the medical/  
| psychological basis for any conclusion which indicates the  
| likelihood that the individual is or is not expected to suffer  
| sudden or subtle incapacitation by carrying out, with or without  
| accommodation, the tasks or duties of a specific position;

|                   7. narrative explanation of the medical  
| basis for any conclusion that the medical/psychological  
| condition has or has not become static or well-stabilize  
| (a condition which is not likely to change as a consequence of  
| the natural progression of the condition, specifically as a  
| result of the normal aging process, or in response to the work  
| environment or the work itself) and the likelihood that the  
| individual may experience sudden incapacitation (an abrupt onset  
| of loss of control of physical or mental function) or subtle  
| incapacitation (gradual, initially imperceptible impairment of  
| physical or mental function whether reversible or not) which is  
| likely to result in performance of conduct deficiencies as a  
| result of the medical/psychological condition; and

|                   8. the evaluation should specifically  
| address any medical or psychological condition of a nature which  
| may cause a significant defect in the judgment and reliability of  
| the individual who is entrusted with the protection of national  
| security information.

|                   (c) HCPU received the initial verbal report of  
| the findings of the evaluation within 48 hours. A full written  
| report of the findings follows within two to three weeks.

|                   (4) OUTCOME PHASE

|                   (a) The psychological FFD evaluation report is  
| sent to the HCPU for initial review and recommendation as to the  
| fitness of the employee. It is then forwarded to Section Chief,  
| PAS, who will determine if the employee can perform all essential  
| functions of the position, based upon the recommendations  
| contained in the evaluation; or to the Security Programs Manager  
| who will determine whether the employee's retention of a security  
| clearance is consistent with national security. After reviewing  
| the findings, appropriate health and administrative measures are  
| instituted as follows:

|                   1. the employee is found fit to return to  
| work without limitations or requirements;

|                   2. if the employee is found fit to return to  
| duty, but with a diagnosis requiring treatment, limitations are  
| directed and monitoring mechanisms are required. These include,  
| but are not limited to, private doctor/therapist reports  
| regarding the progress of treatment and prognosis of the  
| condition; HCPU oversight and consultations; and proof of  
| attendance at support meetings, if applicable;

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|                   3. if the employee is found not FFD,  
| specific requirements are set out in the notification letter  
| which must be fulfilled prior to the employee returning to full  
| or limited duty status; a reevaluation may be conducted at a time  
| when private doctor/mental health professional and HCPU validate  
| that the employee is ready to return to work. This will  
| generally occur within three to six months of the initial  
| evaluation examination.

|                   (b) Once the outcome of the evaluation is  
| determined, a letter is prepared and sent to the employee.  
| Included in the letter are the specific findings of the  
| examination and a determination of duty status. If limitations  
| are imposed, the employee is advised that these limitations must  
| be followed in order to continue employment with the FBI. This  
| is known as the "Return to Work Agreement." The employee's  
| signature on the "Return to Work Agreement" constitutes an  
| agreement with the FBI that the employee is willing to follow  
| the limitations set forth in the letter in order to return to  
| work. Failure to abide by the limitation will be considered  
| insubordination, which is subject to administrative action, up to  
| and including dismissal. The Assistant Director (AD)/Assistant  
| Director in Charge (ADIC)/SAC, as appropriate, will be sent the  
| original letter in a sealed envelope addressed to the employee,  
| along with a separate communication setting forth the outcome and  
| the limitations the employee must abide by when returning to work  
| and other necessary information. The AD/ADIC/SAC will be  
| instructed to hand-deliver the original letter to the employee and  
| ensure that the employee fully understands the directives contained  
| within and the ramifications of the letter. The employee is  
| notified within the letter that a copy of the evaluation report  
| will be furnished to his/her private physician/therapist upon  
| completion and return of an "Authorization for Disclosure of  
| Medical Information" form.

|                   (c) If the employee feels that he/she has a  
| disability for which he/she wishes to seek accommodation, then  
| the employee should be referred to the FBI Disability Program  
| Manager in the Office of Equal Employment Opportunity Affairs  
| for further information and guidance.

|                   (5) REEVALUATION PHASE

|                   If required, a reevaluation is conducted within three  
| to six months after the initial examination. After one year in  
| an unfit status, the HCPU can propose to the FBI's Personnel  
| Officer that, based upon the employee's inability to perform the  
| essential functions of the job, a letter of dismissal for medical  
| reasons be sent. The letter would also advise the employee of  
| his/her right to file for a medical disability or workers'  
| compensation as appropriate. A dismissal letter may be  
| originated by the Reinvestigation Unit if the employee's  
| trustworthiness to hold a "Top Secret" security clearance is  
| revoked as a result of the FFD examination.

**SENSITIVE**

(6) HCPU INTERACTION WITH EAP

(a) The EAP will provide information to the HCPU, regarding the employee, when the employee's behavior/conduct crosses the boundary of what EAP can maintain within its realm of confidentiality. Information requiring disclosure includes behavior/conduct that indicates the employee has a significant defect in judgment or trustworthiness such as:

1. conduct that poses a threat to the health, safety, or physical well-being of the employee or others;
2. conduct that poses a threat to national security;
3. allegations of criminal activity; or
4. allegations of child abuse.

(b) For SAs and other employees with medical mandates, the Section Chief, PAS, is authorized to order an FFD evaluation. For employees who do not have medical mandates, the Reinvestigation Unit should be notified and they will determine if an FFD is justified.

(c) When EAP clients fall into any of the above categories, EAP Coordinators/Counselors must advise the Employee Assistance Administrator/Unit Chief of the EAU. The EAU will refer the relevant information involving the specific incident to HCPU and/or Reinvestigation Unit as appropriate. EAP will be kept apprised of the course of the case.

(7) EMPLOYEE RESPONSIBILITIES WITH REGARD TO  
PSYCHOLOGICAL TREATMENT AND USE OF PRESCRIBED PSYCHOTROPIC DRUGS  
OUTSIDE OF EAP

(a) Employees who are required to complete the SF-93, "Medical History," at the time of an official physical examination must do so truthfully, completely, and accurately. Information relating to treatment of such employees for a psychiatric/psychological condition, which may adversely impact an employee's judgment or reliability, must be reported on the SF-93 and will be reviewed by HCPU. HCPU will initially determine if the employee's condition is being monitored by EAP. If the employee is participating in EAP, further inquiry may not be necessary. However, information regarding the employee's treatment must be provided to HCPU if the employee is not being monitored by the EAP. In such cases the employee will receive a letter from HCPU requesting documentation from the employee's treatment provider regarding his/her diagnosis, treatment and prognosis. All information will be handled, as with all medical information, in a highly confidential manner by HCPU.

(b) Further, the FBI may, pursuant to Title 5, CFR, Part 339.301, require Agents and other employees specified

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| above to disclose their use of prescribed psychotropic  
| medications that significantly affect their cognitive and motor  
| skills. Further, the FBI may consider that information in  
| determining whether an adjustment to an employee's duties is  
| required. Such decisions must be based on adequate medical  
| documentation and take into account both the short-and long-term  
| interests of the FBI, and the public which it safeguards. It is  
| not the FBI's intent to adversely affect or restrict its employees  
| from seeking professional assistance and medication when required.  
| That situation would neither serve the FBI, its employees, nor the  
| public. Therefore, each incident will be reviewed on a  
| case-by-case basis. Further, restricted duty will not adversely  
| affect an employee and will only be continued for as long as such  
| duty restrictions are required.

| (c) Additional information regarding psychological  
| FFD evaluations and use of prescribed psychotropic drugs can be  
| addressed to FBIHQ, HCPU, ASD, extension 4976, Room 6344.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

**| 24-9 IMMUNIZATION POLICY (See MIOG, Part 1, 67-8.5.2(2) and 67-8.6.2(2).)**  
**(Formerly MAOP, Part 1, 20-5.1.7 and 20-5.6)**

| (1) PURPOSE: The purpose of this section is to  
| establish an FBI Immunization Policy to address the provision of  
| a safe and healthful work environment and the protection of  
| employees from vaccine-preventable diseases as set forth in the  
| below-listed statutes and orders. The Immunization Policy shall  
| assure disease prevention and management of communicable diseases  
| by providing the Centers for Disease Control (CDC) recommended  
| adult immunizations to specified employees. The policy set forth  
| in this section defines the roles and responsibilities of the  
| Administrative Services Division (ASD), division/office heads,  
| Special Agents (SAs), and Special Support Employees (SSEs). The  
| Health Care Programs Unit (HCPU), ASD, will implement the  
| Immunization Policy and manage the Immunization Program.

| (2) SCOPE: The Immunization Policy applies to all SAs,  
| SSEs, and others identified by the division/office heads to be in  
| need of immunizations based on the employee's assigned duties  
| and/or international travel. SSEs include: electronics  
| technicians, Evidence Response Teams, evidence control  
| technicians, Disaster Squad, Special Surveillance Group members,  
| police officers, emergency technicians, and health care workers.

| (3) OBJECTIVE: To promote a safe and health work  
| environment for employees through health education and the  
| administration and maintenance of adult immunizations.

| (4) RESPONSIBILITIES OF THE ASD

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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|                   The ASD will provide health, immunization, and  
| travel advice; conduct health surveillance; monitor  
| immunizations; review health histories; issue travel clearances;  
| and, provide fitness-for-duty physical examinations.

|                   (a) Initial immunizations offered to employees are  
| listed here: Hepatitis A, Hepatitis B, Tetanus and  
| Diphtheria (Td), Influenza, Measles, Mumps, Rubella, Polio, Oral  
| Typhoid, and Tuberculosis (TD) screening test. Provided for  
| travel by the Department of State, Public Health Department,  
| Department of Defense, or other FBI-authorized providers are  
| yellow fever, required once every 10 years, and other exotic  
| immunizations.

|                   (b) The ASD will provide FBI Occupational Health  
| Nurses (OHNs) with guidelines and physician's order for the  
| administration of immunizations and will annually review same.

|                   (c) The ASD will provide FBI OHNs training in the  
| administration and monitoring of immunizations.

|                   (d) The ASD will designate an OHN in the HCPU to  
| facilitate employee immunization needs.

|                   (e) The ASD will develop and maintain an  
| immunization data-tracking system and provide status reports  
| as required.

|                   (5) RESPONSIBILITIES OF THE DIVISIONS/OFFICE HEADS:

|                   (a) Each division/office head will be responsible  
| for implementing the Immunization Policy.

|                   (b) Each division/office head will be responsible  
| for submitting an immunization questionnaire (FD-864) for all SAs,  
| SSEs, and others identified to participate in duties which may  
| expose the employee to disease.

|                   (c) Each division/office head must report the  
| identity of employees assigned tasks with high risk for disease  
| exposure in order for HCPU to conduct an individualized  
| assessment and authorization for immunizations.

|                   (d) Each division/office head will ensure that  
| all applicants for the SA and designated SSE positions complete  
| the immunization questionnaire (FD-864) and provide evidence of  
| immunizations or immunity to the preemployment examining  
| physician for the following prior to entering on duty:

|                               1. Tetanus/Diphtheria within the last 10  
| years.

|                               2. MMR (Measles, Mumps, Rubella) for those  
| born after 1956.

|                               3. Polio.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

---

|           If applicant has a history of a prior positive  
| Tuberculosis test, it must be documented on the preemployment  
| physical. If there is no prior history of positive Tuberculosis  
| test results, applicants will be given a Mantoux PPD test as part  
| of the preemployment physical examination at FBI expense.

|           If an applicant is unable to submit proof of  
| immunization or demonstrate immunity to the preemployment  
| physician at the contract facility for the above-mentioned  
| diseases, he/she must be immunized, at his/her own expense, and  
| submit documented proof to the preemployment examining physician  
| that this has been done.

|           Compliance with the FBI's Immunization Policy is a  
| condition for hire, and applicant physical examinations submitted  
| without documented evidence of immunization status will not be  
| medically approved.

|           (e) Each division/office head will be responsible  
| for ensuring that all on-board SAs, SSEs and others identified  
| for travel or at high risk for disease-exposure assignments,  
| complete the immunization questionnaire (FD-864) and submit same  
| to the HCPU, ASD, for a health and immunization advisory.  
| Divisions/offices with assigned OHNs will submit this information  
| through the assigned nurse. The assigned OHN will provide health  
| education, travel advisory, immunizations or direct the employee  
| to an authorized provider, and will submit quarterly reports to  
| HCPU, ASD. The OHN will document the health education, travel  
| advice, and immunizations in the employee's health record and in  
| the employee's personal immunization record.

|           (f) Each division/office head will be responsible  
| for ensuring that all periodic reporting and recordkeeping  
| requirements are maintained and submitted as necessary or  
| required to HCPU.

|           (g) Each division/office head will ensure that  
| vaccines shipped to their offices are stored according to the  
| manufacturer's recommendations and are provided to health  
| services contractors or OHNs.

|           (h) Each division/office head will ensure that  
| emergency procedures are in place prior to the administration of  
| vaccines and that any adverse reactions to the vaccine are  
| reported to the HCPU, ASD, and to the Department of Health and  
| Human Services on the "Vaccine Adverse Event Reporting System  
| (VAERS)" form.

|           (6) RESPONSIBILITIES OF FBI EMPLOYEE:

|           (a) Each employee identified as at risk for  
| disease exposure will be offered immunizations and TB screening  
| skin tests. It is the employee's responsibility to complete  
| their immunization questionnaire, advise health care providers  
| of any allergies, and to maintain their International Certificate

**SENSITIVE**

| of Vaccination, PHS-731 record of immunizations. Immunizations  
| will be documented in the employee's record.

| (b) It is the employee's responsibility to remain  
| within the Health Clinic/Contractor's Office for approximately 15  
| minutes after receiving an immunization to be observed for signs  
| of an adverse reaction.

| (c) It is the employee's responsibility to  
| immediately report to HCPU any illness contracted while on  
| official Bureau travel or assignment.

| (d) It is the employee's responsibility to  
| complete the appropriate Workers' Compensation Forms if any  
| illness or injury is contracted or occurs while on official  
| Bureau travel or assignment.

| (e) It is the employee's responsibility to accept  
| or decline immunizations. To decline immunizations, an employee  
| should sign a declination statement that states the employee was  
| advised of the benefits and risks and declines the immunization.  
| Should the employee at a later time desire to be immunized, the  
| employee should request immunization.

| (7) REFERENCES

| Title 5, Code of Federal Regulations

| The Occupational Safety and Health Act, Title 29, Code  
| of Federal Regulations

| Executive Order 12196

| 1997 Immunization Guidelines for the Department of  
| State

| The Centers for Disease Control Recommendations for  
| Adult Immunizations|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3 Cav: SecCls:

| **[24-10 FBI EMERGENCY MEDICAL SERVICE (EMS) PROGRAM]**

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3 Cav: SecCls:

| **[24-10.1 EMS Medical Director Appointment and Responsibilities]**

| (1) The mission of the Health Care Programs Unit is  
| to promote the health and well-being of all FBI employees. These  
| responsibilities include facilitating emergency health care in



**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| the workplace. The EMS Medical Director is an FBI Medical  
| Officer appointed by the Director with responsibilities as  
| defined below.

| (a) Advise FBI supervisors, managers, and FBI  
| incident commanders regarding the medical support requirements of  
| Bureau contingency operations. Assist personnel tasked by these  
| managers in the determination of personnel and other resources  
| required to provide this support. Through the Special Agent in  
| Charge (SAC) or FBI Incident Commander, ensure that the medical  
| support plans developed reflect current national standards of  
| emergency medical care.

| (b) Approve initial and continuing training  
| requirements for FBI prehospital providers. Approve and  
| implement standing orders and protocols. Approve and administer,  
| on behalf of the FBI, a quality assurance program for the FBI  
| emergency medical services.

| (c) Authorize, when required, the procurement of  
| controlled substances, prescription pharmaceuticals and medical  
| devices. Through the SAC, ensure that appropriate records of  
| use, storage and application of these materials are maintained at  
| the field office level in accordance with applicable federal  
| standards.

| (d) Assist the FBI Occupational Safety and  
| Environmental Program (OSEP) Unit and other FBI management in  
| carrying out their Occupational Safety and Health Administration  
| (OSHA) obligations regarding workplace safety in contingency  
| field operations. Provide, through the FBI Incident Commander,  
| medical recommendations for eliminating or minimizing unsafe  
| conditions and practices found during mission planning or  
| execution.

| (e) At the request of FBI authorities, serve as  
| principal consultant in emergency medicine to the Strategic  
| Information Operations Center (SIOC) or other FBI incident  
| command and control assets. Through the Critical Incident  
| Response Group (CIRG), assist these authorities in planning  
| medical support of contingency missions.

| (f) Serve as the FBI liaison physician with  
| outside agencies and institutions with regard to the FBI EMS  
| Program, including but not limited to medical agencies of the  
| Department of Defense, the FEMA and the United States Public  
| Health Service.

| (g) At the request of the SAC, assist field  
| offices in the development of a local Memorandum of  
| Understanding (MOU) with hospitals, medical institutions, trauma  
| centers, community EMS or other sources of local emergency care.  
| These MOUs will support special operations at the level of the  
| field office by providing for rapid transition of injured persons  
| from FBI EMS to sources of definitive medical treatment. Promote  
| the experience of those field offices with successful local MOU

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| relationships throughout the Bureauwide EMS for the overall  
| improvement of the emergency care provided to FBI employees  
| involved in contingency operations.

| (h) Assist the Unit Chief, HCPU, in providing  
| oversight to contractors providing research, education, program  
| development, medical consultation or direct patient care during  
| FBI field operations. |

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

## **| 24-10.2 Field Operations Medical Support Concept of Proportional Medical Response**

| (1) The concept of proportional medical response is  
| based upon deployment of an escalating medical support capability  
| relative to the increasing mission requirements of a contingency  
| evolution. This concept is applicable to Rapid Deployment Teams  
| (RDTs), Evidence Response Teams (ERTs), Augmented/Enhanced  
| Special Weapons and Tactics Teams (SWATs), Hazardous Material  
| (HAZMAT) Response Teams and Dive Teams.

| (a) The field office SWAT team can be viewed as  
| the basic level of tactical capability within the FBI.  
| Similarly, the existing SWAT Emergency Medical Technician-Basic  
| (EMT-B) system serves as the basic medical support component at  
| this level of organization.

| (b) In augmented SWAT operations combining the  
| tactical resources of multiple field offices, medical support  
| must escalate in response to the needs of multiple teams, often  
| deployed over a wide area. Command personnel must determine  
| whether local civilian Emergency Medical System (EMS) Advanced  
| Life Support (ALS) and hospital/trauma center capability will  
| provide for definitive care of a casualty within the standard of  
| care requirements recognized in the United States. These  
| standards can be summarized as initial stabilization in the field  
| (EMT-B level of care) within four minutes, access to ALS (EMT-  
| Paramedic or EMT-P) within ten minutes, and definitive trauma or  
| advanced emergency medical care in a hospital setting within one  
| hour.

| (c) As the number of reactive personnel  
| increases, additional SWAT EMTs may be required to meet the  
| standard of care guideline. As the geographic extent of the  
| operations widens, the time-to-advanced life support medical  
| standard of care may require civilian EMS deployment on a  
| stand-by basis, or aeromedical evacuation arrangements to permit  
| transition of a casualty to definitive care within the one hour  
| time frame.

| (d) Prolonged operations require nonemergent

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| access to medical care for minor medical and surgical problems.  
| This capability, usually summarized as "sick call" must be an  
| additional feature of medical support for prolonged operations.

| (e) A goal of one SA/EMT-P and two SA/EMT-Bs  
| would provide initial ALS capability for special operations in  
| more austere settings without extending the considerable  
| personnel costs of Paramedic training to the entire EMT-B  
| population. Enhanced or Augmented SWAT teams would benefit from  
| similar coverage when operating in remote areas. As a  
| contingency evolves, covering larger areas or involving more  
| total personnel, an additional "medic package" would be added to  
| establish a "Two-Plus-Four" SA/EMT-P and SA/EMT-B capability for  
| RDT-level incident response.

| (f) A minimum equipment package is specified for  
| EMT-B SWAT, ALS SWAT and RDT medical support by the Medical  
| Director, EMS.

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

### **| 24-10.3 Credentialing of FBI Emergency Medical Service (EMS) Personnel**

| (1) The EMS Medical Director has established the  
| requirements listed below to meet national standards of EMS  
| administration for FBI personnel.

| (a) Initial Appointment to Bureau EMS Additional  
| Duty - FBI personnel are designated by their SAC or designee as  
| SWAT/Special Operations EMS providers. GETA funds are available  
| for the initial and recertification education requirements of  
| Emergency Medical Technicians (EMTs). Approval for GETA funding  
| of initial certification is contingent upon receipt of an EC from  
| the local SWAT or special team coordinator to the EMS Medical  
| Director at FBIHQ, Health Care Programs Unit (Room 6344)  
| designating an individual for SWAT or special team medical duty.

| (b) Core Curriculum

| 1. Basic Life Support (BLS) providers -  
| Maintain current EMT-Basic certification in a state  
| jurisdiction. National Registry EMT-Basic (NREMT-B)  
| certification is also required.

| 2. Advanced Life Support providers -  
| Maintain a current EMT-Paramedic (EMT-P) certification as  
| above. NREMT-Paramedic certification is also required.

| 3. Personnel may obtain NREMT status by  
| attending initial EMT training approved by NREMT or by  
| challenging the National Registry Examination. Recertification  
| of all NREMT levels of care is required every two years. Contact

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| the National Registry of EMTs at (614) 888-4484 or [www.nremt.org](http://www.nremt.org)  
| for details.

| (c) Emergency Cardiac Care Certification

| 1. BLS Providers - Basic Cardiac Life  
| Support (BCLS) or Heartsaver certification renewed at two year  
| intervals.

| 2. ALS Providers - Advanced Cardiac Life  
| Support (ACLS) certification at two year intervals.

| (d) Tactical EMT

| 1. Support Employees - Certification in  
| Emergency Medical Technician-Tactical (EMT-T) is required for  
| support employees only. Initial certification is recommended  
| within one year of assignment to EMS duty. EMT-T is available  
| through the Counter Narcotics/Terrorism Operations Medical  
| Support (CONTOMS) program of the Casualty Care Research  
| Center (CCRC), Uniformed Services University of the Health  
| Sciences (USUHS). CONTOMS training is a 56 hour course offered  
| by CCRC at various locations nationally. Renewal of CONTOMS  
| certification is not required. Contact the CONTOMS Coordinator  
| at (301) 295-6263 or via website [www.usuhs.gov](http://www.usuhs.gov) for a course  
| schedule. Courses equivalent to CONTOMS may be substituted upon  
| approval of the EMS Medical Director.

| 2. SA/EMT SWAT Personnel - EMT-T/CONTOMS is no  
| longer mandatory for SA/EMT. Tactical training supplementing  
| that received in New Agent Training is conducted locally at the  
| discretion of the division SWAT team leader.

| (e) Continuing Skills Training - Maintain  
| affiliation with a local jurisdiction EMS or Emergency  
| Department/Trauma Center for the purpose of periodic practice of  
| EMT skills. The Office of the General Counsel (OGC) has  
| determined that this activity is covered by the Federal Tort  
| Claims Act as required training for SWAT SA/EMTs. Approval of  
| GETA funding of recurrent certification is contingent upon  
| documentation of compliance with continuing skills training as  
| follows:

| 1. BLS Providers - A minimum of eight hours of  
| continuing skills training in a three month period.

| 2. ALS Providers - A minimum of eight hours of  
| continuing skills training per month.

| (f) Protocol Review - This protocol and  
| Acknowledgment Form is provided by HCPU to each newly  
| credentialed EMS provider upon appointment. Following receipt of  
| initial or updated protocols from HCPU, return the signed  
| Acknowledgment of EMS protocol review form to HCPU, Room 6344  
| FBIHQ. This form indicates review and understanding of the  
| Bureauwide EMS Protocol. FBI EMS providers with expired

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| certification should contact the appropriate jurisdiction for  
| information on renewal of their EMT and BCLS/ACLS credentials.  
| Renewal of credentials in the FBI EMS will follow upon receipt of  
| renewal confirmation.|

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3                      Cav:                      SecCls:

**| 24-11    MEDICAL RECORDS - PERSONNEL FILES (Formerly MAOP, Part 1, 20-4.1  
(2))**

|                      (1) Information contained in medical records is  
| protected by the Privacy Act of 1974, Title 5, United States  
| Code, Section 552a. The Privacy Act precludes disclosure or  
| dissemination of protected information to secondary parties  
| without the written permission of the subject or pursuant to the  
| enumerated exceptions in subsection (b) of the Act. Any employee  
| who willfully discloses medical material in any manner to any  
| person or agency not entitled to receive it is guilty of a  
| misdemeanor and could be fined.

|                      (a) A separate medical file is to be created as  
| a subfile to the employee's personnel file and designated Sub M.  
| To illustrate, if the employee's existing file is numbered 67-AL-  
| 12345, the corresponding Employee Medical File System (EMFS)  
| subfile will be numbered 67-AL-12345 Sub M.

|                      (b) Documents that should be filed in the EMFS  
| subfile are:

- |                                      1. Physical examination reports and records
- |                                      2. FD-856 - Request for Reasonable  
| Accommodation (and all attachments)
- |                                      3. Correspondence relating to Medical Profile  
| System, medical mandates (restrictions) - when an illness is described
- |                                      4. FD-277 - Return to Duty Matters - when illness  
| is mentioned
- |                                      5. Physical condition matters - when illness  
| is mentioned
- |                                      6. Compensation forms describing accident/  
| illness
- |                                      7. Communications relating to physical  
| examination matters and overweight matters
- |                                      8. Doctor's certificates when an illness is  
| described
- |                                      9. Communications relating to psychiatric

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP1 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 1**

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| status/care

| (c) Documents that should NOT be filed in the  
| EMFS subfile and should remain in the personnel file are:

| 1. Maternity leave matters

| 2. FD-277 - Return to Duty Matters - when  
| illness is NOT mentioned

| 3. Physical condition matters -  
| correspondence relative to leave during extended  
| illness/hospitalization - when the illness is NOT described

| 4. Compensation forms NOT describing  
| accident/illness

| 5. Doctor's certificates when an illness is  
| NOT described

| (d) The main file and the corresponding EMFS  
| subfile are to be cross-referenced to each other in the "See  
| also Nos" space provided on the file cover, Form FD-245d. The  
| EMFS subfile will accompany the main personnel file to an  
| employee's new office upon transfer. When an employee retires,  
| resigns, etc., both files will be forwarded to FBIHQ in  
| accordance with guidelines in Section 20-4.1 (4).

| (e) In field offices the EMFS subfile must be  
| kept under lock and key under the SAC's supervision in such a  
| manner that no employee will have access to his/her own file.  
| The SAC may designate an employee to have oversight of the  
| medical files. In field offices with a permanent Health Service,  
| this duty shall be assigned to the Occupational Health Nurse.  
| It is imperative that all employees with access to medical files  
| understand the legal ramifications of this responsibility.

| 1. It will be incumbent upon the field office  
| Occupational Health Nurse, or designated personnel, to not only  
| designate the items for inclusion in the EMFS but also provide  
| the authorization for the folder's release to appropriate users,  
| noting the sensitive medical and psychological material that is  
| occasionally contained therein. The field office should maintain  
| a list of individuals authorized to receive medical files.

| 2. All medical information coming to the  
| attention of the SAC should be directed to FBIHQ, Chief Medical  
| Officer, via the Health Care Programs Unit. In the event that  
| questions arise regarding the propriety of the release of  
| medical information, the FBIHQ, Occupational Health Nurse  
| Manager, should be consulted for guidance.

\*\*EffDte: 02/26/2003 MCRT#: 1259 Div: D3

Cav:

SecCls:

**SENSITIVE**

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## SECTION 1. SUPERVISION - AVAILABILITY - RESIDENT AGENCIES

### 1-1 SAC AND ASAC SUPERVISORY RESPONSIBILITY

#### 1-1.1 Supervision of Personnel

(1) SACs and Assistant Directors in Charge (ADICs) have exclusive jurisdiction over employees in their offices except those on special assignment from FBIHQ.

(2) Assigned to most offices is an ASAC. His/Her duties and authority are, in the absence of the SAC, the duties of the SAC. This authority also applies to SACs in offices with ADICs.

(3) All references in this manual to SACs and ADICs apply with equal effect to the acting SAC or ADIC during the SAC's or ADIC's absence.

(4) Agents may be authorized by FBIHQ, upon the justified request of the SAC or ADIC, to act in administrative capacities. When so authorized, they are known as:

(a) Field Supervisor - full time

(b) Night Supervisor - to serve full time at night and is responsible to the SAC or ADIC for the functioning of the office at night. Agents approved as night supervisors are approved initially for a period of six months and upon request and recommendation of the SAC or ADIC can be approved as night supervisor for no more than two six-month periods in order that supervisor not be removed from investigative assignments for an extended period of time.

(c) Relief Supervisor - to serve only in the absence of full-time supervisory personnel. Relief supervisors may be utilized for night, weekend, and holiday duty. (See MAOP, Part I, 3-2.1.)

(d) Deleted

(e) Deleted

(See Part I, Section 3, of this manual for qualifications for various supervisory positions.)

(5) ASACs and field supervisors may be authorized by FBIHQ to act in place of the SAC in certain phases of work. In offices with an ADIC, an SAC or Associate SAC may be authorized by FBIHQ to act in place of the ADIC.

(a) When an SAC or ADIC retires, transfers or otherwise permanently vacates his/her position, written notification of the employee selected to serve in an acting capacity for the SAC or ADIC is to be provided by the field office to the Assistant Director (AD), Personnel Division (PD), FBIHQ (Attention: Administrator, Executive Development and Selection Program (EDSP)) for approval. The AD's approval will be granted on a UACB basis.

(b) An employee selected to serve in an acting capacity, typically an Associate SAC, Assistant SAC (ASAC), or an SAC in an office having an ADIC, should be named prior to the departure of the SAC or ADIC when possible.

(c) An employee serving in an acting capacity remains assigned to his/her permanent position and will not be temporarily promoted since acting assignments typically last for 180 days or less. If an



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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acting assignment is expected to exceed 180 days at the outset, the Administrator, EDSP, PD, should be advised of the particular circumstances to determine appropriate procedures to follow and if a temporary promotion may be considered.

(d) In the unlikely event that an ADIC, SAC, Associate SAC, and/or ASAC are scheduled to vacate their positions at the same time, thereby creating a void in the upper echelon management of a field office, the Administrator, EDSP, PD, should be contacted for assistance. The EDSP will take appropriate steps to help the office ensure that the chain of command is maintained and that any necessary selection procedures are followed until permanent replacements are selected and have reported to the office.

(6) Assignments are to be made so that responsibility for the performance of a function or duty is fixed. Documentation is to be made in the office personnel file showing the date on which each field supervisor assumes responsibility for a particular desk. When changes are made in the supervisory responsibilities of desks, such as transfers of classifications from one desk to another, documentation is to be made in the office personnel file showing the dates such changes become effective.

(7) The Administrative Officer or Support Services Supervisor is responsible for the support functions of the office and is to report to the SAC or ADIC failure of other employees to comply with regulations concerning handling of files and correspondence.

### **1-1.2 SAC Inspection Responsibility**

(1) The SAC will take an inventory of the contents of the office safe and check its security on a monthly basis.

(2) The SAC will make unannounced checks of premises and productivity of employees outside of the regular workday. SAC will check the field office plants, radio station if located outside the office, security of automobiles at contract garages, and security of resident agencies. These checks are to be recorded.

(3) For SAC inspection responsibility regarding resident agencies see Part II, Section 1-3.10 of this manual.

### **1-1.3 SAC Personal Contacts**

(1) The following individuals should be contacted by the SAC after SAC's arrival in an office:

- (a) Federal judges
- (b) U.S. Attorneys
- (c) State judges
- (d) Governors
- (e) State and county prosecutors
- (f) Executive secretary of state chamber of commerce

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(g) In the principal cities: mayors; chiefs of police; officials of newspapers; managers or owners of appropriate radio and television stations; heads of civic clubs; heads of Federal intelligence agencies; Government, business and labor leaders; top representatives of airlines, railroads, telephone companies, Western Union, better business bureaus and banks.

(2) To ensure that the most effective and efficient use of the FBI's and the Department's limited investigative and prosecutive resources, SACs shall meet regularly with their respective U.S. Attorney(s). Frequent meetings and discussions between SACs and U.S. Attorneys are critical to ensure an effective relationship. There is no requirement that each contact with a U.S. Attorney be documented, but SACs should use judgment to record important discussions and understandings which good management practice indicates should be documented. The quality of the relationship and the frequency of SACs' contact with their respective U.S. Attorney(s) will be reviewed during each inspection of an office.

**1-1.4 Supervision of Cases (See MAOP, Part 1, 21-7 (6); Part 2, 1-3.13.3, 8-1.2.3.)**

(1) The office of origin (OO) is responsible for proper supervision of cases not only in its own territory, but also of investigations being conducted in a lead office (LO). An Agent to whom a case is assigned in the OO as well as an LO is personally responsible for ensuring all logical investigation is initiated without undue delay; this includes setting forth leads for other offices or other Agents in his/her office. The OO case Agent has overall responsibility for supervision of an investigation. When an LO has a delayed or delinquent investigation, it is the responsibility of the OO case Agent to notify them by routing slip, electronic communication, or teletype depending on the importance of the situation.

(2) SUPERVISORY FILE REVIEWS must be conducted by full-time supervisors or primary relief supervisors, with approval of the SAC in exceptional circumstances, such reviews not being in succession, with their subordinates, including Resident Agents, at least once every 120 days or more frequently if deemed appropriate by SAC. (File reviews for probationary Agents must be conducted at 60-day intervals. See Part 2, Section 8-1.2.3, of this manual.) A file review must be a person-to-person conference where each investigative matter is discussed and instructions given to the Agent which are noted on FD-271. File review sheets (FD-271) must be executed in duplicate, with the Agent being permitted to retain a copy for 150 days, and the originals retained by the supervisor in each Agent's administrative folder until the next inspection. However, if an Agent has only applicant cases assigned and is in compliance with Bureau deadlines and regulations, the person-to-person conference may be waived. If it is, supervisor will make suitable comments on FD-271 concerning Agent's caseload, performance, compliance with Bureau deadlines and regulations, and record the fact that no conference was held. File reviews should be conducted in private and relief supervisor may be used to handle work of the desk while supervisor is conducting file reviews. If the full-time supervisor is absent for an extended period due to illness or annual leave, the SAC may authorize a relief supervisor to handle file review. The results of file reviews must be considered when preparing mid-year progress reviews, annual appraisals, and developmental worksheets.

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(3) A Performance Summary Assessment (PSA), during which an Agent is provided with an enhanced level of feedback regarding his/her performance, is to be conducted during person-to-person file review conferences held pursuant to the requirements of this section (see above).

(a) PSAs are intended to facilitate communication between supervisory officials and Agent personnel regarding individual performance. The feedback provided should include an assessment of the Agent's performance in light of the critical elements and performance standards of his/her performance plan, although adjective rating levels are not specifically required. During each PSA, the Agent must be advised of his/her strengths and/or weaknesses in each critical element, with specific references to the assignments and casework discussed during the file review conference.

(b) Although they may be conducted at more frequent intervals, a PSA must be conducted at least every 120 calendar days for each Agent subject to the file review process. If file reviews are conducted at more frequent intervals, a PSA would be advisable but not necessarily required during each file review session as long as the 120-day requirement is met. Based on the Probationary Agent Program's (see MAOP, Part 2, Section 8-1.2.3) emphasis on training, development and supervisory continuity, probationary Agents are to receive PSAs at 60-day intervals to coincide with the file review requirements for Agents in a probationary status.

(c) An FD-865 - PSA must be completed at the conclusion of each file review session for which a PSA was conducted. The form must be signed and dated by the supervising official, and a copy placed in the employee's performance folder maintained by the rating official for performance appraisal purposes. The original FD- 865 must be submitted to executive management within each office, who will be responsible for ensuring that PSAs are conducted, and that an FD-865 is completed for each.

(d) The copies of the completed forms which are maintained in an employee's performance folder must be maintained and then destroyed in conjunction with all other performance-related documentation in compliance with the requirements delineated at MAOP, Part 1, Section 5-4. This provision does not apply to the original FD-865, which is maintained for inspection or other purposes not related to the performance appraisal process.

(e) PSAs are not governed by the FBI's Performance Appraisal System, and do not nullify the requirements pertaining to the conduct of progress review sessions or the issuance of performance appraisal reports (PARs). However, supervisors are encouraged to schedule a PSA to coincide with the conduct of a progress review session or the issuance of a PAR, thereby minimizing, to the extent possible, any duplication of effort.

(f) For additional information or more specific guidance pertaining to PSAs, supervisors should contact the Performance, Recognition and Awards Unit, Administrative Services Division, FBIHQ.

### **1-1.5 Information to be Submitted to FBIHQ**

(1) In view of the restrictive provisions of the Privacy Act of 1974, Title 5, USC, Section 552a, good judgment and common sense must be exercised at all times in determining what information concerning individuals is to be transmitted to FBIHQ. For details of such restrictions, you are referred to MIOG, Part I, Section 190-5 and 190-5.1, which requires such information collected and

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

maintained to be relevant, necessary and within the scope of an authorized law enforcement activity and a purpose of this Bureau authorized to be accomplished by statute or executive order.

(2) Within the limitations imposed by this law, consideration should be given to furnishing FBIHQ only information which logically will impact on numerous other field offices and on FBI operations at the national or international level.

(3) Care should be taken to ensure all information furnished to FBIHQ is information which is lawfully collected. If the information concerns an individual citizen, it is not enough that such data might be of interest to FBIHQ; its collection and maintenance must be pursuant to Federal law.

(4) If an SAC receives an inquiry from a Cabinet officer or U.S. Senator or Congressman/Congresswoman concerning an official matter, it should be brought to FBIHQ attention immediately.

#### **1-1.5.1 Official Channels**

(1) All "administrative" matters, such as accounts, requests for transfers, increases in salary, and reclassification of employees, shall be presented to immediate supervisors.

(2) Any employee, if he/she considers that the circumstances require, may present his/her case in writing to the Director or may present it orally to an appropriate Bureau official.

(3) Official communications are sent to an employee through the field office to which assigned and stationed.

(4) Communications and official matters in which the Department of Justice is interested are to be directed to FBIHQ.

(5) Office memoranda (memoranda addressed to all employees or group of employees)

(a) Office memoranda which are purely administrative in nature may be prepared and distributed without FBIHQ approval. Examples are memoranda scheduling firearms training, employee conferences, and office social events or functions; memoranda setting forth facts and developments in major pending cases; and memoranda setting forth facts and requesting or instructing contact with informants and sources.

(b) Memoranda which establish rules, regulations, procedures, or policies, such as those found in various Bureau manuals, or which set forth information and instructions of the type normally handled by FBIHQ in an SAC memorandum must be submitted to FBIHQ for approval before distribution. Submit memoranda in duplicate so that FBIHQ approval or disapproval can be stamped on one copy and the copy returned to the requesting office.

(c) Written instructions of FBIHQ, such as those found in an SAC memorandum or in a Bureau letter addressed to one or more field offices may be reproduced as the SAC deems necessary. Those written instructions marked "MAY NOT BE REPRODUCED" shall not be reproduced, or quoted or paraphrased in office memoranda, unless the communication from FBIHQ specifically authorizes same. Also, no oral instructions of FBIHQ shall be disseminated by use of office memoranda, unless the oral instructions included specific authorization for such dissemination. Reproduction of office memoranda which are prepared in accordance with item (b) above, or which

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

otherwise require FBIHQ authority are to be charged out and accounted for in the same manner as any other type of communication, such as a serial in the file. Written or oral instructions issued by FBIHQ or a particular field office are not to be disseminated outside the FBI. Guidelines for the dissemination of information to other agencies may be found in Part II, Section 9 of this manual.

### **1-1.6 Conferences of Supervisory Staff**

At least two general conferences of the supervisory staff of field offices must be held weekly with the SAC, scheduled in advance. Offices having special squads must hold one weekly conference for each such squad. Separate conferences with criminal supervisors and security supervisors are left to discretion of SAC. Wherever practical, the seminar approach should be utilized.

### **1-1.7 Use of Official Names of Employees**

When the name of an employee is used in official communications, it must be identical with that appearing on the payroll records.

**1-1.8 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

### **1-1.9 Special Agent Linguists and Language-Trained Agents (See MAOP, Part I, 11-1(9) and 22-2 through 22-2.3.)**

(1) Special Agents (SAs) who receive their appointment based upon their skill in a foreign language execute Form 3-26 upon entering the FBI wherein they agree and affirm that they "...may be required to utilize such skill, abilities or expertise either intermittently or continuously throughout...(their) employment, based upon the needs of the Federal Bureau of Investigation, and at any duty station where they are required." These SAs are construed to have a career-long obligation to the Foreign Language Program.

(2) SAs and other FBI employees who acquire or enhance their foreign language skills through an FBI-sponsored language course incur an obligation to remain in the service of the FBI and to accept assignments within or to field offices based upon their language ability. The length of this obligation is set forth on the FD-375 (Training Agreement) and varies in accordance with the length and/or cost of the training. Generally, basic language trainees, such as those who study at the Defense Language Institute (DLI) or the Foreign Service Institute (FSI), incur a three-year obligation. Subsequent or recurring periods of training lengthen this obligation. (See MAOP, Part I, 22-2.1 (3).)

(3) Deleted

## **1-2 AVAILABILITY OF EMPLOYEES**

(1) Employees are subject to duty at all times. All Agents are expected to be available for general or special assignment wherever their services may be needed.

(2) All employees are to be alert to radio, television, or newspaper announcements concerning weather or other conditions which could result in closure of the government. Only those employees who have been designated in writing as "emergency employees" must report for, or remain at, work

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

in emergency situations. Dismissal or closure announcements do not apply to them unless instructed otherwise. In addition, "delayed" opening or "unscheduled leave" announcements do not apply to emergency employees, as they are expected to report for work on time.

(3) ADICs and SACs must keep FBIHQ and their field offices advised of their whereabouts.

(4) When an itinerary is required, Form FD-330 may be used. This form should be destroyed after it has served its purpose.

(5) Agents on transfer traveling by personal auto must keep the ADIC/SAC of the office from which transferred advised of places where they can be reached, preferably by memo of itinerary left in advance. When a personally owned vehicle is used for extended travel on leave or transfer, itinerary information furnished should include the vehicle's description and license number.

(6) Employees on special assignment traveling by personal auto must keep FBIHQ advised of their whereabouts by an electronic communication submitted in advance. If for any reason planned itinerary is interrupted, the appropriate FBIHQ official should be advised.

(7) Employees in leave status must keep the ADIC or SAC of the division to which assigned advised of their exact whereabouts. (See item (5) above.)

(8) Investigative employees working in headquarters city and environs must call the office at approximately two-hour intervals unless they can be reached immediately by means of two-way radio or a pager or cellular phone.

(9) All employees on an assignment which requires them to be absent from the office at the beginning or end of the workday must contact the office by telephone or radio to indicate they are beginning/terminating work for the day and their time of arrival or departure for home. ADICs, SACs and division heads may alter this instruction to accommodate special circumstances, such as employees on undercover assignment where notifying the office at the beginning or end of the workday is both impractical and dangerous, or small RAs where frequently no one is at the RA to be notified. (See MAOP, Part 2, 3-3.2(5)(b).)

(10) When leaving residence on personal business prior or subsequent to working hours, Saturdays, Sundays, or holidays, Agents, other than those in supervisory positions and those on assignments of particular importance who must keep the office advised of their whereabouts at all times, are not required to advise the office of whereabouts if absence is for two hours or less. If absence is for more than two hours, Agent must advise the office of his/her whereabouts if telephone is not covered.

(11) It is left to the discretion and good judgment of an SAC as to whether it is necessary for either SAC or the ASAC to be physically present in the office during regular business hours. In the event that both the SAC and ASAC are absent from the office there should be a clear delegation of authority and responsibility made by the SAC utilizing experienced supervisory personnel. In the event it is necessary for both the SAC and ASAC to be out of headquarters city all day, FBIHQ must be appropriately advised in advance with the reason for their absence as well as the identity of the person who will be in charge of the office during their absence. When they are absent from the office, however, still physically present in headquarters city and are otherwise available through modern communications, no such notification to FBIHQ is necessary. Leave should not be

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

requested by the SAC for a period during which SAC knows the ASAC must be away on routine business which has already been scheduled at the time the request is made, and likewise the ASAC should not request leave, knowing in advance that the SAC must be away during ASAC's absence.

(a) If either the SAC or the ASAC is absent on annual leave and it becomes necessary for the other to take annual leave because of an emergency, the one on leave must return immediately to the office. In such a situation, a communication must be directed to the Assistant Director, Administrative Services Division (ASD) (Attention: Administrator, Executive Development and Selection Program (EDSP)) requesting leave and including a statement that either the SAC or ASAC who is on annual leave will be back on duty by the time the other official departs. If circumstances appear to warrant an exception to this rule, the SAC must telephonically obtain the personal permission of the Assistant Director, ASD, in advance of submitting a follow-up written communication justifying this as an exception to FBIHQ; the follow-up communication must advise of the chain of command during the SAC's and ASAC's absences. A UACB communication will not suffice for the SAC and ASAC being out of the office at the same time. The SAC, irrespective of annual leave or personal commitments, must return to the field office to assume personal charge of major cases which arise in the SAC's absence. (See MAOP, Part 2, 1-2.3.)

(b) It is anticipated that this situation would only affect offices not having multiple SACs or ASACs; however, as a situation may warrant for a larger office, the same procedures would be followed. (See also the LEAVE POLICY MANUAL.)

### **1-2.1 Executive Travel Notification (See Legal Attache Manual, 6-1.)**

(1) ADICs/SACs are authorized to travel within their division or to contiguous divisions through coordination with and concurrence of the neighboring ADIC/SAC.

(2) Travel outside the division by ADICs, SACs, ASACs, Legats and FBI Headquarters executives at the Section Chief level and above is to be documented in the Executive Locator System (ELS), which is accessible through the Bureau Personnel Management System (BPMS). The ELS will be managed by the Strategic Information Operations Center (SIOC), FBI Headquarters, and any problems with the system should be reported immediately. Travel and contact information is to be promptly entered into the ELS by each executive's secretary. Those offices which cannot access the ELS are to promptly forward travel plans to SIOC for data entry. Information to be entered into the system should include:

- (a) Beginning and ending dates of travel
  - (b) City and state visiting (or country if outside the United States)
  - (c) Contact information such as an address or a person's name
  - (d) Up to three contact telephone numbers
  - (e) A narrative describing the purpose of the travel. See MAOP, Part II, Section 8-5 and MIOG, Part I, Section 1-1.5(8) and Part II, 23-8.
- (3) On annual leave keep FBIHQ and office of assignment informed of whereabouts.

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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### **1-2.2 Employees in Travel Status**

(1) In a field office city must:

(a) Inform ADIC or SAC of the nature of the assignment and probable duration, unless FBIHQ instructions to the contrary have been issued

(b) Notify ADIC or SAC of their itinerary upon departure

(2) At a place where no field office is located must (SAs assigned to Laboratory excepted) communicate with the ADIC or SAC by telephone or telegram advising of:

(a) Address

(b) Time of arrival

(c) Nature of case

(d) Approximate duration of stay

(e) Departure and itinerary

### **1-2.3 Travel Authority (See MAOP, Part II, 1-2.)**

If an ADIC/SAC must leave the division at a time when the ASAC will also be out of the division, the SAC must obtain the personal permission of the Assistant Director, Personnel Division. A UACB communication will not suffice. Such instances should be limited and fully justifiable. Related thereto, ADICs/SACs are reminded of the need for availability and, consequently, the need for completeness in the Executive Locator System.

#### **1-2.3.1 On Transfer**

If authorized by transfer letter, Form 3-34. This letter sets out information and authority for transportation of employee transferred, immediate family, household goods, and travel by personal automobile.

#### **1-2.3.2 Other Travel**

(1) Is authorized by order of the Attorney General, 271-62, dated June 1, 1962.

(2) Travel may be by common carrier or by personal automobile.

(3) Advance of funds. Travel on temporary duty and/or transfer advances are issued to assist employees in discharging their responsibilities associated with official business. Such requests are processed by the Travel Advance and Payment Unit, Accounting Section. The average processing time is approximately five calendar days from the date the advance is submitted until a payment is received.

(4) ADIC/SAC may authorize use of personal automobile for official travel:

(a) For periods of 10 days or less, within that ADIC's/SAC's field office

(b) To Washington, D.C., for in-service and return

SENSITIVE



SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

In such cases submit in duplicate with travel voucher letter of justification approved by ADIC/SAC or, in ADIC's/SAC's absence, by ASAC. If travel is on consecutive days and extends into new travel voucher period, reference is to be made on latter to letter of justification accompanying prior voucher.

(5) FBIHQ authority must be obtained for use of personal automobile for travel outside field office to which employee is assigned, or for any period in excess of 10 consecutive days whether it extends into new travel voucher period or not. Travel voucher must show prior FBIHQ authorization and date thereof. No letter of justification is necessary.

### **1-2.4 Office Hours**

Field offices are open 24 hours each day.

#### **1-2.4.1 Regular Business Day**

8:15 a.m. to 5:00 p.m. daily, Monday through Friday, with 45-minute lunch period.

#### **1-2.4.2 Work Schedules (See MAOP, Part 1, 8-6(3) & 20-7.)**

##### **(1) Flexible and Alternate Work Schedules (AWS)**

(a) Utilization of flexible and AWS for support and Wage Board employees (hereinafter, support employees) is at the discretion of each ADIC, SAC or division head or their designee. A more restrictive use of flexitime or AWS may be instituted at anytime. Also, flexitime or AWS may be restricted or suspended to any individual, group or the entire office depending upon a variety of factors, such as office work requirements, performance and production considerations or abuses of flexitime or AWS privileges.

(b) The OPTION to request a flexible work schedule is the sole privilege of the requesting employee. This means the request is considered voluntary and employees cannot be required to flex or participate in AWS.

(c) The AUTHORITY and RESPONSIBILITY for approving a flexible or AWS (just as in the approval of leave) is held by designated supervisory personnel. This is necessary to ensure the availability of sufficient personnel to adequately discharge the FBI's responsibilities.

(d) Flexible and AWS are available to all support employees, including supervisors. Management must ensure that necessary supervision is afforded to employees granted flexible or AWS. If an employee requesting a flexible or AWS will be unable to perform satisfactorily without the presence of a supervisor, and adequate supervision will not be available on the schedule requested, such flex or AWS request should be denied. Also, note that no employee may be REQUIRED to work flexitime or AWS.

(e) Employees on flexible or AWS should neither receive favored treatment nor be penalized as a result of participation in these programs. They should be treated in a manner which provides for equity with employees working on a standard nonflexible work schedule.

##### **(2) Flexible Schedules**

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(a) A dual core-time flexible work schedule for support employees may be established with provisions for a mid-day flex and core-time deviation. The flexible time bands may start at 6 a.m. and end at 6 p.m. and may be utilized at 15-minute increments. The following illustrates how flexitime could meet the basic work hour requirements:

_____ 8 hours + 45 minute lunch period _____							
--- Regular Business Day (field office) ---							
=====							
	Flexible		Band		Core		Flexible
			Time		Band		Time
					(including		
					45" lunch		
					period)		
=====							
6	8:15	9:15	10	2	2:45	5	6
a.m.	a.m	a.m	a.m	p.m	p.m	p.m.	p.m.
_____ 8 hours + 45 minute lunch period _____							

(b) All support employees must be present during core time. Any absence must be charged against appropriate leave category or qualify for core-time deviation.

(c) All requests to work flexitime hours should be submitted at least one day in advance to a designated supervising employee to facilitate scheduling. However, use of flexible hours may be granted upon less notice when circumstances warrant.

(d) Some critical jobs require continuous services through a designated time period. (Example - switchboard operator, radio dispatcher, etc.) All flexitime requests by support employees assigned to critical positions should also be accompanied by the identity of an acceptable co-worker who is agreeable and available to provide those critical job services during the requested flex. Since these services are necessary, back-up personnel must be readily available without major rescheduling efforts by management or undue hardship on employees or other entities assisting in providing coverage or the flexitime request will be denied. The requesting employee is responsible for

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

acquiring acceptable back-up personnel for flexitime requests and timely request/notification to his/her designated supervisor.

(e) Flexible work schedules may be made available to those employees regularly assigned to night and weekend schedules, provided there is no increased premium pay required as a result of the flexible schedule and the availability of back-up personnel.

(f) No employee working on flexible schedules will be permitted to work a straight eight-hour shift taking the lunch period at the end of the tour of duty, which could effectively dismiss the employee as early as 2 p.m. (See diagram under (2) (a) above.) Any departure from work prior to 2:45 p.m., under a flexible work schedule must be charged to the appropriate leave category.

(g) Flexitime is not meant to replace the traditional fixed work schedule nor the odd-hour shifts. If an employee establishes a predominant pattern of work hours within a flexible schedule, it technically becomes an unauthorized odd-hour shift. For purposes of the FBI's flexible work schedules, any such predominant pattern of flexible work hours over a period of five consecutive days will be considered fixed hours and the odd-hour shift policy should then prevail. Each division may set limits on the number of approved flexible schedules per employee during a given week. (See MAOP, Part 1, 20-8.)

(3) Alternate Work Schedules (AWS) (See MAOP, Part 1, 20-7.2.)

(a) Requests to work an AWS from support employees must be submitted to designated supervisory personnel by completing form FD-968, Flexible Work Option Form. In executing this form, employees are to complete Section 1 in its entirety. Employees are reminded that no schedule is permanent and that this request will be reviewed on a periodic basis, but no less than once per year. Under the Fair Labor Standards Act (FLSA), all schedules are required to include, in addition to the number of hours worked each day, a designated lunch or dinner break (30 minutes for FBIHQ employees and 45 minutes for the field).

(b) Employees assigned to critical positions should understand that approval of an AWS request will be based, in part, on management's ability to schedule coverage on the day(s) the employee will not be scheduled to work. Back-up personnel must be readily available without major rescheduling efforts by management, undue hardship on other employees, or on other office entities assisting in providing coverage or the AWS request will be denied.

(c) Employees will not be permitted to routinely and/or regularly change an AWS to take advantage of holiday schedules. Sample schedules fulfilling the basic work requirements are as follows:

(d) Four-Day Workweeks

Monday	On-duty	10 hours
	-----	
Tuesday	On-duty	10 hours
	-----	

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

Wednesday	On-duty	10 hours
	-----	
Thursday	On-duty	10 hours
	-----	
Friday	Off	
	_____	

Total hours worked weekly = 40 hours

1. Full-time employees establish a tour of duty consisting of a basic work requirement of four 10-hour days, a 40-hour weekly work requirement and an 80-hour biweekly work requirement until a traditional schedule is reestablished by management or the employee.
2. The basic work requirement for part-time employees is the number of hours the employee must work each day, the number of hours the employee must work during four days in the administrative workweek, and the number of hours the employee must work in a biweekly pay period.
3. Nonovertime work is work performed during an employee's compressed work schedule and not in excess of 10 hours in a day or 40 hours in an administrative workweek.

**(e) Model of a 5-day/4-day Plan**

	Week 1	Hours	Week 2
Monday	On-duty		Off
	-----		-----
Tuesday	On-duty	Approximately	On-duty
		9 hours per day	
	-----		-----
Wednesday	On-duty		On-duty
	-----		-----
Thursday	On-duty		On-duty
	-----		-----
Friday	On-duty		On-duty
	_____		_____

Total hours worked in a biweekly period will equal 80 hours.

**(f) Overtime and Premium Pay**

**SENSITIVE**

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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1. Overtime pay is any work performed outside an employee's officially established compressed work schedule and in excess of 40 hours in a week. Compensatory time off may be requested in lieu of overtime pay and may be used only as a substitute for irregular or occasional overtime work.
2. General Schedule employees are entitled to night differential for regularly scheduled night work performed between the hours of 6 p.m. and 6 a.m. A full-time employee who performs nonovertime work on a holiday (or day designated as the "in lieu of" holiday) is entitled to basic pay plus premium pay equal to basic pay for that holiday not to exceed his/her scheduled tour of duty. A part-time employee is entitled to holiday pay only for work performed during his/her compressed work schedule on a holiday. A part-time employee is not entitled to holiday premium pay for work performed on a day designated as an "in lieu of" holiday. A full-time employee is entitled to Sunday differential if he/she performs nonovertime work during a period of service, a part of which is performed on Sunday. A part-time employee is not entitled to Sunday differential.

(g) Absence and Leave

Time off during an employee's basic work requirement must be charged to the appropriate leave category unless the employee is authorized compensatory time off or an excused absence. A full-time employee working a compressed schedule, who takes one full workday off, will be charged the appropriate leave for the amount of hours normally scheduled to work that day (e.g., 10 hours). Leave accrual rates remain the same.

(h) Holidays

1. When a holiday occurs on a scheduled nonworkday other than Sunday, and granting the normal "in lieu of" holiday would create an "adverse agency impact," the alternate holiday can be either the employee's scheduled workday immediately prior to the legal holiday or the next scheduled workday immediately following the legal holiday. This change is at the discretion of management, not at the discretion of the employee.

For example, if the holiday falls on a Monday and the employee's regularly scheduled nonworkday is on that Monday, the employee's "in- lieu-of" holiday may be the next scheduled workday (Tuesday) if to designate the previously scheduled workday (Friday) would create an adverse impact on the office.

2. When a holiday occurs on a Sunday that is a scheduled nonworkday, the next scheduled workday will be the employee's "in lieu of" holiday.

For example, if an employee's regular days off are Sunday and Monday, and a holiday falls on that Monday, the employee's "in lieu of" holiday will be on the preceding scheduled workday, Saturday. However, if the holiday falls on Sunday, the employee's "in lieu of" holiday will be on the following scheduled workday, which is Tuesday.

3. An employee who works a 5/4-9 flexible work schedule is only entitled to an eight-hour day as a holiday. Therefore, if an "in lieu of" holiday will fall on one of his/her nine-hour days, the employee's schedule must be revised for that pay period so that the holiday is the eight-hour day.

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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4. For a part-time employee, if a holiday falls on a day during his/her compressed work schedule, the employee is entitled to pay for the number of hours he/she was scheduled to work on that day. A part-time employee is not entitled to an "in lieu of" holiday if a holiday falls on a nonworkday.

#### **1-2.4.3 Dismissal**

Employees are not to be dismissed early due to weather conditions or other emergencies without prior FBIHQ authority.

#### **1-2.4.4 Legal Holidays**

January 1; Inauguration Day (Washington, D.C., area only), January 20 (every fourth year); Martin Luther King, Jr.'s Birthday, third Monday in January; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving, fourth Thursday in November; Christmas, December 25. When a holiday falls on Sunday the Monday following will be a nonworkday. If any of these holidays mentioned falls on Saturday, the preceding Friday is a nonworkday.

#### **1-2.4.5 Hours After 5:00 p.m. and Before 8:15 a.m.**

A mature support employee must be on duty at the field office. FBIHQ authority is required to establish office duty shift for Agents during these hours; when so authorized, assignments must be rotated no less frequently than every 30 days among Agents specifically approved for such duty (night duty Agents). Submit all recommendations on UACB basis, together with full and complete justification.

#### **1-2.4.6 Nonworkdays - Regular Office Hours**

(1) ADICs and SACs have the discretion to utilize either a Special Agent or a qualified support person for duty during regular office hours (8:15 a.m. - 5:00 p.m.) on nonworkdays, including Saturdays, Sundays and holidays. If an ADIC/SAC elects to utilize support personnel in place of Agent personnel for this shift, it is the ADIC's/SAC's responsibility to ensure that these support persons are carefully selected, and are mature and responsible individuals that have sufficient training to handle the activity of the field office during the period of duty. Each ADIC/SAC will ensure that appropriate coverage is afforded as the needs of each office dictate.

(2) An Agent approved by his/her ADIC/SAC for such assignment must be on duty in the field office during regular working hours on Saturday. Assignments must be rotated among those Agents approved for such duty. FBIHQ authority is required to establish duty shifts on Sundays or holidays or to assign more than one Agent to any authorized shift. (These instructions apply to administrative duty assignments in the office and do not pertain to investigative duty assignments, such as surveillances, technical plants, etc.) Complete justification must be submitted to establish a shift or to assign more than one Agent to an approved shift and recommendations should be submitted on UACB basis.

SENSITIVE

**1-2.4.7 Non-Bureau Employees**

Field offices are not open to non-Bureau employees after the regular office hours unless a Special Agent, armed, is on duty.

**1-2.4.8 Deleted****1-2.4.9 Daylight Saving Time**

When daylight saving time is in effect where a field office is located, the office hours should conform.

**1-2.4.10 Saturday Duty Shifts for Non-Agent Employees**

Non-Agent employees may be assigned Saturday duty on a rotating basis to provide for essential services and receive compensatory leave in return. Those employees who do not desire to accept compensatory leave for Saturday duty should be assigned a Tuesday through Saturday workweek for the week they have Saturday duty. When scheduling an employee for a Tuesday through Saturday workweek, the employee must be advised of his/her new shift at least one week in advance.

**1-2.5 Forms and Registers**

(1) Form SF-52 must be electronically submitted to FBIHQ upon arrival of an employee on transfer to a field office territory.

(2) Any employee GS-16 and above is not required to execute an FD-420. However, it is incumbent upon each executive to ensure the Bureau is aware of their location and leave status at all times.

(3) Deleted

(4) Attendance Register/TURK (FD-420a), is utilized solely by TURKing Agents and TURKing support employees. (See MAOP, Part II, 3-3(3).) The form is double sided, with the first week of the pay period on one side, and the second week on the reverse side. The form is used to collect both time and attendance and TURK data. Employees' and supervisors' signatures are required on each side to certify that all information is correct. (See (g) below.) A maximum of six classifications can be recorded on a single day. The total TURK percentages must equal 100 percent for each day. Special designators included on the FD-420a are "R" for Relief and "T" for Technical. Only approved relief supervisors may utilize the "R" designator. The "R" should be indicated in the column for all classifications supervised/reviewed while acting in the absence of the supervisor. However, relief supervisors should not utilize the "R" designator while handling their daily assigned cases. The "T" designator should be indicated in the column to record time by Technically Trained Agents while in a "technical" investigative capacity. Major case numbers should be included in the major case column to enable the capturing of man hours expended on a particular matter that has been designated as a major case. (See Legal Attache Manual, Part I, 2-4; MAOP, Part II, 3-3.1.)

(a) Employees are NOT to sign other employees "in" or "out" on the FD-420a except under circumstances when the SAC has authorized it. In any such situation, the employee actually making the entry shall record his/her initials beside it.

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(b) Night shifts or night work might detain an employee an hour or two past midnight. If the period past midnight does not exceed two hours, the employee need not sign out as of midnight and back in at the beginning of the next day. A similar situation occurs when the shift begins at midnight and conditions make it necessary for an employee to report an hour or two early. Leeway of two hours on either side of midnight may be granted, i.e., only one day should be used to record Time & Attendance and TURK data for these situations. For example, an employee who signs in at 3:45 p.m. Monday afternoon and out at 1:20 a.m. Tuesday morning should record his/her time and TURK data for Monday only. (See MAOP, Part II, 3-3.2(6).)

(c) Deleted

(d) Deleted

(e) Agent personnel, when leaving their residences on personal business prior or subsequent to working hours, including Saturdays, Sundays, or holidays, are not required to advise the office of their whereabouts if their absence is for two hours or less. If an Agent is not at his/her residence or cannot be reached by telephone, Agent must contact the office EVERY TWO HOURS and advise them of his/her whereabouts. Supervisory Agents and those on assignments of a particular importance must keep the office advised of their whereabouts at all times.

(f) Deleted

(g) FD-420a forms must be inspected by the supervisor each week, and the employees' and supervisors' signatures are required on each side to certify that all information is correct. (See (4) above.) Any apparent alteration or erasure on the FD-420a, or any other question as to the accuracy or completeness of the entries, must be resolved prior to approval for data entry and filing. (See MAOP, Part II, 3-3.2(9).)

(h) Resident Agents shall forward the FD-420a to headquarters city at the end of each pay period. (See MAOP, Part II, 1-3.7(1).)

(i) Supervisors should make frequent spot checks during regular and overtime working hours to ensure Agents are actually engaged in activity indicated on their FD-420a.

(j) On a monthly basis, supervisor should review FD-420a's of employees under his/her supervision to determine any patterns of irregularities, improper or incomplete entries, questionable alterations, failure to submit daily, poor organization of work, unnecessary travel, and any apparent inequitable overtime.

(5) Daily reports of Agents (FD-28) - The daily report is a letter-size white form printed on both sides. The file number, or, if a new case, the title and classification followed by the word "new"; names and addresses of persons interviewed; other work done; travel starting and ending times; if working with another Agent, name of Agent with whom worked and file number of case; remarks; date; place; and name of employees using it shall be entered in complete form. The time in, including reporting for duty, i.e., exact time of registration in the morning; and exact time of departure at the end of the official workday are to be shown. Show the time when specific items of work began and ended; the beginning and ending time of each interview. Neither travel nor locating time shall be included in the time recorded for the actual interview. Intervals of more than 15 minutes between interviews, used in traveling or locating next interviewee, shall be explained in

SENSITIVE



separate entries, such entries to carry file number or identifying data on next interview, unless travel is between towns to handle leads in a number of different cases. Spaces are provided on the daily report for recording daily the employee's availability pay (AVP). These computations should be entered on the report by employee each day any such employee is on duty and are to be fully supported by time and basis entries on the report. Daily reports are not submitted by Agents under normal circumstances. The SAC may, at his/her discretion, require any Agent to submit these reports when he/she feels such supervisory tool is needed. Daily reports are submitted to the SAC of the field office where the work is performed. These forms are submitted at the close of business, to include official business performed on Saturdays, Sundays and holidays. Daily reports must be transmitted personally or by mail. (See Legal Attache Manual, Part I, 2-4.3).

### **1-2.6 Deleted**

## **1-3 RESIDENT AGENCIES AND RESIDENT AGENTS**

### **1-3.1 Definition**

A Resident Agent is one whose headquarters has been designated by FBIHQ as other than the headquarters city of the field office.

### **1-3.2 Justification**

It is essential that the case load of resident agencies be carefully analyzed prior to requesting the transfer of Agents thereto. This is necessary to ascertain if such transfers are justified and to assure that an equitable distribution of work exists between Agents stationed in headquarters city and those assigned in the various resident agencies. Therefore, any recommendations for changes affecting personnel in resident agencies, including replacements or realignment of territories, should include current information relative to the workload of pending active cases and leads, as well as other pertinent justification. All such recommendations must be submitted to FBIHQ for approval.

### **1-3.3 Qualifications for Selection**

Resident Agents must be recommended as such by the SAC and approved by FBIHQ. Form FD-407 is to be used for this purpose. In making such recommendations, the SAC must be thoroughly acquainted with the Special Agent and Agent's work before recommending Agent as a Resident Agent.

Prior to recommending a Special Agent for assignment to a resident agency, consideration must be given to all specialized training that the Agent has received, particularly language training. Justification for resident agency assignment must be reconciled with the Agent's special qualifications and it should be stated whether this assignment is compatible with the overall needs of the office. Those individuals being considered for a resident agency position must:

- (1) Be rated at least Meets Expectations
- (2) Have no serious administrative action taken within the two years preceding the recommendation

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(3) Recommendation must include statement that Agent has no physical disabilities and is not being treated for any physical disability

(4) Also see Part 1, Section 11-9 of this manual for guidelines with regard to amending the pending transfer of an Agent directly to a resident agency.

### **1-3.4 Supervision of Resident Agents**

It is the continuing responsibility of all SACs, personally and through their Senior Resident Agents (SRAs), to maintain constant vigilance in order to detect promptly any delinquencies or failings of Resident Agents and to inform FBIHQ at once of any such deficiencies, submitting appropriate recommendations. (For supervision by SRA see Part II, 1-3.12 of this manual.)

### **1-3.5 Designation of Senior Resident Agent and Alternate**

When two or more Agents are assigned to the same resident agency, the SAC will, UACB, designate one as SRA and one as Alternate SRA (ASRA). When the SRA is away from the resident agency on leave or official business, the ASRA will act in SRA's absence. If the senior and alternate both are away from the resident agency, the SAC will designate another Agent to act temporarily in their absence if more than two Agents are assigned to the resident agency.

### **1-3.6 Reporting to Headquarters City**

Resident Agents must report to field office once each 120 days, with permission to come more often if necessary. They must review files, dictate, and generally confer with the SAC or supervisor and discuss cases with SAC where necessary.

### **1-3.7 Registers in Resident Agency (See MAOP, Part 2, 1-2.5(4)(h).)**

- (1) The SRA is to forward the FD-420a to headquarters city at the end of each pay period.
- (2) FD-73, Auto Record, will be maintained for every vehicle assigned to the resident agency.
- (3) The residence address and telephone number and any changes in same must be reported to FBIHQ as they occur on the FD-310. The FD-310 is printed through BPMS - Address/Locator. (See Part 2, 2-1.2.5 of this manual for change in location and telephone number of resident agency.)

### **1-3.8 Office Space**

In resident agencies when space is assigned exclusively and not on a loan basis:

- (1) If possible, there should be painted on the door thereof and FBIHQ advised:

Federal Bureau of Investigation

Resident Agency United States

Department of Justice

Main Office \_\_\_\_\_ (Location of headquarters city)

- (2) There should appear on the bulletin board of the building and FBIHQ advised:

Federal Bureau of Investigation

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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Resident Agency

Room Number

(3) Deleted

(4) Deleted

(5) Deleted

(6) Keep FBIHQ advised of addresses and telephone numbers of resident agency offices and when resident agency space is no longer used. (See MAOP, Part II, 1-3.7(3) & 2-1.2.5.)

(7) When office space exists, official mail is to be addressed to the office or official post office box and not to the residence of an Agent.

(8) A set of keys to premises and all locked facilities therein is to be maintained at field office headquarters. If a resident agency maintains a set of keys to all locked facilities in a vault or safe, then it will only be necessary for field office headquarters to maintain a set of keys to gain entrance to the resident agency space and the combination to the vault or safe which contains the keys.

(9) For additional security, file cabinets in resident agencies should be unlabeled, or labeled by number keyed to a securely maintained list.

### **1-3.9 Telephone Facilities and Listing of Telephone Numbers in Directories**

(1) Telephones in resident agencies are for the exclusive use of resident Agents and should be private lines not connected with other offices or building switchboards. Tie lines with switchboards may be maintained in addition to private lines if approved by FBIHQ.

(2) Outgoing calls must be direct dialed and charged to the resident agency. Consistent with the exigencies of the case, use the most economical means of communication.

(3) The telephone number for the resident agency should be included in the telephone directories under the U.S. Government Section, if available, and in those cases where there is no U.S. Government Section, the listing should be included in the alphabetical section of the white pages. If there is no charge for multiple listings, the telephone number may be listed in both the Government Section and the alphabetical section. If there is a charge for more than one listing, the resident agency telephone number is to be listed only in the part of the directory which normally carries other Government agencies with a single listing.

(a) All resident agency locations should be equipped with a telephone answering recorder or voice mail system. This equipment can then be activated to advise the caller to call the field office number in an emergency situation when the resident agency is unmanned. (See MIOG, Part II, 16-9.9.2 (2) & 16-9.10.)

(b) In no instance shall the residence telephone number or address of an Agent be listed as an alternate or emergency number for the resident agency.

(4) For locations where there is no field office or resident agency, no telephone directory listing is required. There is no objection to listing the field office telephone number in the alphabetical section of the directories provided there is no charge for the listing. (See MIOG, Part II, 16-9.9.2.)

SENSITIVE

**1-3.10 Inspection of Resident Agencies**

- (1) Each resident agency must be visited and inspected at least twice a year. At least one of these two visits must be personally made by the SAC. The other may be by the ASAC(s). Additional visits to resident agencies for managerial purposes are left to the discretion of the SAC.
- (2) The inspection made by the FBIHQ inspection staff may not be counted as one of the required inspections of resident agencies.
- (3) Appropriate memorandum on inspections of resident agencies should be prepared.
- (4) Occasional visits to resident agencies during night or weekend hours to test security is being left to the discretion of the SAC.

**1-3.11 Availability of Resident Agents**

- (1) When an Agent operating out of a resident agency is on a road trip (overnight travel out of the resident agency), he/she is to advise field office city as to his/her whereabouts if the office cannot be notified in advance by routing slip.
- (2) The SRA is to make monthly spot checks of the availability during working hours of Agents assigned to the resident agency. If an Agent is not available for an appreciable period of time, SRA must obtain an explanation from the Agent.
- (3) Resident Agents should reside within, or a reasonable distance from the metropolitan area of the resident agency city to which they are assigned in order that they may be readily available for emergency duty at any hour of the day or night. The "reasonable distance" is to be at the discretion of the SAC with FBIHQ concurrence.
- (4) Resident Agents are not to depart from their respective territories to such extent that they will not be readily available in case of emergency after hours, on holidays, or on weekends without prior authority of the SRA or the SAC. Such authority is to be obtained by mail under normal circumstances. The use of telephone and facsimile facilities must be held to an absolute minimum and must be fully justified in each instance.

**1-3.12 Supervision by SRA (See MAOP, Part 2, 1-3.4.)**

The SRA is charged with the supervisory responsibilities for the resident agency office, the resident agency city activity, and the activity of Agents assigned to the resident agency when in the territory of that resident agency. (See subparagraph 1-3.11 (4) above.) The SRA is not expected to personally carry out all of the administrative functions listed below, but he/she will be held accountable for their proper execution.

- (1) Knowledge regarding all matters within his/her territory of interest to the FBI
- (2) The proper administration of personnel registers
- (3) The physical condition and maintenance of resident agency space
- (4) Security of resident agency space
- (5) Administrative feature of Bureau automobiles

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (6) Public relations
- (7) Press relations
- (8) Liaison Responsibilities - All Resident Agents and particularly SRAs will be held accountable for developing and maintaining contacts and relationships with officials in their territories so that FBIHQ may be promptly informed of any criticisms or suggestions which those officials may have to offer regarding FBI, its personnel, or its operations.
- (9) Applicant recruiting
- (10) Reading and clipping of newspapers
- (11) The training of resident agency personnel, closely coordinated with the field office Training Coordinator
- (12) Responsibility for the enforcement of the Bureau's rules and regulations
- (13) Resident agencies with office space shall maintain current administrative folders for identification orders, wanted flyers, and circular letters, and arrange in numerical sequence with the lowest number at the bottom. Do not serialize. The file is to be unnumbered.
- (14) Resident Agents and resident agencies may maintain administrative ticklers.
- (15) Receipts for registered mail sent from a resident agency are to be forwarded to the field office for retention with other registered receipts for one year.

### **1-3.13 Supervisory Special Agent GS-14 SRAs**

- (1) GS-14 SRAs have responsibilities and authority commensurate with that of other GS-14 Field Supervisors. Their official title is Supervisory Special Agent - GS-14, but in order to distinguish between this position and the Field Desk Supervisor, as well as SRAs in lesser grades, the designation of Supervisory SRA will be used.
- (2) In addition to the items set out above for all SRAs, the Supervisory SRA position will incorporate the following areas of responsibility and requisite authority:

#### **1-3.13.1 Personnel Supervision**

The overall production and performance of resident agency personnel will be responsibility of the Supervisory SRA. He/she will, with appropriate input from the Desk Supervisor, prepare the performance ratings of all Special Agents and support and service personnel assigned to the resident agency. The Supervisory SRA will maintain personnel folders on the individuals assigned to the resident agency.

#### **1-3.13.2 Supervision of Investigations**

The Supervisory SRA representing the SAC and in close cooperation with each Desk Supervisor will have the responsibility of case supervision in his/her territory in the following manner:

- (1) In the absence of the SAC and ASAC he/she will have the authority to assume full charge of major investigations occurring in his/her territory.

SENSITIVE

- (2) He/she will assign all cases originating in his/her resident agency territory.
- (3) The resident agency Supervisor will be responsible for ensuring that all investigations in his/her resident agency are conducted promptly and properly.

### **1-3.13.3 Case Reviews (See MAOP, Part 1, 21-7 (6); Part 2, 1-1.4.)**

Whether the 120-day case reviews are to be conducted by headquarters city Supervisors, primary relief supervisor, when approved by SAC, or by a method employing both the Desk Supervisor and the Supervisory SRA, will be left to the discretion of the individual SACs. If they are conducted by the Desk Supervisor, a copy of the review sheet (FD-271) with comments of the Desk Supervisor will be sent to the Supervisory SRA so that he/she might follow the Agent's progress. Regardless of the method used, the Supervisory SRA will maintain his/her copy of the case review sheet (FD-271) in the Agent's personnel folder until the next inspection. The case review method utilized must meet the following minimum conditions:

- (1) Case reviews must be conducted with each Agent at least every 120 days.
- (2) The review must be conducted on a person-to-person basis between a full Supervisory Special Agent (Desk Supervisor or GS-14 SRA), or primary relief supervisor, when approved by SAC, and the case Agent.
- (3) The method to be utilized must be committed to writing, clearly establishing responsibility for each phase of the case review. Obviously, there will be some situations in which responsibility will be jointly shared by the headquarters city Supervisor and the resident agency Supervisor.
- (4) All supervisory personnel must be furnished a copy of the SAC's written policy regarding this important managerial function. Each SAC will be ultimately responsible for making certain that complete and thorough case reviews are conducted with each Agent every 120 days by a Supervisory Special Agent.
- (5) Deleted
- (6) See Part 2, Section 8-1.2.3, of this manual, for instructions concerning 60-day case reviews with probationary Agents.

### **1-3.13.4 Mail Supervision**

- (1) Supervisory SRAs will have the same authority as Desk Supervisors in signing out mail on behalf of the SAC with the limitations set out below. The Supervisory SRA authority will apply to mail completed by resident agency personnel. The exceptions will include all communications in cases of major importance or classifications regarding which the Supervisory SRA has limited knowledge and experience and in cases where he/she has insufficient background information (serials). Communications falling in these categories will be routed through the appropriate Desk Supervisor. Personnel matters, in all instances, will be routed through the SAC.
- (2) In matters where there is an indication the Desk Supervisor or other headquarters city personnel may have an interest in or a need for the information reported in a piece of correspondence, the Supervisory SRA will make certain copies are designated for their attention. The Supervisory

SRA's responsibility in connection with mail signed out in the resident agency will be the same as that a Desk Supervisor has for correspondence signed out in headquarters city.

### **1-3.13.5 Workload Supervision**

Responsibility for assuring an equitable distribution of work in the resident agency will rest with the Supervisory SRA. Where necessary for uniformity of work assignments, the Supervisory SRA has the authority to reassign cases and other matters.

### **1-3.13.6 Career Development**

The Supervisory SRA will be given the same consideration for career selection and development as extended to other GS-14 Field Supervisors. The Alternate SRAs (ASRAs) in these large resident agencies will be Relief Supervisor trained. Relief supervisory positions in these and even the smaller resident agencies will not be limited to ASRA. Under the Supervisory SRA, the ASRA function would be similar to the principal relief on a headquarters city desk. Except for the very large resident agencies, the Supervisory SRA can and should also carry a caseload. The amount and type of cases to be personally handled by the Supervisory SRA is left to the discretion of the individual SAC.

## **1-4 SUPERVISORY DESKS IN FIELD OFFICES**

In requesting additional supervisory desks, SAC should be cognizant of fiscal constraints and aware of the fact that for every additional supervisor created, a street Agent is removed. The following factors are considered in evaluating whether to create or retain a supervisory desk in a field office:

- (1) Ratio of desks presently in operation in relation to number of Agents in the office;
- (2) Whether the perceived need for an additional supervisor is based upon long-term (years) or short-term (months) factors;
- (3) Number of Agents to be assigned to the proposed new squad, whether there will be an increase in the Agent and support personnel office complement, and what the creation of the requested squad will do to existing squad complements;
- (4) Number of Resident Agents in the office who contribute to supervisory workload for the desk supervisor, eliminating from computation Resident Agents assigned to Supervisory Senior Resident Agents;
- (5) Nature of work on squad (complicated target cases or routine reactive investigations);
- (6) "Workload" as opposed to "caseload," and is there any meaningful trend toward relatively permanent increase or decrease;
- (7) Deleted
- (8) Whether present supervisors perform an excessive amount of noninvestigative or lower level responsibilities, e.g., an SAC, ASAC, or Agent supervisor involved in administrative duties capable of relegation to subordinate or support personnel;

**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- (9) Whether the work requires regular "on-the-street" supervision and involvement of a supervisor in conferences with United States Attorney's Strike Force, or other federal agencies and, if so, with what frequency;
- (10) Whether TURK, MARs, and accomplishment figures (all components of our Resource Management Information System) support the recommended new desk;
- (11) Demographic factors;
- (12) Whether the most recent inspection report recommended an additional desk and, if not, what intervening factors point to a current necessity;
- (13) Whether existing squads can handle current and anticipated investigative responsibilities to preclude formation of new squad;
- (14) Whether results achieved, to date, have been adversely affected by lack of adequate Agent supervision;
- (15) The precise manner, definitively stated in which field executives would utilize the additional time made available to them by the creation of an additional supervisory position.

**SENSITIVE**



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## SECTION 2. FIELD OFFICE OPERATIONS

### 2-1 APPEARANCE AND MAINTENANCE OF OFFICES

#### 2-1.1 Maintenance of Official and Personal Property (See Legal Attache Manual, 2-11 & 3-3.)

The SAC is responsible for the maintenance of the office in a neat and orderly manner and for the care of all property.

(1) Official papers, documents, books, and similar materials are not to be kept in desk drawers, but file cabinets for this purpose are to be supplied.

(2) Agents may keep in their desks: briefcases; bound Bureau bulletins; notebooks containing the most recent course of training received at the Bureau for 90 days (notes taken at specialized schools may be retained until separation from service); notes of annual and special conferences for 90 days; sidearm; not more than 50 rounds of ammunition for same; personally owned blackjack; current bound office memoranda; current diary; current National Academy Directory; office supplies for one week; map and street guide of the territory; copies of expense vouchers for one-year period; speech material of a current nature; latest issue of Bureau publications; dust cloth; and personal items currently used, segregated and neatly maintained, including smoking supplies, toilet articles in envelope or box marked personal, medicines, personal purchases made during the day, personal mail received during the day. Although employees are permitted to maintain certain personal belongings in their desks or other prescribed areas in FBI offices, no desk, drawer, cabinet, or any other space within FBI offices shall be considered to be the private space of any employee. (See Correspondence Guide-Field, 1-1(4) and Correspondence Guide-FBIHQ, 1-11.5.)

(3) Manuals, Bureau bulletins, SAC letters, Memoranda to all SACs, office rosters, and office telephone directories must be maintained in a safe and secure place so that they are not available to unauthorized individuals. (See MAOP, Part II, 2-1.3(5).)

#### 2-1.2 Space Matters - Field Office

##### 2-1.2.1 Repairs

(1) Minor repairs should be obtained through the building custodian.

(2) Major repairs must be authorized by FBIHQ.

##### 2-1.2.2 Improvements and/or Structural Alterations

(1) Whether government or nongovernment building space, improvements and/or structural alterations must be authorized by FBIHQ. This is accomplished by executing a Reimbursable Work Authorization (RWA), General Services Administration (GSA) Form 2957, and submitting it to GSA. After GSA completes their portion of the form, it should be submitted to FBIHQ for approval with a letter of justification. A detailed cost breakdown of the work should be included in the cover letter. If approved, the form will then be returned to the appropriate field office for transmittal to GSA and subsequent commencement of the work.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(2) Annually, on a fiscal year basis, field offices may submit to FBIHQ, Attention: Space Management Unit, Facilities Management Section, Administrative Services Division, for approval an open-end RWA (GSA Form 2957) for an initial amount not to exceed \$5,000. The open-end RWA is to be used for minor alterations and repairs to field office space. All other building space improvements and/or structural alterations must be requested separately and authorized by FBIHQ through the execution of GSA Form 2957 as set forth above.

Upon receipt of the approved open-end RWA, it should be submitted to GSA, thereby authorizing GSA to perform minor alterations and repairs to field office space when requested by the field office. The field office must maintain a log documenting the date, purpose, and cost of each obligation made against the open-end RWA. When the initial \$5,000 has been depleted, requests for amendments to the initial RWA may be submitted to FBIHQ for approval in increments of \$5,000 up to a total of \$25,000 within a fiscal year for each field office. FBIHQ approval of amendments to the initial open-end RWA will be based on the justification submitted in support of the increase and the demonstration of responsible administration of the funds as evidenced by the logs.

(3) Annually on July 1, each field office holding an open-end RWA will be required to submit an amended RWA to FBIHQ returning the unused funds of the open-end RWA.

(4) For leased buildings where the field office representative has lease management authority, for alterations under \$25,000, a scope of work for requested alterations must be developed, a government estimate obtained from the Planning, Design and Construction Management Unit, and bids obtained and submitted to the Space Management Unit (SMU) along with an FD-369 (Requisition for Services). (Note: If not within the field office authority to obtain bids, request will be forwarded to the Construction and Laboratory Contracts Unit (CLCU) to negotiate bids.) If approved, the request will be forwarded to the CLCU for the issuance of a purchase order. If the Administrative Officer has procurement authority, the requisition will be forwarded back to the field office for issuance of a purchase order. The Facilities Management Section will determine who the Contracting Officer's Representative will be for each alteration project request.

### **2-1.2.3 Space Requests**

Requests for space and appropriate justification must be submitted to FBIHQ, Attention: Space Management Unit, Facilities Management Section (FMS), Administrative Services Division (ASD). If approved, the request for space will be submitted to the GSA by GSA Form SF-81 as prepared and submitted by the Section Chief, FMS, ASD. This procedure will ensure proper preparation of the request, that it is in compliance with existing Executive Orders and GSA and DOJ directives, and will also ensure space is acquired within funding levels set by Congress. Contacts or correspondence with GSA regional offices of other than a routine nature must be approved by FBIHQ. Any

requests to GSA concerning additional space, release of space, layout changes, renovations or any other changes in present or proposed field office space must be approved by FBIHQ prior to negotiations or commitments to GSA for such changes. Only GSA is authorized to conduct space surveys to locate space, and any activity by the Bureau in this area could result in inflated rental prices. If space suitable to your needs comes to your attention, there is no objection to advising

SENSITIVE

GSA of this fact, but surveys or checks with realtors should not be conducted. There is no objection to contacting local GSA representatives concerning day-to-day maintenance problems pertaining to space unless some particular reason exists for advising FBIHQ. Keep FBIHQ advised concerning local developments with GSA in space matters.

#### **2-1.2.4 New Construction**

Requests from GSA for office space requirements for proposed new Federal construction (GSA Form 144) must be forwarded to FBIHQ for handling.

#### **2-1.2.5 Field Office and Resident Agency Relocation**

Immediately following any field office or resident agency relocation, submit Form FD-607 (Field Office and Resident Agency Change in Address or Telephone Number) to FBIHQ advising effective date of occupancy change, street and mailing address, the telephone numbers and the date the Intrusion Detection System installation was completed. A copy of Form FD-607 should be marked to the attention of the Facilities Management Section, WB-950. Copies of the same communication should be forwarded to all other field offices. FBIHQ should also be advised when additional space is acquired or excess space is released. Submit this information to FBIHQ by electronic communication, Attention: Facilities Management Section. (See MAOP, Part 2, 1-3.7.)

#### **2-1.2.6 Commercial Space**

Communications favorably recommending acceptance of commercial space for FBI use must also indicate results of credit, arrest, indices, and pertinent background checks regarding the owner or owners of the building. If the building is sold during our occupancy, the same check must be made covering the new owner or owners. Be alert at all times for any information of a derogatory nature concerning the lessor which would adversely affect our continued occupancy.

#### **2-1.2.7 GSA Leasing Procedure**

(1) GSA has initiated a policy where agencies (to include the FBI) can choose GSA as their agent to procure leased space or agencies may elect to lease space under their own authority. If the choice is made to lease space under the FBI's authority, then similar procedures will be followed, with the Construction and Laboratory Contracts Unit (CLCU) providing the services that GSA would otherwise provide. The SMU shall make the final decision as to the use of GSA or the CLCU for leasing services. All previously stated procedures remain in place with this leasing avenue, with the Space Management Unit (SMU) being the program manager for any space issues. SMU will work with the CLCU to complete the space renovations and acquisition. The Facilities Management Section shall determine who the COTR shall be during requirements development and renovation stages of the project.

##### **(2) Lease Management**

(a) By Memorandum of Understanding signed by the Assistant Attorney General for Administration on October 24, 1986, and the Administrator, GSA, on January 5, 1987, the DOJ was delegated authority to perform functions with respect to the nationwide management of GSA-leased facilities under either fully serviced leases or under leases where the government has only utility responsibility. Department of Justice Order 2410.4 dated August 14, 1987, and revised by

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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DOJ Memorandum of May 12, 1995, redelegated that authority to the Director, FBI. This authority has been redelegated by the Director, FBI, to the Chief, Facilities Management Section; the Chief, Space Management Unit (SMU); and Space Management Specialists within the SMU at FBIHQ, and to the Administrative Officers/Office Services Managers and Supervisory Administrative Specialists within FBI field offices. Agencies having this responsibility are authorized to assign and reassign space within the building managed by them, and may contract for alterations. The delegation does not authorize agencies to lease space. It only authorizes agencies to manage space leased by the GSA. No changes to leasing authority were made by this delegation. In order to manage a GSA-leased facility, officials delegated this authority by the Director, FBI, must seek designation as Contracting Officer Representative (COR) from the GSA Contracting Officer (CO). Upon designation by the CO, the COR may assume the responsibilities of lease management.

(b) To obtain lease management responsibilities for a specific GSA-leased facility, the COR must initially contact the SMU. The SMU will provide the appropriate assistance to the COR and coordinate contact with the GSA for the assignment of GSA-leased facilities for lease management. In implementing the duties of lease management, the COR must obtain prior approval from the SMU for all assignment and reassignment of space within a lease managed facility. Additionally, all desired alterations must be approved by the SMU prior to the award of a contract for the work. The COR may initiate a request to the lessor of a lease managed facility for alterations. Afterwards, the request should be submitted to FBIHQ for final approval by the SMU. All alterations at FBIHQ will continue to be managed by the Facilities Management Section.

**2-1.2.8 Rental Costs (See MAOP, Part 2, 2-1.2.10, 6-5.1, 6-8.5.1 (6)(a)6.)**

The FBI is charged by GSA for space and services through rent. The services included in this charge are those normally furnished in commercial practices. GSA will furnish services additional to those included in the rent on a reimbursable basis. Charges (billings) are rendered monthly in arrears. The billing includes adjustments for billing errors and changes in space assignments made prior to or during the previous month. GSA provides these billings to FBIHQ. Copies of the printouts supporting these billings will be furnished to the field on a quarterly basis. FBIHQ will query the field to verify the accuracy of the billing data.

**2-1.2.9 Deleted**

**2-1.2.10 Recurring Reimbursable Services (See MAOP, Part 2, 2-1.2.8, 6-5.1, 6-8.5.1 (6)(a)6.)**

Recurring reimbursable services, for which separate charges will be made by GSA, will include all services performed after normal working hours, such as utilities for heating and air conditioning, and elevator services, etc. Billing for such reimbursable services will be handled by each GSA Regional Office, as opposed to the rent for space occupied which is processed at the Public Buildings Service of GSA in Washington, D.C. All matters as to certification of work authorization and funding for recurring reimbursables are to be submitted by GSA Form 2957 or FD-369 (Requisition for Services), whichever is appropriate, to FBIHQ, Attention: Facilities Management Section, for approval. Such services should be completely justified as to essential need for efficient operation. (Occasionally, standard utilities are not included in the rent, and an FD-369 must be

SENSITIVE

submitted to FBIHQ, Facilities Management Section, for these utilities as well.) FBIHQ does not sanction incurring overtime charges for resident agencies unless severe conditions exist and adequate justification is presented, such as a continuing Title III operation, after normal working hours under extremely uncomfortable conditions. Server rooms in resident agencies will be placed on 24-hour HVAC.

**2-1.3 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

#### **2-1.3.1 Maintenance and Security of Keys**

(1) Keys should be maintained in a secure manner. A designated employee should be responsible for the maintenance and security of all keys. Wherever Tel-Kee cabinets are in use, keys should be maintained in such cabinets at all times except when in actual use.

(2) A charge-out system should be maintained utilizing Tel-Kee brass receipt holders when keys are removed from the Tel-Kee cabinet or other place of maintenance for temporary periods not to exceed 30 days. If keys are charged out by any employee for an indefinite period, property receipt, Form FD-281, should be utilized. If keys are removed to be used momentarily, i.e., to open desks, cabinets, and doors at the beginning of a workday or to lock desks, cabinets, or doors at the end of a workday, charge out for this purpose will not be necessary. However, the person in charge of the maintenance of the keys is strictly responsible for their return when permitted to be withdrawn for such purpose without charge out.

(3) Keys charged out by employees are to be maintained in a secure manner.

(4) The key, keys, or combinations to all Tel-Kee cabinets or other equipment in which keys are maintained shall be available to the ranking employee on duty after regular working hours so that all keys will be readily accessible in the event of an emergency.

**2-1.3.2 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

**2-1.3.3 Deleted** (See *Security Policy Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

#### **2-1.3.4 X-Ray Procedures for Screening Incoming Mail, Freight and other Related Material (See also MAOP, Part 2, 2-1.3.3, 2-2.1, and 2-2.2.)**

(1) All Bureau facilities having access to or provided X-ray equipment shall use these devices to immediately screen all incoming mail, freight and related material for weapons, explosives and/or other dangerous material prior to their being opened by Bureau personnel. In conjunction with the use of the magnetometer (metal detector), X-ray machines may also be used to screen the personal possessions of non-Bureau personnel prior to their being allowed access to Bureau space, if the machine can be placed sufficiently close to the reception area. More sophisticated machines (from American Science and Engineering), capable of detecting both metallic and nonmetallic devices (and drugs) and scanning fairly large boxes, were provided to each field office not already having access to comparable equipment. Resident agencies and certain off-site facilities with listed mailing

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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addresses were provided smaller, conventional, parcel-size machines (from EG&G Astrophysics) that can detect metallic components.

(a) In view of the potential threat associated with the delivery of an explosive device to any of its facilities, the FBI, as a higher risk target for criminal aggression and terrorist targeting, has enhanced security of FBI offices through the use of mail X-ray screening devices.

(b) If practical, X-ray machines should be located in a controlled area that is outside protected FBI space, preferably close to the reception area and/or near the primary point of entry used by commercial carriers to deliver mail, packages, etc., to the FBI office. If there is not sufficient space and the X-ray machine must be inside the protected FBI space, delivery personnel should be requested to display proper identification and allow FBI personnel to look at the package before they depart. If absolutely required to enter interior space, delivery personnel should follow access control procedures outlined above in 2-1.3.3.

(c) The use of X-ray screening machines will enable offices to immediately screen incoming mail, freight and related material to detect weapons, explosives and/or other dangerous material. In addition, the contents of packages, bags, purses, etc., belonging to personnel entering into Bureau space, conditioned upon their consent to a weapons search of their person and possessions, may be screened by utilizing the X-ray machine.

(d) ALL packages received by FBI offices must be screened by an X-ray system prior to further distribution, to the extent an office has been provided or has access to such equipment and this equipment can accommodate the size of the package. Oversize packages are to be independently verified through use of the return address or other feasible means.

(e) The use of X-ray systems requires specialized operational training. X-ray machines shall be operated only by authorized personnel who have received proper training as offered by the manufacturer, the Bomb Data Center, or by a certified bomb technician. All mailroom personnel shall receive such training, including instructions in recognition of letter bombs and package bombs.

(f) FBIHQ and field supervisory personnel shall randomly evaluate mailroom operations to ensure that employees are properly handling and screening incoming mail, freight and related material.

(g) Suspect device procedures must be documented, prominently posted on or near the X-ray machine, and made available to all employees. These procedures shall include what course of action is to be followed when a letter or package is considered suspicious, which personnel are to be notified, and a plan for notifying the local bomb squad, when warranted. Also, appropriate security must be afforded to suspect device procedures to prevent possible compromise; that is, the posting of such information in unsecure space (i.e., loading dock, reception area, etc.) is strictly prohibited. The procedures may also include what steps to take if a suspicious package is found in the vicinity of FBI space.

(h) Personnel must be trained in and follow all associated safety instructions while operating X-ray machines. Safety and operational procedures must be scrupulously followed.

(i) If there is an indication that a package may contain an explosive device and/or other dangerous material, DO NOT MOVE OR OPEN IT The suspect package shall be left where it is and the

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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immediate area evacuated. Personnel who have had contact with the device shall be identified and kept available, should a bomb squad response become necessary.

(j) Posters displaying the general characteristics of package and letter bombs are available through the FBIHQ, Laboratory Division, Bomb Data Center, Extension  Room

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(k) If practical, given the size of the facility and the volume of incoming mail, freight and other related materials, facilities should consider using a rubber stamp or sticker to mark incoming materials with "X-rayed" in order to confirm that they have been screened for weapons, explosives and/or other dangerous materials prior to opening.

If implemented, each facility must develop its own Standard Operating Procedure (SOP). After having been reviewed by the facility Security Officer, the SOP must be approved by the division head, documented to the appropriate ACS file and made available to all division personnel. All costs associated with the implementation will be borne by the implementing facility. The following guidelines should be included in the SOP:

1. The "X-rayed" rubber stamp or sticker must be placed on the mail, freight and other related material only after it has been screened for weapons, explosives and/or other dangerous material. Placing an "X-rayed" stamp or sticker on such items prior to screening is strictly prohibited.
2. The "X-rayed" stamp or sticker must be clearly visible. It should be placed on the side of the container which bears the mailing address; however, it should not cover or obliterate any address or tracking related information.
3. The "X-rayed" rubber stamp or stickers should be afforded appropriate security. When not in use, the stamp or stickers should be stored in a manner that will avoid unauthorized use.

(2) X-RAY INSPECTION TIPS AND TECHNIQUES (For back- scatter & nonback-scatter (transmission) technology)



b2  
b7E

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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b2  
b7E

(3) TELLTALE/WARNING SIGNS

(4) NOTIFICATION AND REPORTING REQUIREMENTS

(a) To ensure the safety of personnel, visitors, and property, all offices shall reiterate, on a semiannual basis, the mandatory X-ray Screening Policy to all personnel as set forth in this manual citation. Additionally, each office maintaining American Science and Engineering (AS&E) X-ray equipment shall provide a reading of the volume of items inspected by electronic communication to FBIHQ, Security Division, Attention: Physical Security Unit (PSU), Room [REDACTED] by the close of business on 12/15 and 6/15, of each year. The actual reading shall be taken between 12/1 and 12/14, and 6/1 and 6/14, of each year.

b2

(b) Upon receipt of this information, the PSU will review each reading to determine if offices are X-raying mail as required. Consideration will be given to the size of the office as well as the date of installation. The PSU is cognizant of the fact that AS&E machines have a "Special Feature" which overrides the inspection counter for an uninterrupted view of the items inspected. This feature is designed to scan a number of small items at one time when they lack density, thus, showing a count of one, when a number of items were, in fact, scanned. Offices should only use this feature on a "need-be" basis, so the PSU can accurately evaluate the use of equipment. In the event it is

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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determined that an office is not in compliance, the PSU will forward the information to the Inspection Division for appropriate action.

(5) TRAINING, TESTING, AND CERTIFICATION OF EMPLOYEES ENGAGED IN X-RAY SCREENING

(a) All divisions provided an Automated Multimedia X-ray Equipment Training System shall train, test, and certify all employees engaged in X-ray screening on a semiannual basis (every six months). The training system is designed to provide convenient, standardized instruction, and measurable competency on X-ray interpretation and other related subjects, thus, improving the overall security of the FBI.

The system provides the following:

1. Operation Basics - Provide a step-by-step guide to all the features of an AS&E Model 66Z X-ray Machine, with an opportunity to practice using a replica of the console.
2. Troubleshooting - Provide basic operational errors through live demonstrations and simulated troubleshooting.
3. Basic Image Training - Provide threat identification by presenting basic image analysis strategies.
4. Advanced Image Training - Provide more complicated images in a continuous X-ray scanning mode.
5. Expert Image Training - Provide additional and more complicated images, decrease the intervals between them, and allow the operators to refine their image analysis skills.

(b) Training Instructor

Each division provided an Automated Multimedia X-ray Equipment Training System shall designate a representative to be responsible to ensure all division employees who perform X-ray screening duties are trained, tested, and certified in X-ray machine operation and interpretation. The representative should have a background in training and the authority to schedule, guide, test, and certify employees.

(c) Training/Testing/Certification

1. The Training Instructor will maintain supervisor settings on the training system as set forth, upon notification, be able to modify the number and kind of images, the pass threshold, and the score weighting for each section of training.
2. The Training Instructor must be present while testing is being conducted and be able to answer questions during the Demonstration and Hands-On Sections of the training. During the Challenge Section of the five levels, no answers can be given to the operator.

TRAINING SECTION SCORE NUMBER OF TRIES PASS THRESHOLD PASS THRESHOLD

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b2  
b7E

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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b2  
b7E

- [REDACTED]
3. Employees that do not pass with [REDACTED] will automatically be returned to the beginning Hands-On Section for that level being tested. This procedure will repeat itself until the employee passes with at least [REDACTED]. In determining if the employee has passed or failed for each section, the Training Instructor must not only consider the score, but also the number of tries attempted. If the employee has [REDACTED] or better score with two or less tries for each section, the employee has passed and is considered certified. If the employee has [REDACTED] or better score but has more than two tries in any section, the employee has failed. If the employee has less than [REDACTED] or cannot complete any section, the employee has failed. Employees that do not pass shall be removed from the duties of X-ray screening until provided additional one-on-one training. The additional training shall be provided by the FBI's Bomb Data Center or by a certified FBI Bomb Technician. Upon receipt of additional training, the employee may immediately be retested using the above passing criteria to determine if the employee is able to return to the duties of X-ray screening. Before any NEW attempt on the simulator, the old user ID must be deleted from the training system; fresh tallies are needed for each retest.
4. Each instructor must keep a record of exact user ID (first and last name) and password used by the operator. Printed test results are to be kept for three years in a secured area. Upon request, the test results must be made available to FBIHQ to evaluate the effectiveness of this training program.
5. The training system must be operated in a dedicated mode as defined in the Manual of Investigative Operations and Guidelines (MIOG), Part 2, 35-9.4.8. That is, it may be only used for the purposes as stated above. No other software or data is to be entered into, processed on, or transmitted by this computer.

### **2-1.4 Instructional Books or Working Guides**

Each SAC is responsible for arranging the review of instructional books and working guides in such frequency as to ensure their currency and accuracy, and for maintaining an administrative tickler or other record to indicate when and by whom these checks were last made.

### **2-1.5 Firearms in Field Offices**

Instructions regarding the maintenance of firearms in field offices and resident agencies may be found in Part II, Section 12 of the Manual of Investigative Operations and Guidelines (MIOG).

### **2-1.6 Smoking in Bureau Space**

(1) The Department of Justice Property Management Regulations, Title 41 of the Code of Federal Regulations, Chapter 128, Subpart 128-20.1, prohibits smoking in all Department of Justice work places to ensure that personnel are not exposed, involuntarily, to environmental tobacco smoke at the work site. In part, these regulations state:

"Environmental tobacco smoke, also known as second-hand or passive smoke, has been identified by the Environmental Protection Agency as a major source of harmful indoor air pollution and a

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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known cause of lung cancer, respiratory illness, and heart disease. The purpose of the following is to provide Department of Justice employees with the safest work environment possible.

"This policy applies to all (FBI) personnel, visitors, contractors, and personnel of other agencies and businesses that operate within or visit (FBI) workplaces.

"Environmental tobacco smoke (is the) exhaled and/or side stream smoke emitted from smokers in the burning of cigarettes, cigars, and pipe tobacco (and is) a major source of harmful indoor air pollution and known cause of lung cancer, respiratory illness and heart disease.

"Workplace is defined as any (FBI-owned) or that portion of any (FBI-leased) building where work is performed by (FBI) personnel, (or) any vehicle acquired by the (FBI) for its personnel. (The new smoking policy is) to protect all (FBI) personnel from health hazards caused by exposure to tobacco smoke. (It bans) smoking of tobacco products in all (FBI) workplaces.

"Since environmental tobacco smoke is classified as a potential occupational carcinogen, exposure to environmental tobacco smoke must be reduced to the lowest feasible concentration; therefore, smoke break areas shall only be outdoors and twenty-five (25) feet away from common points of ingress and/or egress into the workplace. Indoor designated smoking areas are prohibited." (See MAOP, Part 1, 13-13.)

(2) Since this smoking policy is not intended to interrupt any undercover operations, each SAC and Assistant Director may use his/her discretion to control smoking in undercover vehicles and/or other workplaces.

(3) Initially, and if the circumstances permit, employees should be encouraged to resolve any problems regarding smoking in work areas among themselves or through their respective supervisors. In sensitive circumstances, such as where an employee fears retribution or retaliation should they voice their objection or lodge a complaint concerning the violation of the Bureau smoking regulations, the employee may contact the Occupational Safety and Environmental Program Unit, Administrative Services Division (ASD), FBIHQ, or a designated official in that office, to report a violation of the Bureau smoking regulations.

(4) The Occupational Safety and Environmental Program Unit, ASD, FBIHQ, or their designated official, shall be responsible for obtaining as many facts as possible from the complainant or objector, and when appropriate, forwarding the facts without disclosing the identity of the objector or complainant to the appropriate FBIHQ Section Chief, Assistant Special Agent in Charge, or other designated official for further investigation. Should the above official be the subject of the complaint or objection or other sensitive circumstances exist making referral to that official inappropriate, the Occupational Safety and Environmental Program Unit or their designated official shall refer the matter to the official's supervisor or other appropriate official.

(5) Upon receiving a referral from the Occupational Safety and Environmental Program Unit, ASD, FBIHQ, each FBIHQ division, office, or field office shall conduct the necessary investigation to either corroborate or refute the objection or complaint, and if corroborated, either correct the problem or document a violation of the Bureau smoking regulations and shall be responsible for referral of violations of Bureau policy for appropriate action to the Adjudication Unit, Office of Professional Responsibility, FBIHQ.

SENSITIVE

## **2-2 RECORDS MANAGEMENT**

Field offices must be operated strictly in accordance with Bureau instructions relating to Records Management. The Special Agent in Charge (SAC) in each field division (Administrative SAC in New York Division) is designated the "Custodian of Records." In the absence of the SAC, related responsibilities may be designated to the Assistant Special Agent in Charge (ASAC).

### **2-2.1 General Instructions for Receiving Mail and Related Material (See MAOP, Part 2, 2-1.3.4.)**

(1) All incoming mail, freight, and related material must be received directly from its respective mailing/shipping representative, or by the use of an official United States Postal Service (USPS) Post Office (PO) Box. Utilization of a third party (i.e., security guard, adjacent office (non-FBI), other government agency, commercial store front mailing establishment, etc.) to accept incoming mail, freight, and related material on behalf of the FBI is strictly prohibited.

(2) All Bureau facilities having access to or provided X-ray equipment shall use these devices to immediately screen upon receipt all incoming mail, freight and related material. Packages which cannot be X-rayed due to their size must be independently verified as legitimate through the use of a return address or other feasible means. Offices should not disregard a suspicious package even though it may be labeled with a Bureau mailing label. Labels can be easily duplicated and used as a possible camouflage technique by bombers to deceive the recipient.

(3) All incoming mail, freight and related material must be immediately inspected as it is received, paying particular attention to any indications of possible compromise. Packages received opened or damaged in such a way as to where the contents could have been easily removed must be immediately reported to the Division Security Officer for appropriate action. A subsequent electronic communication shall be sent to FBIHQ, Security Division, Attention: Physical Security Unit, Room 4266, and Administrative Services Division, Attention: Mail Services Unit, Room 1B006, providing pertinent details of the incident. Security questions regarding USPS procedures may be directed to the local Postal Inspector. Security questions regarding FedEx procedures may be directed to FedEx Security Dispatch, Memphis, Tennessee, by calling (901) 922-1945.

(4) X-ray systems are technical equipment and require special operational training. X-ray machines shall be operated only by authorized personnel who have received proper training as offered by the manufacturer, the Bomb Data Center, a certified bomb technician, or by the use of the automated multimedia X-ray training system (see MAOP, Part 2, 2-1.3.4 (5) for further details. All mail room personnel shall receive such training, including instructions in recognition of letter bombs and package bombs.

(5) Personnel must be trained in and follow all associated safety instructions while operating X-ray machines. Safety and operational procedures must be closely followed.

(6) FBIHQ and field supervisory personnel responsible for mail processing shall randomly evaluate mail room operations to ensure that employees are properly handling and screening incoming mail, freight and related material. Such evaluations shall be documented and made available to the Security Division upon request.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(7) Suspect device procedures must be documented, prominently posted on or near the X-ray machine, and made available to all employees responsible for examining mail, packages, etc. These procedures shall include what course of action is to be followed when a letter or package is considered suspicious, which personnel are to be notified, and a plan for notifying the local bomb squad, when warranted. Also, appropriate security must be afforded to suspect device procedures to prevent possible compromise. That is, the posting of such information in unsecure space is strictly prohibited.

(8) If, when screening packages, a particular package arouses suspicion, employees should utilize the following steps to clarify a potential threat:

(a) Contact the intended recipient to determine if the package is expected. If the recipient is not expecting a package from the stated sender, proceed to 2-2.1(8)(b). If the recipient can identify the contents of the package and this can be compared successfully as a nonthreatening item with the X-ray, then the package can be released.

(b) If the suspicious item has an FBI return address, contact the stated sending Bureau office to determine the sender and a description of the contents of the package. If the FBI sender can confirm the tracking number as an actual shipment from their office, provide a successful identification of the contents, and this can be compared successfully as a nonthreatening item with the X-ray, then the package can be released.

(c) If the sender cannot be verified or identified, the sender is an outside source, or if the FBI sender is not capable of providing information on the shipment, continue to consider it suspicious and follow procedures detailed under 2-2.1 (9).

(9) If there is an indication that a package may contain an explosive device, the following steps shall be immediately taken:

(a) DO NOT MOVE OR OPEN THE DEVICE. The suspect package shall be left where it is and the immediate area evacuated. Personnel who have had contact with the device shall be identified and kept available, should a bomb squad response become necessary.

(b) Notify the appropriate personnel in the chain of command. Each office shall have an emergency contact list with the telephone numbers of the appropriate personnel in the office to notify. This list should include the Special Agent Bomb Technician for the division who may be able to provide further diagnostic abilities and coordinate with the bomb squad response if necessary.

(c) Avoid changing the environment of the package. Do not expose it to heat, cold, moisture, or other environmental factors. No transmitters, including radios, cellular telephones, two-way pagers, or other radio frequency-producing equipment should be used in the vicinity of the device. Radio transceivers can generate an electrical field which may be sufficient to cause an improvised explosive device to function.

(d) Under no circumstances should any mail room employee attempt to open a suspect package. Such actions must be accomplished by appropriately trained personnel.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(10) Posters displaying the general characteristics of package and letter bombs are available through the Bomb Data Center, Laboratory Division, Quantico, Virginia, [REDACTED] Room [REDACTED]

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(11) In addition to the mail security requirements as set forth in MAOP, Part 2, Section 2-2.2, all FBI offices shall institute procedures wherein incoming U.S. Mail from sources outside of the FBI (including other government agencies) are opened and inspected for any foreign substance in a Biological Safety Cabinet (BSC).

(a) A foreign substance is defined as an abnormal or improper item or material transported in the mail. Foreign substances include, but shall not be limited to, powdery or crystal substance(s), solid particle(s), liquid, fluid, gas, or an item or material having some type of odor. Any of these or similar types of substances shall be considered suspicious. In addition, containers designed to hold liquids, gases, and biological material (i.e., vials, petri dishes, etc.) shall also be considered suspicious and handled accordingly.

(b) Employees using a BSC for opening U.S. Mail shall wear protective gloves (e.g., disposable gloves, 100 percent Nitrile, 6-mil, 11 inches in length). Protective gloves that do not come in contact with contamination may be disposed of in regular trash.

(c) After initially screening incoming mail for explosive devices and other hazardous material, Bureau offices shall immediately and visually inspect the outer wrapping of all U.S. Mail with respect to the following:

1. Evidence of a foreign substance
2. Excessive postage
3. Handwritten or poorly typed address
4. Incorrect titles
5. Title, but no name
6. Misspelled common words
7. Oily stains, discoloration or odor
8. No return address
9. Possibly mailed from a foreign country
10. Lopsided or uneven envelope
11. Protruding wires or aluminum foil
12. Excessive wrapping material such as tape, string, etc.
13. Marked with restrictive endorsements, such as "Personal," "Confidential," to be opened by addressee only, etc.

(d) If, when visually inspecting mail, a particular piece of mail resembles any of the above profile, it shall be considered suspicious. Employees shall utilize the following steps prior to the opening of such mail in a BSC to minimize exposure to a possibly harmful substance.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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1. Do not shake, smell, blow on, or open the letter or package.
2. Place the envelope or package in a clear sealable plastic bag or some other type of clear sealable container to prevent leakage of contents. Rubbermaid and other similar type products are suitable containers to temporarily seal suspicious mail.
3. Mail which cannot be put into a plastic bag or some other type of sealable container due to its size, shall be moved and placed into the provided BSC. The BSC shall be immediately turned on and then the mail opened and inspected for any foreign substance.

(e) While visually inspecting incoming mail, employees shall separate incoming mail into two categories, 1) suspicious, and 2) nonsuspicious. Mail defined as suspicious shall be given top priority and opened first in a BSC. After the mail defined as suspicious has been opened and inspected, all other U.S. Mail shall be opened and inspected in a BSC in the following order:

1. Accountable (USPS Express, Registered, Certified, etc.).
2. First Class and Business Reply.
3. Bulk Rate, Periodicals, Magazines, etc.

(f) Once the mail has been opened in a BSC, employees shall remove the contents from the envelope/packaging material and thoroughly inspect both the contents and envelope/packaging material for any foreign substance. If mail being inspected has additional inner envelope(s)/packaging (one inside the other), the inner envelope(s)/packaging shall also be opened and inspected for any foreign substance. If no foreign substance is found in the mail, the contents may be placed back into the original envelope/packaging material and re-sealed with tape and/or staple(s) to prevent the contents from falling out and getting lost. The resealed mail may then be removed from the BSC for forwarding to the mail room for additional processing and delivery.

(g) Mail with no outer wrapping, such as periodicals, magazines, etc., shall also be inspected for any foreign substance by "fanning" the pages. If no foreign substance is found, such mail may be removed from the BSC for forwarding to the mail room for additional processing and delivery.

(h) Offices may consider using an "Opened and Inspected" rubber stamp or sticker, to the extent it is practical considering the size of the facility and the volume of mail received, to confirm items have been examined and verified as not containing a foreign substance. If implemented, each facility must develop its own Standard Operating Procedure (SOP). The SOP shall be documented, approved by the Division Head, and made available to all employees. It is recommended that the following guidelines be included in the SOP:

1. The "Opened and Inspected" rubber stamp or sticker must be placed on the item only after it has been successfully verified as not containing a foreign substance. Placing an "Opened and Inspected" stamp or sticker on the item prior to inspecting is strictly prohibited.
2. The stamp or sticker must be clearly visible and be placed on the address mailing side of the item, not covering any addressing or tracking number information.
3. "Opened and Inspected" stamps and stickers must be afforded appropriate security, ensuring no unauthorized use.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(i) Mail received via a commercial carrier (i.e., FedEx, UPS, DHL, Airborne, etc.) shall also be immediately and visually inspected after it has been X-rayed for the suspicious profile stated in 2-2.1(11). If, when inspecting the outer wrapping of commercial carrier mail, a particular piece of mail resembles the suspicious profile, it shall also be processed and opened in a BSC. At the Division Heads discretion, commercial carrier mail that does not meet the suspicious profile may be transported to the mail room unopened for processing, sorting, and delivery. Whether the Division Head decides to or not to have all commercial carrier mail opened and inspected in a BSC, the same procedures stated in 2-2.1(11) shall be adhered to for commercial carrier mail.

(j) Mail received by the U.S. Mail or other commercial carriers which contains evidence shall also be immediately and visually inspected after it has been X-rayed for the suspicious profile stated in 2-2.1(11). If, when inspecting the outer wrapping of evidence, a particular piece of evidence resembles the suspicious profile, it shall also be processed and opened in a BSC. Evidence that does not meet the suspicious profile may be transported to the mail room unopened for processing, sorting, and delivery.

(k) If a foreign substance is found while inspecting mail in a BSC, employees shall immediately do the following:

1. Do not shake, smell, blow on, or empty the contents of any suspicious envelope or package.
2. Do not turn the BSC off.
3. Do not remove the envelope or package from the BSC.
4. Do not attempt to clean up the foreign substance.
5. Place the envelope or package immediately in a clear sealable plastic bag or some other type of clear sealable container.
6. Remove protective gloves and leave gloves in the BSC.
7. Leave the room and close the door, securing the area to prevent others from entering.
8. Wash your hands immediately with soap and water to prevent spreading of any suspect material to your face or other parts of your body.
9. Notify appropriate personnel in chain of command.
10. Identify personnel who have been in contact with the letter or package prior to screening and keep them available should an emergency response become necessary.
11. Remove any contaminated clothing as soon as possible and place in a clear sealable plastic bag or some other type of clear sealable container.
12. Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on skin.

(l) If a foreign substance is found while processing mail outside of a BSC, employees shall immediately do the following:

1. Do not shake, smell, blow on, or empty the contents of any suspicious envelope or package.
2. Do not attempt to clean up the foreign substance.

**SENSITIVE**



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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3. Cover the spilled contents immediately with something (e.g., plastic, clothing, paper, trash can, etc.) and do not remove the cover.
  4. Place the envelope or package immediately in a clear sealable plastic bag or some other type of clear sealable container and leave at the location of the release.
  5. Remove protective gloves and leave gloves at the location of the release.
  6. Leave the room and close the door, securing the area to prevent others from entering.
  7. Wash your hands immediately with soap and water to prevent spreading of any suspect material to your face or other parts of your body.
  8. Notify appropriate personnel in chain of command.
  9. Identify personnel who have been in contact with the letter or package prior to screening and keep them available should an emergency response become necessary.
  10. Remove any contaminated clothing as soon as possible and place in a clear sealable plastic bag or some other type of clear sealable container.
  11. Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on skin.
- (m) Mail processing and foreign substance inspecting procedures shall be documented, prominently posted on or near the BSC, and made available to all employees. These procedures shall include what course of action is to be followed when processing, opening, and inspecting mail, which personnel are to be notified when a foreign substance is found, and a plan for notifying appropriate local emergency/safety authorities, when warranted. Also, appropriate security must be afforded to mail processing and inspecting procedures to prevent possible compromise. That is, the posting of such information in unsecured space is strictly prohibited.
- (n) FBIHQ and field supervisory personnel shall randomly evaluate mail room operations to ensure that employees are properly handling and screening incoming mail for any foreign substance. Such evaluations shall be documented and made available to FBIHQ upon request.
- (o) BSCs are technical equipment and require special operational training. BSCs shall be operated by only authorized personnel who have received proper training as offered by the manufacturer, safety officer, or hazardous material specialist. All mail room and other designated personnel shall receive such training, including instructions on the proper use of protective clothing and equipment.
- (12) All Bureau offices must maintain a written log of all incoming Accountable mail (i.e., USPS Express, USPS Registered, USPS Certified, FedEx, etc.) received for possible tracing purposes. Bureau offices equipped with FedEx automation equipment may record incoming FedEx packages by using the FedEx satellite/computer system. Bureau offices must generate a written record from the FedEx automation equipment of incoming packages with the initials of the employee who records each package. Bureau offices not equipped with FedEx automation equipment must record incoming packages by using an FD-211. All incoming USPS Registered, USPS Express, and USPS Certified packages not recorded on USPS Form 3883 (Incoming Registered Mail) must be recorded by using an FD-211. All records may be destroyed on a monthly basis when they are at least two years old. (See MAOP, Part 2, 2-4.5.15.)

SENSITIVE

(13) Prior to disposal of empty packaging containers, all address mailing labels (i.e., standard penalty envelopes and labels, USPS and commercial carrier labels and airbills, etc.) must be destroyed or defaced, ensuring no further use.

(14) All empty inner envelopes/wrapping material with any Bureau marking must be disposed of in official trash receptacles.

#### **2-2.1.1 Opening of SAC Mail**

(1) Mail marked "Personal," whether addressed to the SAC by name only, title only, or both, must be opened only by the SAC.

(2) In the absence of the SAC, the acting SAC may open mail marked "Personal Attention," whether addressed to SAC by name only, title only, or both.

#### **2-2.1.2 Mail Opened by Support Personnel**

(1) Mail addressed to the SAC by title only, by name and title, or by name only provided it does not appear to be personal in nature, may be opened by support personnel.

(2) When mail indicates enclosures, the person opening the mail must determine whether they have been received.

(a) If so, the initials of the person opening the mail must be placed adjacent to the word "Enclosure" or the abbreviation "Enc." If enclosures are received at a later date, note the date received.

(b) If not, a notation is made on the communication to that effect; FBIHQ or submitting field office should be immediately advised.

#### **2-2.1.3 Block Stamping Mail**

Block stamps and serial stamps are no longer required on any document. Automated Case Support (ACS) automatically keeps a log on everything done such as when a document was uploaded, received in an office, and when an index record was added.

#### **2-2.1.4 Teletypes and Telegrams**

(1) Handling during business hours -

(a) Immediate teletypes must be time-stamped as soon as received and hand carried to the SAC or person acting for him/her. Other teletypes and telegrams must be time-stamped as soon as received, indices checked, and if file exists and is available it shall be attached and both file and communications routed to supervisory personnel at once.

(2) Handling during nonregular business hours -

(a) Immediate teletypes must be communicated to the SAC or person acting for him/her immediately.

(b) Priority teletypes - If Agent is on duty, Agent may use his/her discretion as to whether to communicate the teletype to the SAC or ASAC. If support personnel are on duty, they must communicate teletypes to supervisory personnel.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(3) Filing of teletypes -

(a) File FD-36 in the case file

(b) Deleted

(c) When a teletype containing the same text is sent individually to more than one field office, only the FD-36 is to be filed.

(d) Carbon of machine copy of transmitted message may be retained for one month and then destroyed.

**2-2.2 General Instructions for Mailing/Shipping (See MAOP, Part 2, 2-1.3.4, 2-2.1.)**

(1) The sending office is responsible for making appropriate mailing/shipping determination ensuring mailing/shipping methods are properly used. Use cheapest mailing/shipping method which will suffice in each instance.

(2) All FBI information (documents and related material up to and including the secret level) must be shipped by FedEx, U.S. Postal Service (USPS) Registered, or USPS Express between Bureau offices within the United States and Puerto Rico. The use of USPS Express must be limited only to locations not covered by FedEx (Post Office boxes, etc.). Under no circumstances should Top Secret or Sensitive Compartmented Information be sent via USPS, FedEx, UPS, etc., regardless of the destination point.

(3) Mail should not be insured. Insurance payments are prohibited by Title 40, USC, Section 726.

(4) Mail in smallest possible envelope which adequately protects the material at the least possible cost. Basic envelope selection guidelines are:

(a) Use a 4 1/8 X 9 1/2 inch envelope whenever possible. Envelope shall not be more than 1/4 inch thick so it can be processed on postal high-speed optical character readers and bar code sorters. This dimension might consist of five sheets of 8 1/2 X 11 bond paper, or ten sheets of 8 1/2 X 11 tissue paper, or an equivalent combination.

(b) Fold material to be mailed--unless too thick or cannot be folded without being damaged--to fit into the smallest size envelope, without overstuffing.

(c) Window envelopes shall not be used for the following:

1. Classified material
2. Material relating to National Security
3. Material highly confidential to the FBI or addressee
4. Addressee is a high-level government or private sector official

(d) Choose an envelope only slightly larger than the material to be mailed, to minimize shifting within the envelope.

(e) Consolidate multiple mailings made on the same day to the same address in one envelope, instead of using a separate envelope for each item.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(f) When bulk or size of mail requires a large envelope/wrapping (9 1/2 inches by 12 inches or larger), or mail is classified, double envelopes/wrapping must be used, one inside the other, to guard against mail breaking open in transit. The inner envelope/wrapping shall have the same address and return address as the outer address mailing label/airbill. Whenever the envelope/package contains classified information, the inner envelope/wrapping shall also be clearly marked with the highest classification level. Under no circumstances shall the outer envelope/wrapping have any indication of the classification level of its contents.

(5) If possible, all information destined to a Legal Attache (Legat) must be transmitted by electronic communication (EC) or secure facsimile. Information which cannot be transmitted to a Legat by EC or secure facsimile must be sent to JEI, FBIHQ for forwarding purposes. No direct shipments of classified and unclassified-sensitive material to Legats are allowed. Unclassified-sensitive material is information that, if disclosed, could adversely affect the ability of the FBI to accomplish its mission. Examples of unclassified-sensitive information might be the identity of FBI personnel, names of individuals or groups under investigation, technical and automation equipment, or personal data on individuals. It is noted that all mail and related material sent to other countries by unsecure methods (i.e., FedEx, UPS, DHL, USPS Express, USPS Registered, etc.) may be inspected and opened by their respective customs officials; therefore, offices must be cognizant that unauthorized inspection by the host country of classified or unclassified-sensitive information can endanger people, hamper investigations, misdirect resources, and cause embarrassment.

Whenever sending Legat information to JEI, FBIHQ for forwarding purposes, put the information in an envelope and seal. Indicate the appropriate Legat destination point and classification level (unclassified-not sensitive, unclassified-sensitive, confidential, or secret) on the envelope. If the information being forwarded to a Legat has an "original" communication destined to FBIHQ for action/information purposes, attach the sealed envelope to the original communication and indicate next to the Legat copy designation "sealed envelope attached."

Once FBIHQ receives information for forwarding to Legats, FBIHQ will separate the information into two categories, (1) classified and unclassified-sensitive and (2) unclassified-not sensitive. The classified and unclassified-sensitive information will be shipped via the Department of State Classified Diplomatic Pouch System. The unclassified-not sensitive information will either be shipped via the USPS Express mail service or other acceptable commercial express services. This procedure will expedite unclassified-not sensitive material to Legats and ensure the safe shipment of classified and unclassified-sensitive material.

(6) Because of the Bureau's mandated responsibilities, FBI offices are constantly sending/receiving hoax explosive devices (usually evidence), explosive components, hazardous substances, and other dangerous materials which, when X-rayed, might appear suspicious. When offices screen all incoming items, they will experience tense situations as a result of these items being shipped. Offices should not disregard any suspicious package, even though it may be labeled with a Bureau mailing label. Labels can be easily duplicated and used as a possible camouflage technique by bombers to deceive the recipient. (See MIOG, Part 2, 13-16.6.)

(a) To identify these possible suspicious-looking items prior to receipt and minimize possible disruption of the workplace, a "Mail/Package Alert" Form (FD-861) must be used.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(b) Prior to mailing/shipping items between Bureau offices which, when X-rayed, might appear suspicious, an immediate teletype must be sent or a telephone call made to the recipient. The teletype or telephone call should identify the shipping method (United States Postal Service Registered, FedEx, etc.), identifying/tracking number, office of origin, description of contents, date it was mailed/shipped, and any other information which may be beneficial to the recipient.

(c) Upon receipt of the above-mentioned information, the recipient must complete an FD-861 and post it on or near the X-ray machine in a conspicuous manner. It is the responsibility of each office to designate an appropriate area for the posting of such information and advise all employees responsible for X-raying incoming mail and related material of the designated area. Also, appropriate security must be afforded to the Mail/Package Alert Forms to prevent possible compromise. That is, the posting of such information in unsecured FBI space (i.e., loading dock, reception area, etc.) is strictly prohibited.

(d) The form must remain posted at all times until the item in question is received. Upon receipt of the questionable item, the FD-861 should be removed from the X-ray machine or designated area, and the bottom portion of the form completed (initials of the employee who identified the package and date received). The completed form should be retained for 90 days. Thereafter, the form should be disposed in official receptacles.

(e) The same procedures apply for mailing/shipping to the J. Edgar Hoover (JEH) FBI Building. An immediate teletype must be sent to FBIHQ, Attention: Mail Services Unit (MSU), Room 1B006, or call [REDACTED] (8 a.m. - 4:30 p.m., EST) or [REDACTED] (24 hours a day, seven days a week). The MSU will be responsible for ensuring appropriate JEH FBI personnel are advised of the questionable item.

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(f) When mailing/shipping possible suspicious-looking items OUTSIDE the Bureau, offices should make a courtesy telephone call to the recipient, providing the same information as described above (i.e., shipping method, identifying/tracking number, date sent, description of contents, etc.).

(g) Each office (including resident agencies and off- site facilities) should designate at least two employees to serve as points of contact for this matter. This will ensure that a possible communication breakdown will not occur and appropriate personnel are notified in a timely manner. Offices should consider telephone operators, mailroom personnel, and/or the supervisor responsible for managing mail X-raying screening equipment to serve as a point of contact. (7) When mailing/shipping individual hard drives (removed from or to be installed in a computer) double boxes must be used, one inside the other, to prevent the contents from breaking open in transit. The boxes must be structurally sound, with no holes, tears, or missing flaps. The use of "banker" or "photo copy" type boxes are strictly prohibited. These type boxes are designed for storage, not mailing/shipping purposes.

(a) A strict limit of no more than 20 hard drives shall be placed in one box. Prior to sealing both the inner and outer boxes, all unused space in each box must be filled with brown wrapping paper, newspaper, bubble wrap, or any other acceptable packaging filler to prevent the contents from shifting and breaking open in transit.

(b) Both the inner and outer boxes shall be sealed with plastic or gummed-paper tape so that all holes and seams on the outer finish (including loose (opened) flap joints and permanently glued

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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joints) are covered. Thereafter, at least four separate continuous strips of nylon-reinforced filament tape must be placed around both the inner and outer boxes. Each strip must completely encircle the box at least once, and at least three of the strips must encircle the container at a right angle to loose (opened) flap joints.

(c) The inner box shall have the same complete mailing/shipping address and return address information as the outer box. Whenever mailing/shipping classified hard drives, the inner box shall also be clearly marked with the highest classification level. Under no circumstances shall the outer box have any indication of the classification level of its contents.

(d) All hard drives up to and including the "Secret" level shall be shipped by FedEx, United States Postal Service (USPS) Registered, or USPS Express within the United States and Puerto Rico. USPS Express shall be limited only to locations not covered by FedEx (post office box address, etc.). All hard drives sent to and from Legal Attaches shall be sent by Department of State Classified Diplomatic Pouch, regardless of the classification level. Under no circumstances should Top Secret or Sensitive Compartmented Information (SCI) hard drives be sent via FedEx, USPS, UPS, etc., regardless of the destination point. Specific procedures for the transmittal of Top Secret and SCI may be found in the Manual of Investigative Operations and Guidelines (MIOG), Part 2, Section 26.

(e) Offices shall also immediately report to your Division Security Officer any lost, missing, packages received opened, or packages that were received damaged in such a way as to where the contents could be easily removed. A subsequent electronic communication shall be sent to the Security Division, Attention: Physical and Technical Security Unit, and the Administrative Services Division, Attention: Mail Services Unit, providing pertinent details of the incident.

(8) An FD-441 Receipt Card shall be enclosed in all Intra-Bureau shipments containing classified information up to and including the "Secret" level. The sending and receiving offices are to execute the appropriate portion of the form, and return the form upon receipt of the classified package within five workdays to the office of origin. If there is no other mail being sent to the office which prepared the FD-441, the form shall be sent by itself in a small, letter-size envelope by first-class mail. The use of USPS Registered, USPS Express, or FedEx to return individual FD-441s is strictly prohibited.

(9) All Bureau offices must maintain a written log of all outgoing accountable mail (i.e., USPS Express, USPS Registered, USPS Certified, FedEx, etc.) sent for possible tracing purposes. Bureau offices equipped with FedEx automation equipment may generate a written record of outgoing FedEx packages with the initials of the employee who records each package. Bureau offices not equipped with FedEx automation equipment must record outgoing packages by using an FD-211. All outgoing USPS Registered, USPS Express, and USPS Certified packages not recorded on a USPS manifest must be recorded by using an FD-211. All records may be destroyed on a monthly basis when they are at least two years old.

(10) All outgoing mail, freight, and related material must be delivered directly to their respective mailing/shipping representative. Utilization of a third party (i.e., security guard, adjacent office (non-FBI), other government agency, commercial store front mailing establishment, etc.) to deliver

SENSITIVE

outgoing mail, freight, and related material on behalf of the FBI is strictly prohibited. The use of collection boxes is also prohibited, regardless of the physical location of the box.

### **2-2.2.1 Mail Classes and Shipping Services**

(1) Federal Express (FedEx) - The Bureau's use of FedEx small package overnight express service is provided under the General Services Administration (GSA), Contract No. GS-23F-170L, and is utilized by the Department of Justice and most other executive agencies subject to 41 CFR 101-40. The scope of the contract does NOT include "letters," i.e., ROUTINE first-class mail to a private citizen, as defined in United States Postal Service (USPS) Regulations, 39 CFR 310.1 (Private Express Statutes).

The scope of the contract also does NOT include the following for shipment: (a) Single packages greater than 150 pounds in weight and/or greater than 119 inches in length, and 165 inches in length and girth combined;

- (b) Freight shipments;
- (c) Same-Day shipments;
- (d) Single packages smaller than 7 inches in length, 4 inches in width and 2 inches in depth;
- (e) Shipments which contain both firearms and ammunition in the same package; and
- (f) Shipments which may cause damage or delay to equipment, to personnel, or to other shipments.
- (g) Deleted
- (h) Deleted
- (i) Deleted
- (j) Deleted
- (k) Deleted
- (l) Deleted
- (m) Deleted
- (n) Deleted
- (o) Deleted
- (p) Deleted

(2) The contract specifically states that urgent letters must be delivered in accordance with the USPS Private Express Statutes which, for the most part, means that delivery must be made before 12 noon the following business day. To comply with Private Express Statutes and to receive GSA contract rates, Bureau offices must use FedEx "Priority Overnight" service with a 10:30 a.m., next-business-day delivery commitment. Using FedEx "Standard Overnight" service with a 3 p.m. next-business-day delivery commitment, or using "second-business-day" service with a 4:30 p.m. delivery commitment for FBI documents is prohibited and is in violation of Private Express Statutes and USPS regulations. Using FedEx "First Overnight" with an 8 a.m., next-business-day

**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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delivery commitment is NOT provided under the GSA contract, but may be used only on occasions where the earlier delivery commitment is absolutely necessary. Under no circumstances should "First Overnight" be used whenever shipping to FBI Headquarters (FBIHQ). All FedEx packages destined to FBIHQ are picked up at 9 a.m. each business day regardless of the type of service indicated.

(3) USPS Private Express Statutes also require that all letters shipped express next-business-day must be marked "Extremely Urgent," or "Private Carriage Authorized by Postal Regulations," or with a similar statement. The majority of packaging containers provided by FedEx and most other express couriers are marked "Extremely Urgent." However, standard opaque packaging containers provided by GSA and commercial vendors are not marked as such. When shipping via FedEx, offices shall make sure that somewhere on the packaging container it is marked "Extremely Urgent" to comply with Private Express Statutes. (4) FedEx automation equipment must be operated in a dedicated mode as defined in the Automated Data Processing Telecommunications Security Policy, Manual of Investigative Operations and Guidelines (MIOG), Part 2, Section 35-9.4.8. That is, it may only be used to communicate, process, and store FedEx transactions. NO other software or data is to be entered into, processed on, or transmitted by this computer. All FedEx automation equipment must be labeled with a data description label (SF-711) to indicate that the equipment is contractor-owned. Bureau offices may obtain SF-711 labels from their divisions' supply technicians .

(5) Prior to sealing a packaging container, all unused space in the container must be filled with brown wrapping paper, newspaper, bubble wrap, or any other acceptable packaging filler to prevent the material from shifting and breaking open in transit.

(6) Packaging containers (i.e., envelopes, boxes, tubes, etc.) must have continuous, nylon-reinforced filament tape placed around the container from end to end and side to side as indicated below:

**(a) FEDEX OR USPS LETTER (CARDBOARD) ENVELOPES**

AT LEAST four separate continuous strips of nylon-reinforced filament tape must be placed around the envelope. Each strip must completely encircle the envelope AT LEAST once. Two of the strips must cover loose (opened) flap joints and permanently glued joints in a HORIZONTAL direction. Two of the strips must cover loose (opened) flap joints and permanently glued joints in a VERTICAL direction.

**(b) FEDEX OR USPS TYVEK ENVELOPES**

All holes and seams on the outer finish of these envelopes (including loose (opened) flap joints and permanently glued joints) must be sealed with plastic or gummed paper tape. AT LEAST two separate continuous strips of nylon-reinforced filament tape must be placed around the envelope, at right angles to loose (opened) flap joints. Each strip must completely encircle the envelope AT LEAST once.

**(c) FEDEX OR USPS BOXES**

All holes and seams on the outer finish (including loose (opened) flap joints and permanently glued joints) must be sealed with plastic or gummed paper tape. AT LEAST two separate continuous

**SENSITIVE**



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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strips of nylon-reinforced filament tape must be placed around the box, at right angles to loose (opened) flap joints. Each strip must completely encircle the box AT LEAST once.

(d) STANDARD OPAQUE PACKAGING CONTAINERS SHIPPED VIA FEDEX (Smaller Than 17 1/2 inches in length, x 11 1/2 inches in width, x 10 1/2 inches in depth)

All holes and seams on the outer finish (including loose (opened) flap joints and permanently glued joints) must be sealed with plastic or gummed paper tape. AT LEAST three separate continuous strips of nylon-reinforced filament tape must be placed around the container. Each strip must completely encircle the container AT LEAST once, and AT LEAST two of the strips must encircle the container at a right angle to loose (opened) flap joints.

(e) LARGE STANDARD OPAQUE PACKAGING CONTAINERS SHIPPED VIA FEDEX (17 1/2 inches in length, x 11 1/2 inches in width, x 10 1/2 inches in depth, or larger)

All holes and seams on the outer finish (including loose (opened) flap joints and permanently glued joints) must be sealed with plastic or gummed paper tape. AT LEAST four separate continuous strips of nylon-reinforced filament tape must be placed around the container. Each strip must completely encircle the container AT LEAST once, and AT LEAST three of the strips must encircle the container at a right angle to loose (opened) flap joints. The larger the container, the more strips of nylon-reinforced filament tape must be used.

(7) Packaging containers provided by the USPS and FedEx must NOT BE REUSED for shipment purposes. These containers are designed for one shipment only. Standard opaque packaging containers may be reused only when the container is structurally sound, with no holes, tears, or missing flaps. Obsolete address mailing labels and markings must be removed or covered prior to shipment.

(8) The use of "banker" or "photo copy" boxes are strictly prohibited. These boxes are designed for storage, not mailing/shipping purposes.

(9) The "release signature" block on FedEx airbill or automation equipment must NOT be executed under any circumstances.

(10) The scope of the contract provides for the shipment of hazardous materials ("Dangerous Goods"), as defined by the International Air Transport Association (IATA) Dangerous Goods Regulations. Bureau offices must comply with all federal, state, and local laws governing packing, wrapping, marking, and labeling whenever shipping dangerous goods. Specific information about dangerous goods may be found on the internet at <http://www.fedex.com> and searching for "dangerous goods," or by calling FedEx at (800) GO-FEDEX, selecting prompt 81 and asking for the dangerous goods department. All FBI employees/contractors that wrap/package and place into shipment a hazardous material (dangerous good) must receive general awareness/familiarization training and function-specific training regarding hazardous materials. The FBI has designated FedEx or the Department of Transportation, Transportation Safety Institute, Oklahoma City, for hazardous materials training. (See MAOP, Part 2, 2-2.2.13 and 6-2.3.9; MIOG, Part 2, 13-6.7.)

(11) All FBI FedEx invoices are received electronically at FBIHQ on a weekly basis and reviewed by the Mail Services Unit (MSU) for accuracy, compliance within the scope of the FedEx Domestic Overnight Express service contract, late deliveries, and unauthorized activity. To be in compliance

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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with standard Inspection Division audit guidelines, FBI field offices and other FBI locations shall receive a weekly FedEx summary statement via the FBI Intranet. This summary statement will be e-mailed directly to financial managers and other designated finance personnel. For locations that do not have a financial manager, the lead finance official of that site shall be designated as the point of contact. If the financial manager or designated finance official changes, it is the responsibility of the field office or FBIHQ location to inform the MSU of the change. In the event FBI FedEx account locations receive a paper invoice for shipments made, these invoices shall be reported by e-mail and then forwarded to FBIHQ, Attention: Ms. Dolores A. Gibbs, Program Analyst, MSU, Facilities Management Section (FMS), Administrative Services Division (ASD), Room 1B006.

Financial managers and designated personnel shall ensure that the FedEx summary statement is reviewed for accuracy within five workdays of receipt. The summary statement shall be compared with the FedEx records maintained at each FedEx account location within the division. If the statement is accurate and both records match (i.e., date of shipment, tracking number, from and to address, account number, etc.), the financial manager or the lead finance official shall download the summary page of the statement into paper form. The summary page must then be signed, dated and filed as a subfile under the master Third Party Draft control file. Records shall be maintained for a period of six years and six months. Thereafter, the records may be destroyed. If the financial manager or lead finance official identifies any incorrect charges or unauthorized shipments, these charges and/or shipments shall be reported by e-mail within five workdays to the MSU. The MSU shall reconcile any incorrect charges or unauthorized shipments with FedEx within five workdays of e-mail notification.

(12) FBI FedEx account locations are no longer responsible for identifying and informing FedEx of packages delivered outside the published delivery commitment (late deliveries). Although packages delivered after the delivery commitment will appear on the weekly summary statement, the MSU shall work with FedEx to determine if these are appropriate charges and seek the appropriate credit or refund for late deliveries.

(13) FBI FedEx account locations shall continue to be responsible for verifying the actual delivery of FedEx packages shipped within two workdays after shipment. Lost or missing packages shall be immediately reported to the division Security Officer. If the lost or missing package cannot be located within 15 calendar days, an electronic communication shall be sent to FBIHQ, Security Division, Attention: Security Compliance Unit, PA-555, and Administrative Services Division, Attention: Mail Services Unit, Room 1B006, providing pertinent details of the incident. See 261C-HQ-C1407494 Serial 153 for Security Division reporting guidelines.

(14) FBI FedEx account locations shall also continue to be responsible for identifying and informing FedEx of packages received in damaged condition and seeking an appropriate refund. Each FedEx package is automatically valued at \$100 per package, or \$1.00 per pound, whichever is greater. When shipping material via FedEx valued over \$100, offices should declare the actual value (up to a maximum of \$50,000) by indicating the value on the airbill or through FedEx automation equipment before presenting the package to FedEx. To receive a refund, FedEx must receive notification of the damaged package within 15 calendar days of the date of delivery. A damaged package notification must be made by calling (800) 463-3339, selecting prompt 0, and asking for "claims." FedEx will provide a control number and fax a claim form to the requested

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

location. The completed claim form must include all documentation related to the proof of value (i.e., copy of original invoice from vendor/supplier, itemized repair invoice or statement of nonrepair, appraisals, expense statement, or any other applicable documentation). The majority of claims are resolved within 5 to 21 days. Damaged package claims that cannot be reconciled with FedEx shall be brought to the attention of the MSU.

(15) To ensure the accuracy of the FedEx electronic invoicing process, all requests to open or close an FBI FedEx account shall be submitted by electronic communication or e-mailed to Dolores A. Gibbs, MSU, ASD. To open an account, the requester must provide the street address of the account location, point of contact, telephone number, justification for the account, and anticipated volume of FedEx packages sent on a daily basis. To close an account, the requester must provide the account number, street address, and point of contact.

(16) With the merger of FedEx and Kinko's into FedEx Kinko's, FedEx shipping account holders are capable of purchasing supplies and related materials by using their FedEx account number. The scope of the contract with FedEx does not include the purchase of supplies and related materials. Under no circumstances should offices use their FBI FedEx account number to purchase any supplies and related materials from FedEx Kinko's or from any other source. Supplies and related materials may be purchased by an approved government credit card or by any other authorized procurement method.

(17) When presenting packages to FedEx, offices must ensure that a complete "from and to" mailing address, the sender's and recipient's telephone numbers, date, type of service (priority overnight), weight, value (if applicable), special handling (Saturday delivery, dangerous goods, etc.), and account number are clearly printed or typed on the mailing label/airbill. Under no circumstances should offices present packages to FedEx without the above delivery information. All FedEx shipments must also have a FedEx SEL-17 exception sticker next to the address mailing label. Offices may obtain SEL-17 stickers by contacting FBIHQ, Ms. Deborah R. Brooks, or Mr. A.C. Tarver, Mail Supervisors, MSU, (202) 324-4303.

(18) FedEx account numbers are like credit card numbers and must be provided appropriate security. Offices are prohibited from providing FBI FedEx account numbers to outside sources unless it is for official business, the outside source is known and considered trustworthy (i.e., other government agencies, task forces, victims of crime, cooperating witnesses, etc.), and the shipment is made to an FBI office. Under no circumstances should FBI FedEx account numbers be provided to outside sources for unofficial purposes, for third party shipments (from and to non-FBI locations), or for the delivery of paid goods and/or services. It is the responsibility of all offices to be diligent in identifying and reporting possible fraud and/or unauthorized shipping activity.

(19) The use of FedEx is considered "Premium Transportation" and should not be indiscriminately or needlessly used. Bureau offices should use the cheapest mailing method which will suffice in each instance. Bureau offices shall use FedEx for the daily, consolidated shipment of FBI documents and related materials (up to the "Secret" level) between Bureau offices within the United States and Puerto Rico. Bureau offices may also use FedEx to other government agencies and outside sources for time-sensitive materials. However, to save funds, offices should refrain from sending FedEx packages separate from the daily, consolidated Bumail shipment unless it is absolutely necessary (i.e., size of material, hazardous material, evidence, court order, etc.). Offices

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

are strongly encouraged to take advantage of automation technologies already available to transmit information in lieu of FedEx. Additionally, the use of FedEx for shipment of office supplies, forms, routine, public source material, and/or items outside the scope of this contract is prohibited. Each office is responsible for making the appropriate shipping determination, ensuring FedEx is properly used.

### **2-2.2.2 Registered Mail**

The weight and size limits for registered mail is 70 pounds and 108 inches in length and girth combined.

(1) Use registered mail for - (See MAOP, Part 2, 2-2.2.9.)

(a) Deleted

(b) Evidence

(c) Valuables - item having a reimbursable value, such as coin, currency, jewelry, etc. The reimbursable value (up to \$25,000) must be declared to the postal service.

(d) Material classified under Executive Order 12958. "Secret" and "Confidential" material must be enclosed in opaque sealed envelopes where size permits or in opaque sealed boxes. Refer to MIOG, Part 2, 26-7.2, for transmitting material of this type to other agencies.

(e) Firearms - when within weight limitations (See MAOP, Part 2, 6-2.3.9; MIOG, Part 2, 12-5(5) & 13-6.7(29), for shipment of firearms.)

(f) Any other material which the Bureau has ordered sent by registered mail.

(g) Receipts for registered mail (FD-441) sent from a resident agency are to be forwarded to the field office headquarters. Field offices are to verify receipt of all registered mail and FD-441s by noting adjacent to the registered number on U.S. Postal Service Form 3877 (outgoing registered mail) or 3883 (incoming registered mail), the date and the initials of the employee who confirms the receipt of the mail and FD-441. Thereafter, the FD-441s are to be destroyed. Postal Service Forms 3877 and 3883 are to be destroyed on a monthly basis when two years old. (See MAOP, Part 2, 2-4.5.15.)

(h) Form FD-441b (Registered Mail Tracer Request) is to be used to trace and verify receipt of registered mail dispatched to an FBI office when the registered mail receipt cards have not been returned to the originating office. The receiving office is to execute the appropriate portion of the form and return it to the sending office. The information on the FD-441b will be recorded in the absence of the misplaced registered mail receipt card. Thereafter, the FD-441b may be destroyed.

(i) Form FD-441a (Receipt) is green in color and is to be used in connection with mailing evidence from one field office to another or from a field office to FBIHQ. The form is to serve as verification that the receiving office did, in fact, receive the evidence. The receiving office is to execute the appropriate portion of the form and return it to the sending office (Attention: Evidence Control Technician) where it is to be placed in an evidence envelope (FD-340, FD-340b and/or FD-340c) and filed in the 1A section of the case file for retention pending final disposition of the file. (See MAOP, Part 2, 2-4.4.11.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(2) Numbering Registered Mail

- (a) All registered mail must be numbered by a self- adhesive number preprinted, i.e., (R020043002), label.
- (b) Labels should be used in numerical order and the complete nine digit number, including the prefix "R" must be recorded on the postal manifest.
- (c) Labels are obtained from local post offices.

(3) Wrapping Registered Mail - Standard opaque packaging containers shipped via USPS Registered mail must be sealed in a manner that will allow application and retention of adhesive stamps, postage meter impressions and postal endorsements made by hand stamp, ball- point pen, or number two pencil. The use of masking, cellophane, nylon-reinforced, and/or plastic tape on the outer finish of registered mail is prohibited. Bureau offices must use extra gummed paper tape to ensure the registered packaging container does not break open in transit.

(4) Registered mail from FBIHQ -

- (a) A record of mail received from FBIHQ must be maintained for two years on Form FD-211.
- (b) Record must show date and time of receipt, accountable/tracking number, initials of employee signing postal service receipt when a return receipt is received, whether the return receipt card is Bureau Form 4-37 or whether it is U.S. Postal Service Form 3811.
- (c) Enter on Form 4-37 the actual time of receipt of the mail by the Bureau employee from the post office box or the actual time the mail is delivered to the office by a postal service employee.
- (d) Deleted

**2-2.2.3 Express Mail (USPS)**

Provides for next-day service if mailed no later than the designated time required by each post office. May be used for transmitting information classified "Confidential" or "Secret" between FBI offices within the United States and Puerto Rico. The use of USPS Express Mail must be limited only to locations not covered by FedEx (Post Office boxes, etc.). Contact your local post office for service information.

**2-2.2.4 First-Class Mail (11 ounces or under) (See MAOP, Part 2, 6-2.3.9.)**

- (1) Receives expeditious handling and transportation and consists of mailable post cards, matter wholly or partially in writing or typewriting, matter closed against postal inspection, bills, and statement of account.
- (2) Pieces of mail are not acceptable for mailing if they are LESS than any one of the following measurements:  
3 1/2 inches high; 5 inches long; or .007 (Seven thousandths) of an inch thick
- (3) Pieces of mail more than 1/4 inch thick do not have to measure at least 3 1/2 inches high or 5 inches long. EXEMPTED from all but the minimum thickness dimension are mailings of keys, identification cards and tags.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(4) A surcharge will be required for First-Class mail weighing one ounce or less if any one of the following dimensions are exceeded:

6 1/8 inches high; 11 1/2 inches long; or 1/4 inch thick

(5) First-Class mail weighing more than 11 ounces which requires expeditious handling and transportation should bear the notation "Priority" immediately above the address. A rubber stamp with 1/4-inch high or larger letters should be used. Size limit - 108 inches in length and girth combined. Weight limit - 70 pounds.

(6) Deleted

(7) Always use First-Class mail or Priority mail for outside source correspondence mailed to Alaska, Hawaii, and Puerto Rico. Airmail is to be used only for International Mail.

#### **2-2.2.5 Periodical Mail (Formerly "Second-Class Mail")**

Use for mailing periodicals, such as magazines, newspapers, etc., when postage is paid by permit, postage stamps, or postage-meter stamps. For details, consult the United States Postal Service Domestic Mail Manual or the FBI Mail Manager.

#### **2-2.2.6 Standard Mail (A) (Formerly "Third-Class Mail")**

Standard Mail (A) weighs less than 16 ounces. It comprises the subclasses of standard mail regular, standard mail enhanced carrier route, nonprofit standard mail, and nonprofit standard mail enhanced carrier route. These subclasses include printed matter, pamphlets, catalogs, newsletters, direct mail and merchandise. For details, consult the United States Postal Service Domestic Mail Manual or the FBI Mail Manager.

#### **2-2.2.7 Standard Mail (B) (Formerly "Fourth-Class Mail")**

Standard Mail (B) consists of mailable matter that is neither mailed nor required to be as First-Class Mail nor entered as periodicals (unless permitted or required by standard), and weighs 16 ounces or more (except special standard mail and library mail). Maximum weight is 70 pounds with a size limit of 130 inches in length and girth combined. For details, consult the United States Postal Service Domestic Mail Manual or the FBI Mail Manager.

#### **2-2.2.8 Certified Mail (See Correspondence Guide-Field.)**

Certified mail provides for a receipt to the sender and a record of delivery at the post office of addressee; it is handled the same as regular mail in transit and no record of it is maintained at the sending post office. Not available for parcels and packages. May be used for mailing material not requiring the security of registered mail but where a return receipt is desired. Not normally used in Bureau mailings.

#### **2-2.2.9 Mail to United States Attorneys**

Mail for a USA located in field office headquarters city may, at SAC's discretion, be mailed to USA unless USA's office and field office are in the same building. In such instances it should be delivered by messenger or clerk. If mailed, handle consistent with above instructions in MAOP, Part II, 2-2.2.2 (1) regarding registered mail.

SENSITIVE

**2-2.2.10 Deleted****2-2.2.11 Deleted****2-2.2.12 Business Reply Mail (Moved from 2-2.2.2)**

Mandatory use of business reply mail by federal agencies is required by the United States Postal Service (USPS). Official mail envelopes furnished to any person, concern, or organization, from or through whom official reply is desired, must be preprinted in a business reply mail format, as required by the USPS. Penalty Mail stamps or a postage meter impression may be applied to envelopes distributed for reply purposes in lieu of the preprinted business reply mail envelopes.

**2-2.2.13 Hazardous Materials (Dangerous Goods)**

(1) Items that are considered hazardous materials (i.e., explosives, gases, flammable liquids, oxidizing substance and organic peroxide, toxic and infectious substances, radioactive material, corrosives, and other miscellaneous dangerous goods) must be wrapped, packaged, labeled, and mailed in accordance with 49 CFR, Part 172; and the Dangerous Goods Regulations, International Air Transport Association (IATA), regardless of the shipping method (i.e., USPS, FedEx, UPS, DHL, etc.). (See MAOP, Part 2, 2-2.2.1 (10) and 6-2.3.9; MIOG, Part 2, 13-6.7.)

(2) All FBI employees/contractors that wrap/package and place into shipment a hazardous material must receive general awareness/familiarization training and function-specific training regarding hazardous materials.

(3) The FBI has designated FedEx or the Department of Transportation, Transportation Safety Institute, Oklahoma City, for hazardous materials training.

**2-2.3 Utilization of FBI Systems for Personal and/or Unofficial Purposes; Standards of Conduct**

(1) FBI mail systems may be only used to receive, internally distribute, or mail matter related to official FBI business. The receiving, internal distribution, or mailing of personal matter (i.e., correspondence, merchandise, chain letters, and/or solicitations) using FBI mail channels, materials and resources, including penalty envelopes and postage funds, is prohibited by various laws and regulations.

Using any federal agency mail system is using government property, and 5 CFR 2635.704 (a)(1) states:

"An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes. Government property includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles."

(2) Using penalty envelopes for other than official FBI business is prohibited by Title 18, USC, Section 1719, which states:

"Whoever makes use of any official envelope, label or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined under this title."

(3) Violations should be immediately reported and treated as any other violations of standards of employee conduct involving abuse of government property.

## **2-2.4 Mail Addressed to Former FBI Employees**

(1) Mail addressed to an employee by name or title is presumed to be official FBI mail and intended for the employee in the FBI position held. Therefore, mail addressed to a former employee shall be forwarded to their last assigned office (i.e., unit, squad, etc.) where it shall be opened by a supervisor or a designated representative for proper disposition. If it cannot be determined where the former employee was assigned, the Mail Room Supervisor or designated representative shall either return the mail to the sender or open the mail in question. If opened, the Mail Room Supervisor or designated representative shall read the mail to ascertain subject matter and route to the appropriate office or individual for appropriate action. Once opened, United States Postal Service (USPS) regulations prohibit its return, unless it is enclosed in a new envelope or wrapper with a correct address and new postage. If the mail is clearly personal and not related to official FBI business, the mail shall remain unopened and returned to sender.

(2) All FBI employees planning to leave the Bureau shall inform all correspondents of their intended employment status prior to departure. This will significantly reduce a time-consuming research process in handling such mail.

(3) This policy is in accordance with the standards in the USPS Domestic Mail Manual at D042.4.1, and with the stated position of the U.S. Postal Inspection Service, which is as follows: "Once mail addressed to an individual at a governmental or nongovernmental organization is delivered to the organization, it is out of the USPS mail stream. From that point, the organization determines disposition. This includes opening and determining disposition of mail addressed to former employees."

## **2-2.5 Ordering Preprinted Mailing Envelopes, Labels, and Postcards**

(1) Production of preprinted mailing envelopes, labels, and postcards are regulated by the United States Postal Service (USPS) as to formats, sizes, paper, and ink (See DOMESTIC MAIL MANUAL), and by the Department of Justice (DOJ) Unified Graphic Communications Program as to typography and styling of return address information.

(2) To ensure these regulations are followed, Bureau offices must submit an FD-369 to FBIHQ when ordering preprinted mailing envelopes or postcards regardless of quantity or cost. The FD-369 should include complete return address information as well as the quantity, size, and example of each envelope and/or postcard needed. Since the procurement process will take approximately 90-120 days depending on the type of item ordered, offices should plan ahead when submitting orders to ensure an adequate supply at all times.



(3) Offices may obtain preprinted mailing labels by submitting a routing slip with the same information as mentioned above to FBIHQ, Room 1B006.

## **2-3 INDEXING**

### **2-3.1 Purpose**

The purpose of indexing is to record individual names; nonindividual names, such as corporations; and property which are relevant to FBI investigations so that this information can be retrieved, if necessary, to support an efficient and effective case management system for current and future investigations. The Universal Index (UNI) also serves as an information resource to the Executive Branch of the U.S. government. Executive Branch Agencies request name searches against UNI as part of their investigations to determine suitability for employment, trustworthiness for access to classified information by U.S. government employees, contractors, licensees, grantees, military personnel and other individuals with an officially determined need for access or, in the case of aliens, eligibility to remain in the United States.

### **2-3.2 General Policy**

(1) A general index in support of FBI administrative and investigative matters must be maintained in an automated and/or a manual environment at the field office and Headquarters levels. Only information which is relevant and necessary to accomplish a purpose authorized by statute, Executive Order of the President, or by the Constitution is to be recorded in FBI files.

(2) It is absolutely essential to include as much identifying information (see 2-3.4.1) as possible once the decision is made to index based on the guidelines in this manual. The efficiency and effectiveness of present and future index systems will be determined largely by the completeness of each index record. "Indices Popular" names, such as but not limited to, JAMES JACKSON and/or JOHN SMITH, without specific identifying data are of little or no value to subsequent users of the index.

(a) Cautions: Repetitive subject indexing within a case is not necessary and is prohibited. If case Agents and/or their supervisors require repetitive subject indexing, they must request and obtain the assistance of one of the automated investigative support systems. Indiscriminate reference indexing without specific purpose also is not acceptable.

(b) Incomplete common names (common names which do not include at least a partial first name and full last name), except for title information, as well as separate standalone address, telephone, and automobile license plate numbers, should not be indexed absent extraordinary circumstances. Such unidentifiable names and/or numbers create further information management overhead costs which are not economically justifiable now or in the future.

### **2-3.3 Indexing Criteria and Guidelines**

There are two types of records (main and reference) included in both the automated and manual systems.

(1) Main index records are prepared on individual and nonindividual names that are the subject/focus of an investigation and property information in the title of most files. There are

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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exceptions in Office of Professional Responsibility matters (see MIOG, Part 1, Section 263-7), zero file matters and control file matters. It should be noted that it is only necessary to index each subject and alias(es) once in each case.

(2) Reference index records are prepared on individual names, nonindividual names and property information which are not in the title of a file and are, therefore, not a known subject/target of the current investigation. The majority of these names are found in the body of a document.

**2-3.3.1 Mandatory Indexing (See MAOP, Part 2, 2-3.3.2(1), 2-3.5(2) & (3), 2-3.6.1, & 10-17.8.)**

(1) CASE TITLE INFORMATION: Any information which is or should be in the title of any case file, including but not limited to all known aliases, requires the preparation of a main index record. Special attention should be afforded those files using abbreviated "et al." or "code name" titles to ensure a main index record is prepared for each subject and/or target of the investigation. The "CHANGED" title instructions (MAOP, Part 2, 10-16.7.4) must be followed in such cases.

(2) RECIPIENTS OF SUBPOENAS: When a person or the records of a person, business and/or individual of a business are subpoenaed in an FBI investigation (except if the subpoena is a grand jury subpoena), the person and/or the business to whom the records relate, including aliases, must be indexed in the general indices by the office issuing and/or serving the subpoena. To illustrate, if the records of the John Doe/ABC Company are subpoenaed from the telephone company, it is the John Doe/ABC Company, not the telephone company or the telephone company employee, that is to be indexed.

(3) INDIVIDUALS POLYGRAPHED: The names and aliases of individuals polygraphed by FBI polygraph examiners must be indexed in the general index by the field office conducting the polygraph examination.

(4) Deleted

(5) STOP NOTICES: The requesting and placing offices are required to index each name and/or item of property which is documented in a stop notice while the stop notice is in force. Once the stop notice is discontinued, the index records are to be removed.

(6) COOPERATIVE WITNESSES: The names of these individuals, including aliases, as defined in the Manual of Investigative Operations and Guidelines (MIOG), Part 1, Section 270-2, must be indexed.

(7) "ZERO" FILE MATTERS: All titles must be indexed at least one time, including all names of complainants except for names of individuals representing repetitive-type sources of information such as, but not limited to, security officers of private institutions or law enforcement officers. The titles of the separate communications in these files are indexed as references. (See MAOP, Part 2, 2-3.6.4(2)(f).)

**2-3.3.2 Discretionary Indexing (See MAOP, Part 2, 2-3.6.1.)**

(1) It is emphasized that all individuals who furnish information or names developed in an investigation need not be indexed. Only information that is considered relevant and necessary for future retrieval by the case Agents and/or their supervisors should be indexed. This is discretionary

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

and is therefore a very subjective decision-making process. Field investigators, their immediate supervisors and the Administrative Officer/Office Services Manager can be held accountable only for compliance with the mandatory indexing provisions (see 2-3.3.1).

(2) It also should be noted that all witnesses or persons interviewed or contacted by the FBI are NOT routinely indexed. Such indexing is discretionary but should not be done indiscriminately, i.e., there must be some basis for the position that the information indexed may be necessary for future retrieval. Witnesses and persons interviewed are well known to the Agent during the pending investigation and generally no useful purpose is served in connection with FBI responsibilities to have such information available in the index for future retrieval. The criteria as listed are sufficient for future investigative needs and are responsive to the Bureau's responsibilities under the name check program. To do otherwise would result in building a store of data too large to be efficiently manageable or essentially useful. The retention of extraneous data cannot be justified under the basic mandates of the Bureau.

(3) Examples of discretionary indexing:

(a) Suspects

(b) Close Relatives and Associates of Subjects

(c) Victims and Complainants: This refers to victim(s) not listed in the title of a case and/or complainants (except "Zero" files).

(d) Witnesses or Others Contacted

(e) Property: Property of value noted below which is not entered in NCIC and can be identified by unique serial numbers can be indexed only if future retrieval is considered necessary. Property without a unique serial number or other identifying number should not be indexed in the general indices except for property in the title of a file or unless extraordinary reasons exist for doing so. Examples of additional pertinent data for different types of property are noted below:

1. Aircraft: Indexing should include aircraft serial number, make, year and manufacturer's model name and/or number. Aircraft registration numbers and engine serial numbers enhance record quality, if available.

2. Firearms: Indexing should include caliber, make and model number, if known, in addition to the serial number.

3. Vehicles: Indexing should include the year, make, model number, engine and/or transmission serial numbers and the Vehicle Identification Number (VIN).

4. Currency and Other Securities: Indexing should include the serial number of any bonds, money orders, stock certificates, traveler's checks, etc.

5. License Plates: Indexing should include the number, year and state of registration.

(f) Computer Addresses: This refers to addresses used with computer-related crimes. Computer Addresses are unique electronic names and numbers. They contain periods (e.g., 133.31.22.52, KAGUNSUN2.C1.KAGU.SUT.AC.JP), and are identified as Network User Identification (NUI) or

SENSITIVE

Network User Address (NUA). Please refer to "Indexing Guidelines" on the proper way of entering Computer Addresses in the Universal Index (UNI) of the Automated Case Support (ACS) System.

(g) E-Mail Addresses: E-Mail addresses are entered with the keyword EMAIL. Please refer to "Indexing Guidelines" on the proper way of entering E-Mail addresses in UNI.

(h) Internet Addresses: Internet addresses are entered with the keyword INTERNET. Please refer to "Indexing Guidelines" on the proper way of entering Internet addresses in UNI.

### **2-3.4 Index Data**

It is important that each and every name index record created contains as much related identifying or descriptive data as possible in an attempt to make that name unique. This will allow the future searcher the ability to efficiently and effectively identify the information sought at the index level and eliminate other names without having to review additional documentation. There are two types of index data which help make an individual name unique, namely identifying and descriptive data. Identifying data is considered more valuable than descriptive data since descriptive characteristics are subjective and change more over time.

#### **2-3.4.1 Identifying Data (See MAOP, Part 2, 2-3.2 (2), 2-3.6.2 (1).)**

The relative uniqueness of a name is determined by obtaining, documenting and indexing the following fields of information:

- (1) Birth date
- (2) Birth place
- (3) Sex
- (4) Race
- (5) Social Security number
- (6) FBI number
- (7) Other numbers
  - (a) Military serial number
  - (b) Selective Service number
  - (c) Identification order number
  - (d) Wanted flyer number
  - (e) Alien registration number
  - (f) Immigration and Naturalization number
  - (g) Passport number
  - (h) Check circular number

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(8) Chinese telegraphic code: This code has become known as the Standard Telegraphic Code (STC). In addition to indexing the Wade-Giles or Pinyin Romanized version of Chinese names, the STC number is indexed as a variation of the true name.

#### **2-3.4.2 Descriptive Data**

(1) Descriptive data includes: height; weight; color of eyes; color of hair; scars and marks; etc. This information is beneficial and may be included in the miscellaneous fields of the automated or manual records.

(2) Address and localities (state or foreign country where individual has lived, worked or traveled) can also be considered descriptive data. This information is used as an eliminating factor in volume searching matters, such as the National Name Check Program, especially when dealing with a name that appears in the indices many times.

#### **2-3.5 Indexing Requirements of General Indices Versus Automated Investigative Support Systems**

(1) All investigative documents are to be reviewed, marked for indexing, if appropriate, and the index information entered into the general index in accordance with general index guidelines. Copies of documents channelized to sub files established in major operations need not be indexed when the original file copy of the channelized document has been indexed and is filed in the main case file. The guidelines of the specific automated system are to be applied to determine entry of data into that system.

(2) Automated investigative support systems, such as the Criminal Law Enforcement Application (CLEA), the Integrated Intelligence Information Application (IIIA), the Telephone Application, and the many microcomputer applications, are investigative tools and are considered part of the central records system. Names recorded in any one of the automated investigative support systems MUST also be recorded in the general indices ONLY IF THEY MEET THE CRITERIA FOR THE MANDATORY INDEXING AS NOTED IN 2-3.3.1.

(3) In other words, names or property which fall within the guidelines for optional (discretionary) indexing can be entered in the automated investigative support systems without being entered in the general index. OFFICES HAVING NAMES IN THE AUTOMATED INVESTIGATIVE SUPPORT SYSTEMS MEETING THE MANDATORY CRITERIA IN 2-3.3.1 WHICH ARE NOT INCLUDED IN THE GENERAL INDEX ARE IN NONCOMPLIANCE WITH FBI INDEXING RULES AND REGULATIONS.

#### **(4) INDEXING AND SEARCHING FOR TOP SECRET (TS) AND SENSITIVE COMPARTMENTED INFORMATION (SCI) RECORDS**

(a) The use of FBINET to index TS/SCI records is prohibited. The Secure Data Information System (SDIS) is available for FBIHQ to index TS/SCI material. The Automated Case Support (ACS) System is used to serialize TS/SCI documents. See 242-HQ-A1078703, serials 447 and 728 for specific instructions.

(b) In order to have a search of the SDIS conducted, contact the Investigative Information Processing Unit, Special File Room Subunit at FBIHQ at (202) 324-3668.

SENSITIVE

(c) FBIHQ personnel should indicate under the Scope of Search section on Form 4-22, Information Management Section search slip, if they wish to have the SDIS searched.

## **2-3.6 Responsibilities**

### **2-3.6.1 Special Agent (See also Correspondence Guide-Field, 1-10, 1-11 & 1-11.1)**

The Special Agent assigned a case is the manager of that case in all aspects. It is the Agent's responsibility to ensure compliance with all appropriate laws, rules, regulations and guidelines, both investigative and administrative, from inception of the case through disposition of the evidence (unless support personnel are specifically designated with that evidence responsibility). The Special Agent receives assistance in the management of cases through support provided by the Administrative Officer (AO) or Office Services Manager, the Supervisory Special Agent or the designated Relief Supervisor, the Division Counsels and the various Agent program or specific topic advisors. (See MAOP, Part 2, 2-3.6.4(1).)

(1) Agents are responsible for obtaining the birth date for all individuals interviewed and to record that information in appropriate documentation. If the date of birth is not obtained, the reason for its absence must be documented in the interview report along with an approximate year of birth for that individual. (See also MAOP, Part 2, 10-13.3(9), and Correspondence Guide-Field, 2-4.4.4 (3).)

(2) Agents are responsible for circling (main) and underlining (reference) or instructing the stenographer or typist to circle (main) or underline (reference) in red pencil any information within the body of a communication which is covered by the mandatory indexing criteria, including aliases and identifying/descriptive data. (See MAOP, Part 2, 2-3.3.1 and 2-3.6.4(2)(b).)

(3) The Agent need not mark the specific information typed in the title of the communication. The Information Management Analyst/Clerk (IMA/IMC) will, as a matter of routine, prepare index records on names and property contained in the original title and any "CHANGED" or "CHANGED (INTEROFFICE)" titles. However, the identifying descriptive data within the body of the communication related to the title information must be marked by the case Agent on the communication. The communication is then forwarded to the IMA/IMC. (See MAOP, Part 2, 2-3.6.4(2)(b).)

(4) Specific care must be taken to ensure names which are not reflected in abbreviated titles, i.e., "et al." and "code name" titles, are indexed. (See MAOP, Part 2, 2-3.6.4(2)(b) & 2-4.3.)

(5) The Agent is also responsible for underlining (reference) names, including aliases and identifying/descriptive data, or instructing the stenographer or typist to underline (reference) in red pencil those names or other items with related identifying data appearing in the body of a communication which are discretionary items for indexing and deemed necessary for future retrieval. (See (10) & MAOP, Part 2, 2-3.3.2 and 2-3.6.4(2)(b).)

(6) The Agent to whom the case is assigned is responsible for any necessary marking for indexing of FD-302s or inserts without delay. Indexing of these communications is to be done by marking a copy of the FD-302 or insert, or by marking the communication in which copies of the FD-302 or insert are used as insert pages. (See MAOP, Part 2, 2-3.6.4(2)(b), 2-4.3.2(2), 10-13.3(9), 10-13.8, & 10-13.9, and Correspondence Guide-Field, 2-11.4(3).)

(7) Deleted

(8) Information to be indexed in teletypes, except those known to be disseminated at FBIHQ to other agencies, is to be flagged by typing (X) or (XX) symbols, in parentheses, preceding and following the information to be indexed. If the information is reference data in the body of the teletype, the (X) symbol, in parentheses, should be used. If the information relates to main index data not set forth in the title, the double (XX) symbol, in parentheses, should be used. Information carried in the caption is automatically indexed as described in 2-3.6.4. In those teletypes known to be disseminated at FBIHQ, material to be indexed should be set out in the administrative section of the communication and flagged in the same fashion as in other teletypes. (See MAOP, Part 2, 2-3.6.4(2)(b)(d) and Correspondence Guide-Field, 2-9.3.1(8)(n) 6.)

(9) Deleted

(10) Deleted

(11) Agents may not recommend closing of a case, absent extraordinary circumstances, until a full name, all available aliases and all available or reasonably obtainable identifying data for all individual subject records are recorded in the general index. (See MAOP, Part 2, 2-3.6.2(2) & 2-3.6.4(2)(d).)

(12) FBIHQ personnel (Agents, analysts, etc.) will utilize a green circle (main) or green underlining (reference) to mark information for indexing on communications not already automatically indexed (Titles). FBIHQ personnel will also mark the yellow file copy of outgoing signature communications and the original of Intra-Bureau communications, as needed. If FBIHQ data processing personnel discover that a main and/or reference record on a particular name in a particular case has already been prepared, it will only be necessary for the Information Resources Division to modify the record with new identifying/descriptive data.

### **2-3.6.2 Supervisory Special Agent's Responsibility**

(1) The Agent Supervisor, or the Relief Supervisor, in addition to providing substantive investigative guidance, must ensure there is continual emphasis on compliance with the indexing guidelines. Once a decision is made to index, whether by Administrative Officer personnel or by the Agent, attempts must be made on all pending cases to obtain identifying/descriptive data defined in Section 2-3.4.1 and Section 2-3.4.2 of this manual. Lack of consistent compliance can be reflected in any critical elements that cover the obtaining and/or reporting of information and communications responsibilities. Agent Supervisors must also be vigilant and ensure that repetitive subject and/or indiscriminate reference indexing does not occur. If repetitive subject indexing is considered necessary and advantageous for a specific major case, use of the various automated investigative support systems must be utilized since such indexing in the general indices is prohibited.

(2) Supervisors may not approve the closing of cases, absent documented extraordinary circumstances, until the full name, all available aliases and all available or reasonably obtainable identifying data for all individual subject records are recorded in the general index. (See MAOP, Part 2, 2-3.6.1 (11).)

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(3) Appropriate automated management tools to easily review indexing within a case at case review time have been designed.

### **2-3.6.3 SAC's Responsibility**

(1) Deleted

(2) Deleted

### **2-3.6.4 Administrative Officer/Office Services Manager's Responsibility (See MAOP, Part 2, 2-3.6.1(3)(8).)**

(1) The staff of the Administrative Officer (AO) or Office Services Manager (OSM) will, as a matter of routine, prepare index records on names, aliases, and data in the title, including "CHANGED" or "CHANGED (INTEROFFICE)" titles, and will review other incoming, outgoing, and intraoffice communications, using the following markings:

(a) A check over last name - name searched and index record found which identifies the specific case file (subject matter) of the communication.

(b) A circle over last name - name searched and no index record found which identifies the specific case file. (NOTE: The foregoing indexing markings are also searching symbols indicating the results of index check of incoming communications.)

(c) Red diagonal through circle over last name - index record now prepared on name.

(d) Red diagonal through red circle (main) or underline (reference) - index record has been prepared on name.

(2) Other responsibilities of the AO/OSM staff will include the following:

(a) If AO/OSM personnel are aware that underlined names are subject-type names, they may upgrade the marking to a main record and, if already indexed, a new record need not be prepared. It will be necessary only to modify an existing record with additional identifying/descriptive data or new serial numbers. The decision to upgrade is discretionary.

(b) Word Processing personnel should inquire of the Agent on each dictation, whenever possible, if there is any indexing to be marked and, if the response is positive, comply with the instructions in Section 2-3.6.1 (2) through (8). (See Correspondence Guide-Field, 1-11.1.)

(c) Deleted

(d) Information Management Analyst/Clerk personnel should comply with restrictions against filing serials and closing cases before indexing is completed as set forth in Section 2-3.6.1, (8) and (11).

(e) Indexing SAC memoranda, material in double zero (instructional and policy) files and administrative (i.e., vouchers, space matters, automotive maintenance, physical fitness program, etc.) files is discretionary.

(f) Material in zero files shall be fully indexed as noted in the mandatory indexing criteria, MAOP, Part 2, 2-3.3.1(7).

SENSITIVE



### **2-3.7 Disposition of Index Data**

If and when a field office territory is realigned, the SACs and the Administrative Officers/Office Services Managers involved should contact the Information Resources Division for current policy on the handling of existing manual index cards or electronic index records. The destruction, accession and or archiving of index information is controlled by policy articulated in "The Records Retention Plan And Disposition Schedule."

### **2-3.8 Index Searching Procedures for New Mail**

(1) When new mail is received without a file number, automated indices should be searched. If the results are positive, then a manual search is not necessary. However, if the automated search is negative, the manual indices should be searched.

(2) When new mail is received with a pre-Universal Case File Number (UCFN), the document should be searched in the automated indices. As in (1) above, if the results are positive, then a manual search is not necessary. If the automated search is negative, the manual indices should be searched.

(3) When new mail is received with a UCFN file number, the document should be searched by the case number.

(a) If the results of the automated case search are positive, the mail should be routed to the Information Management Analyst/Clerk (IMA/IMC). Direct routing to the IMA/IMC is done to eliminate redundant searching. (During the process of opening the case or modifying the title as in a "CHANGED" or "CHANGED (INTEROFFICE)" communication, all the names should have already been searched in both the automated and manual indices.)

(b) If the results of the automated case search are positive, but the new mail has a "CHANGED" or "CHANGED (INTEROFFICE)" title, only the new names need to be searched in the automated indices. Again as in (1) above, if the automated search is negative, the manual indices should be searched.

(c) If the results of the automated case search are negative, the document is searched according to the procedures in (1) above.

(4) When a case file is identified, a check is placed over the last name or file number and the file number written on the communication.

(5) When the results of the search are negative, a circle is placed over the last name or file number. Any file references "identical" or "not identifiable" with the searched information shall be recorded on the incoming communication or on the indices search slip (FD-160), whichever is the more practical. If the nonidentifiable references are numerous, they may be indicated by the notation "numref."

(6) When the search is negative, then a full search should be made on combinations, variations, and contractions, the extent of which is determined by the searching employee. As a minimum, the name "John Henry Martin" should be searched as given and as John H. Martin and John Martin. All

combinations searched must be shown on the communication or the attached search slip so that the extent of the index search is readily apparent.

### **2-3.8.1 Alternate Office Indices Search (AOIS)**

AOIS was a separate index search which allowed a field office to search other field offices' automated indices. The current automated indices generates a universal search automatically which includes all field offices, Legats, and FBIHQ.

(1) through (3) Deleted

### **2-3.9 Search Slip (FD-160)**

(1) Form FD-160, indices search slip, may be used during the searching procedures or it may be submitted by employees requesting a search of the indices. (Form FD-160a, continuation sheet, may be used if more pages are needed.)

(2) The employee who reviews the references listed on Form FD-160 (and FD-160a, if used) must indicate by symbol the results of the review. These symbols are:

Identical (I) Not identical (NI) Not identifiable (?) Unavailable reference (U)

(3) The search slip is to be stapled to the document to which it pertains and the document and search slip are to be filed as one serial. If there is no pertinent document, the search slip is to be serialized in the appropriate file.

### **2-3.10 Summary Memorandum-Serialized-Index Records**

Summary memorandum was used to consolidate manual reference index records. All of the identical reference information was re-typed and placed in one communication. Once the communication was filed, all of the identical reference index records were destroyed. Since index records are entered into the automated indices, there is no longer a need to consolidate manual reference index records.

### **2-3.11 Charge-out Card**

A charge-out card, FD-260, is to be placed in the manual indices to indicate an index card is out of file whenever the circumstances are such that the absence of a charge-out card might cause a failure to locate information in the files.

## **2-4 MANAGEMENT OF FILES (See MAOP, Part 2, 2-4.4.16(4)(c).)**

(1) FBIHQ, field office and Legal Attache file fronts and backs are white with color-coded borders to facilitate sorting and routing and to enhance security. Form 4-596 has a BLACK border and is used for FBIHQ investigative and administrative files. Form 4-596a has a YELLOW border and is used for FBIHQ nonpersonnel files stored and maintained in the File Services Unit, Information Resources Division. Form FD-245 has a BROWN border and is used for field office criminal investigative and administrative files. Form FD-245a has a GREEN border and is used for field office informant (medium green), asset (dark green) and cooperating witness (light green) files. Form FD-245b has a BLUE border and is used for all Legal Attache office files. Form FD-245c has a RED border and is used for national security investigative files. Form FD-245d is SOLID WHITE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

and is used for field office personnel files. Form FD-245d.1 has a PURPLE border and is used for medical records. FD-245d.2 has an ORANGE border and is used for security program records. File fronts and backs for Universal Case File Number (UCFN) cases are WHITE with the above-mentioned COLOR-CODED STRIPED borders.

(2) The following listing identifies applicant (\*) and security-related (\*\*) classifications. All other classifications are criminal-related or administrative in nature.

1\* 65\*\* 112\*\* 133\* 176\*\* 218\*\* 243\*\* 270C\*\* 2\*\* 67\* 113\*\* 134\*\* 183C\*\* 219\*\* 246\*\*  
270G\*\* 3\*\* 73\* 116\* 138\* 185\*\* 220\*\* 247\*\* 271\*\* 14\*\* 77\* 117\*\* 140\* 191\*\* 221\*\* 248\*\*  
278\*\* 35\* 97\*\* 118\* 151\* 199\*\* 222\*\* 256\*\* 279\*\* 37\* 98\*\* 121\* 155\*\* 200\*\* 223\*\* 259\*  
283\*\* 38\* 100\*\* 123\* 157\*\* 201\*\* 224\*\* 260\* 284\*\* 39\*\* 102\*\* 124\* 158\*\* 202\*\* 225\*\*  
261\* 285\*\* 40\*\* 105\*\* 126\* 161\* 203\*\* 226\*\* 262\*\* 290\*\* 61\*\* 108\*\* 127\* 163C\*\* 212\*\*  
227\*\* 263\*\* 291\*\* 62\* 109\*\* 128\* 163I\*\* 215\*\* 228\*\* 265\*\* 292\*\* 63\* 110\*\* 130\* 170\*\*  
216\*\* 229\*\* 266\*\* 293\*\* 64\*\* 111\*\* 132\* 174\*\* 217\*\* 241\* 268\*\* 294\*\* 300\*\*

## 2-4.1 Investigative Files

(1) On ECs, when leads are set and the communication is uploaded, no paper is sent to the lead offices. When leads are set and the communication is not uploaded or attached enclosure(s) are not uploaded, the communication must be sent to lead offices. When no leads are set and the communication is uploaded, a copy of the communication must be sent to receiving offices. On ECs when no leads are set, additional copies should be forwarded to each individual on the Attention line. The original communications need to be sent to the OO. FD-302s, inserts, and Laboratory reports require three copies to be forwarded to the OO. When necessary indices searches have been completed, the incoming communication is then routed to the responsible supervisor for appropriate action. In the OO, matching the incoming correspondence with the investigative file before routing to the supervisor is discretionary. After any necessary administrative notations have been placed on the original document by the supervisor, the document is then routed to the Information Management Analyst/Clerk (IMA/IMC) to be acted upon as indicated by the supervisor, and filed.

(2) A copy or copies can be printed out of ECF or xeroxed to disseminate leads/information to Special Agents and support employees. These copies are not to be serialized nor charged out, and are destroyed by recipients when no longer needed. However, copies marked for indexing are returned to the IMA/IMC. Upon accomplishing the requested indexing, the IMA/IMC should destroy the copy or return it to the Special Agent, if requested. It is not necessary to transfer index markings to the file copy. These procedures are also applicable to administrative and zero files, but are not applicable to classified documents requiring special control.

### 2-4.1.1 Serializing

(1) Each document that is placed in an investigative file must be numbered in sequence. This number is known as the serial number and the document known as the serial. An enclosure to the document is to be given a separate serial number. Inserts or FD-302s sent or received as enclosures to another document should be given separate serial numbers. (See (2) and (3) below.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (2) Cover page(s), report, and letterhead memorandum of evaluation should be serialized as one serial. None is an enclosure of any other.
- (3) A letterhead memorandum and its accompanying letterhead memorandum evaluating sources should be serialized as one serial.
- (4) When a duplicate/copy of a document is required to be filed, it is given the same serial number as the original document.
- (5) Deleted
- (6) When a serial is transferred from one file to another, draw a line through the classification, file, and serial numbers. Write above or below the old numbers the classification, file, and serial numbers of the file to which transferred. Place executed charge-out slip, FD-5, in the file from which serial transferred.
- (7) Do not reserialize files because of transfer of serials.
- (8) Copies of affidavits for search warrants and copies of complaints for arrest warrants and any affidavits thereto should be filed as serials in the case file and not in evidence envelopes.

**2-4.1.2 Zero Files (0) - Nonspecific Information (See NFIP Manual, 19-03, L.)**

(1) Serializing -

- (a) Serialize the documents placed in them.
  - (b) When additional communications referring to the same subject are received, they are linked to the first communication by using the reference field in the Electronic Case File, ACS. Communications related to an already existing communication should note the existing communication in the reference field when the communications are serialized.
- (2) Must be maintained for - A zero file must be opened for each classification, and contained therein is the material which does not require investigation. Since the material does not require investigation, Action Required leads cannot be set out of these files. Discretionary Action and Information Only leads can be set out of these files.

**2-4.1.3 Double Zero (00) Files - Instructions and Policy**

(1) Serializing -

- (a) Serialize the documents placed in them. Only one copy needed.
  - (b) Administrative review letters and replies thereto, if any, should be filed in the double zero file for the classification involved with copies to appropriate case files when necessary.
- (2) Must be maintained for - In these files, one of which is to be opened for each classification, are to be placed statutes, decisions, instructions in electronic communication or SAC memorandum form, and other documents containing instructions or policy applicable to the classification involved. Since the material does not require investigation, Action Required leads cannot be set out of these files. Discretionary Action and Information Only leads can be set out of these files.

SENSITIVE

#### **2-4.1.4 Dead Files - No Pending Investigation**

Dead files were eliminated upon the implementation of the Automated Case Support (ACS) system.

#### **2-4.1.5 Control Files (See MAOP, Part 2, 3-4.11; NFIP Manual, 19-03, L.)**

(1) Control files are separate files established for the purpose of administering specific phases of an investigative matter or program. The institution of a control file in an investigative matter or program is left to the discretion of the individual with the administrative responsibility for the particular investigative matter or program or by SAC authorization. A control file is an administrative tool for managing a particular investigative matter or program. For this reason, control files are not created in each and every investigative matter or program. Control files are not to be counted on the Monthly Administrative Report.

(2) Leads on occasion may be assigned out of control files. In circumstances where neither an investigation nor an inquiry is warranted, the FBI may ascertain the general scope and nature of criminal activity in a particular location or sector of the economy. Activity in these control files must be reviewed periodically.

(3) In order to facilitate a periodic review, a "CASE TYPE REPORT" has been made available to all offices. It lists all control files and lead activity for each file for the most recent quarter. This report has been created for use by field office management. It provides a monitoring capability to ensure that lead activity within control files is acceptable and within the Attorney General and other FBI investigative guidelines. Control files are captured in the Automated Case Support (ACS) system by entering a "C" in the "CASE TYPE" field when opening or reopening a case. This report may be accessed through the "CASE REPORTS MENU" out of the "REPORTS MENU" of the Investigative Case Management application, ACS. The Administrative Officer/Office Services Manager is required to produce this report on a quarterly basis and provide this report to the SAC for SAC's management review. In order to avoid impacting the response time during normal working hours, the request for this report should be scheduled after 6 p.m. and before 6 a.m. near the 15th of the month following the end of each quarter.

(4) When referring to the file number of a control file in communications, the file number must include the letter "C" as part of the case number to indicate the file is a control file. The letter "C" is considered part of the file number and must be used on all communications concerning control files. (Example: 105A-CE- C0012345)

### **2-4.2 Administrative Files**

#### **2-4.2.1 Noninvestigative Files**

(1) Need not be serialized unless to do so would be enhancing to operation. (Except accident and contact files). (See MIOG, Part 1, Section 66.)

(2) Each field office is to establish a separate administrative file for the following subject matters. Administrative file covers are to be marked "ADM" in the lower right corner. Only one copy of documents designated for these files must be filed unless unusual circumstances warrant filing more than one copy. The files are to be filed in numerical sequence in the pending files section. When an administrative file is closed, it is to be filed in numerical sequence in the closed file

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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section. The heading and subheading of the Administrative files and the correspondence designated for these files are to be adequately indexed to assure retrievability.

CLASSIFICATION 1 - TRAINING MATTERS

MAIN HEADING SUBHEADING

Training Agents - New Training Agents - Annual Training Agents - Technical Training Clerical Training Firearms Training In-Service (or other FBIHQ training) Training Law Enforcement Conferences Training Police (General) Training Police Schools -- (individual files according to locale) (not to be carried as pending files or to be reported on monthly administrative reports)

CLASSIFICATION 66 - ADMINISTRATIVE MATTERS (See MAOP, Part 2, 2- 4.5.12, 2-4.5.13, 2-4.5.15, 2-4.5.23.)

MAIN HEADING SUBHEADING

Accomplishments Statistical Accomplishments Statistics in Process Addressograph Administrative Indexing Administrative Filing System Administrative General Administrative Office (Confined to matters relating to an individual field office) Administrative Report Monthly Ammunition Arraignment Arrests Automobiles General (If correspondence is sufficiently large, it is permissible to maintain separate files bearing following titles: Automobiles - Storage Automobiles - Gasoline and Oil, etc. Automobile accidents shall be reported in separate files bearing classification #66.) Automobiles Radio Automobiles (By individual car number - If an automobile is transferred to another field office, the file pertaining to it should also be forwarded.) Bills of Lading Incoming Bills of Lading Outgoing Charity Campaigns Check Circulars Circular Letters (See MIOG, Part 2, 21-25.4.1.) Coordinators, Use of Credit Bureau Duplicating and Reproduction Equipment Employee Compensation Office of Personnel Management Regulations Agent Injuries Films Firearms (Reports concerning the training of Agents in the use of firearms shall be filed under classification #1 - Training - Firearms.) Forms GTRs Household Goods Transportation Identification Orders Outstanding Identification Orders Correspondence Imprest Fund/Draft System Inspections Internal Revenue Service Data Interviews Inventory Jails Approved or Condemned Leave Mailing List Office Memoranda Personnel Conduct Photographic Equipment Physical Examinations Position Classification Property Nonexpendable Charge-out

System Radio CW Network Radio FM Registers (maintained for field office FD-420 and FD-420a) Report Writing Resident Agencies General Resident Agencies (individual files by location) Retirement SAC Letters and SAC Memorandums (be filed in "OO" file cabinet) Salary Matters Searches and Seizures Space Supplies Surveillances Technical Equipment Technical and Microphone Logs; Request for Surveillances (To be authorization, kept under lock and Justification Letters, and supervised by the SAC) Administrative Matters Telephones and Teletypes Transmittal Letters Checks and Bonds Visiting Employees Vouchers General Vouchers By Name of Companies Wanted Flyers Weekend and Night Duty

(3) SAC letters, SAC memorandums, and Bureau bulletins contained in administrative files should be carefully examined before they are destroyed to ensure that instructions which are still applicable and which will be of future value are retained. (See MAOP, Part 2, 2-4.5.12(33) & 2-4.5.17(4).)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(4) CLASSIFICATION - 67 -

(a) Employees' personnel files, including the Employee Medical File System (EMFS) subfile and the Employee Security subfile, are to be kept under lock and key under the supervision of the SAC. These files are to be sent to FBIHQ when an employee is designated SAC or transfers to FBIHQ. Files of employees who resign or retire shall be retained 90 days and then sent to FBIHQ where duplicate records will be destroyed immediately and nonduplicative records will be integrated into the Official Personnel Folder. When permanent or temporary indefinite employees leave to enter the military service, retain files in field office. Upon notification from the Bureau that restoration rights of an employee have expired, the personnel files are to be forwarded to FBIHQ. (See MAOP, Part 1, 24-11; Legal Attache Manual, Part 1, 4-3).

(b) The office personnel file is to be kept under lock and supervised by the SAC. This file should be indexed and serialized. Items that are to be filed in the office personnel file:

1. Data favorable or unfavorable to the office or its personnel, copies to files on individuals.
2. Recommendations for supervisory positions. Copy to be placed in individual's personnel file.
3. Recommendations for attendance at special schools. Copy to be placed in individual's personnel file.
4. Recommendations for advancement. Copy to be placed in individual's personnel file.
5. Recommendations for incentive award or commendations. NO COPY IS TO BE PLACED IN INDIVIDUAL'S PERSONNEL FILE.
6. Information concerning public officials or business contacts where no investigation is contemplated and such information should not be generally available to employees.

(5) CLASSIFICATION 80 - PUBLIC AFFAIRS MATTERS

MAIN HEADING SUBHEADING

Public Affairs FBI National Academy Public Affairs Identification Matters Public Affairs  
Laboratory Matters Other Than Bureau Public Affairs Public Relations Matters Public Affairs  
Research Matters - Laboratory (FBIHQ) Public Affairs Uniform Crime Reporting Speech Material  
FBI National Academy Items Speech Material Interesting Identifications Speech Material  
Laboratory Matters Speech Material Speech Material (File copy in case file if one maintained.)

CLASSIFICATION 94 - RESEARCH MATTERS AND GENERAL CORRESPONDENCE

See MIOG, Part 1, Section 94.

**2-4.3 Filing Procedures**

Original documents may be placed in file without being marked for indexing; however, indexing may be indicated on an unserialized copy of the communication and forwarded to the Information Management Analyst/Clerk (IMA/IMC). Upon accomplishing the requested indexing, the IMA/IMC should destroy the copy or return it to the Agent, if requested. It is not necessary to transfer indexing markings to the file copy.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (1) All written matter (documentary) is to be filed except routing slips. However, routing slip 1-374 shall be filed and routing slip 0-7 shall be stapled to the material to which it pertains and filed whenever it contains any instructions which should be made a permanent part of the file.
- (2) Deleted
- (3) Files must be bound with fasteners and covers.
- (4) Write the classification and file number on the top cover in the space provided.
- (5) Deleted
- (6) Deleted
- (7) Pending cases will be filed by classification. Within the classification, the cases may be filed either according to Office of Origin (OO) and then sequentially within the OO, or numerically without regard to the OO at the discretion of the field office. Closed files will be filed sequentially within the OO identifier. Closed files will require expansion space at 57 points, one for each field office and FBIHQ. A field office may desire to place their office designator either at the beginning or the end of closed files.
- (8) Pending files are to be maintained in a unit separate from the closed files. Pending files are maintained in numbered file folders.
- (9) Earlier sections of multisectioned files may be kept in the closed section.
- (10) Files may not be taken from the field office without the authority of the SAC who may grant such authority only in instances of imperative necessity.
- (11) Files may be withdrawn from the filing cabinets only by those employees authorized to do so by the SAC.
- (12) File folders which are in good condition are to be reused whenever possible.

**2-4.3.1 Maintenance of Original or Duplicate Files in Resident Agency (RA)/Off-Site (OS) Location**

All files are to be maintained in the headquarters city unless the RA/OS location is in compliance with the requirements for storage of classified material. (See MIOG, Part 2, 26-5.2.) In order to maintain pending original/duplicate files in an RA/OS location, the office must have received approval for open storage of classified material by the Security Programs Manager (SPM), Security Division, FBIHQ. (For considerations addressed herein, an "off-site location" is defined as any non-RA space not contiguous with headquarters city office space and not staffed by FBI personnel 24 hours a day.) The Records Management Division (RMD), Policy and Procedures Unit (PPU), FBIHQ, must be notified by EC when files are moved to the RA/OS location.

- (1) Security and Administrative Requirements:
  - (a) Limited to locations staffed by a Supervisory Special Agent (SSA) or Supervisory Senior Resident Agent (SSRA), with support positions allocated to the site sufficient to maintain the files. The site must have FBINET capability. No increase in support Funded Staffing Level (FSL) in an office or an RA/OS location will be granted for the purpose of administering this program.

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(b) The RA/OS location must be capable of being fully secured when not manned and must be protected with an approved intrusion detection system (IDS), i.e., a system which is in compliance with a document entitled "Intrusion Detection System Standards," disseminated to all offices by Bureau airtel dated February 28, 1990, captioned "Physical Security." The system must sound an alarm at the headquarters city, but may, if desirable, also sound an alarm at the local police department (PD). Headquarters city personnel must be responsible for ensuring RA/OS Special Agent (SA) personnel and, if not a covert site or otherwise inappropriate, local police are notified of the alarm. SA personnel are to immediately respond to the alarm location and conduct an inspection of the premises to determine security status or unauthorized entry.

(c) Armed response by FBI personnel, local PD, or other appropriate armed security personnel must be as soon as possible, but must not exceed 10 minutes from the time of the alarm. This period is dictated by the time GSA-approved Class 5 security containers have been rated against physical attack.

(d) Deleted

(e) Deleted

(f)

[REDACTED]

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(g) Deleted

(h)

[REDACTED] The SSA/SSRA assigned to the location will ensure alarms are tested on at least a monthly basis, and such testing is to be documented in an appropriate administrative file.

(i) Deleted

(j) Deleted

(k) Top Secret or Sensitive Compartmented Information (SCI) material must not be maintained in the RA/OS unless a demonstrable operational need is shown, prior approval has been granted by the Security Programs Manager (SPM), FBIHQ, and the storage facility is in compliance with the requirements for the storage of such material (see MIOG, Part 2, 26-5, 26-5.1 and 26-5.2.1).

(l) Informant and asset files shall be maintained in the headquarters city, as shall any information which identifies an informant or asset.

(m) FCI, sensitive organized crime, public corruption, and undercover operation files are to be maintained in the headquarters city, unless the SAC or Acting SAC has personally determined on a case-by-case basis that retention of the file in the RA/OS will be necessary to the effective conduct of the investigation, and that the files can be retained in a secure manner. SACs or Acting SACs cannot delegate this authority to authorize the retention of these files in the RA/OS. Justification and authorization to retain the aforementioned files in the RA/OS are to be documented by memorandum to the case file(s) involved and personally approved by the SAC or Acting SAC.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(n) All files are to be returned to the headquarters city office within 30 calendar days of when closed.

(o) The transport of files in bulk between the office and the RA/OS, and vice versa, must be by armed SA personnel or registered mail. If by registered mail, the division head is to make a determination regarding the need for an armed escort between the post office and the RA/OS location and/or the headquarters city office. This determination must be based upon the results of a threat assessment conducted by the affected division, taking into account, among other considerations, the volume and contents of the material being transported. This assessment should be documented in an appropriate control file and personally approved by the division head.

(p) All non-Bureau personnel allowed entry into RA/OS space are to be escorted at all times, unless they have been granted appropriate clearance/access to Bureau space in accordance with established procedures set forth in MIOG, Part 1, Sections 259 and 260. Official material, both classified and unclassified, must be secured, covered, and/or otherwise protected from inadvertent disclosure to any personnel not known to possess proper authorization for access to the material.

(2) All original files, including those opened in the RA/OS, must indicate on the case record in the Automated Case Support (ACS) system that the file is located at the RA/OS. This can be done by using the Squad field or the REMARKS field. All original files retained in the RA/OS must be maintained in accordance with all provisions set forth herein regarding the management of files and communications.

(3) Procedures for Maintenance of Duplicate Files in RA/OS locations:

(a) The original communications must be retained in the original headquarters city file and are not to be charged out to or filed as a serial in duplicate file in the RA/OS. In extraordinary circumstances, serials in the original headquarters city file may be charged out and recharged on a case-by-case basis to personnel assigned to the RA/OS when it has been determined by the SSRA/SSA that the serials are necessary and enhancing to the conduct of day-to-day business.

(b) Duplicate copies of communications are to be forwarded to approved RA/OS locations for retention in the duplicate file. A stamped notation, "Duplicate Copy Forwarded to \_\_\_\_\_ (RA/OS) on (date)," is to be placed on the original of the communication contained in the headquarters city file.

(c) All communications in the headquarters city file must be serialized in headquarters city. The copy of such communications forwarded to approved RA/OS locations for maintenance in the duplicate file must also contain the corresponding serial number with the stamped notation "Duplicate Serial - Original Filed in Headquarters City File." It is not necessary to charge out the duplicate serial from the headquarters city file.

(d) In locations supported by FBINET and supervised by an SSA/SSRA, indexing should be performed contemporaneously with the opening of a case, and subsequently, as needed. Unserialized mail originated in the RA/OS may be serialized and indexed in these locations once the automated serialization has been extended to the RA/OS and adequate training has been completed. All such original communications must then be promptly forwarded to headquarters city after indexing and serializing.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(e) Serials removed from the duplicate file in the RA/OS must be charged out pursuant to existing regulations.

(f) A stamped notation, "Duplicate File Maintained In The \_\_\_\_\_ (RA/OS)," is to be stamped on the file cover of all headquarters city files having duplicate counterparts maintained in the RA/OS location.

(g) A stamped notation, "Duplicate File - Original Maintained In Headquarters City," is to be stamped on the file cover of all duplicate files maintained in approved RA/OS locations.

(h) When the investigative matter to which the duplicate file pertains is closed, the duplicate file is to be forwarded to headquarters city within 30 calendar days where a serial- by-serial match is to be made with the original file. Any serials in the duplicate file that bear "action" notations, i.e., notations issuing instructions, notations requesting action be taken, notations of certification that action was taken, etc., not appearing on the original file copy of the serial are to be matched with and filed adjacent to the original serial. Remaining serials in the duplicate file not bearing "action" notations or which have not been stamped as having historical/research value may be destroyed. The employee destroying duplicate copies of serials is to initial and date the top (last) serial in the original file and note thereon that extra copies have been purged and destroyed. (See MAOP, Part 2, 2-4.3.5 (6)(b), 2-4.5.3.)

(i) Deleted

**2-4.3.2 Administrative Handling of FD-302s and Inserts (See MAOP, Part 2, 10-13.8.)**

(1) Original FD-302s and inserts are to contain no markings other than the initials of the author(s) and the serial number. The original document is to be filed along with a second copy. The third copy of the document is the "Agent Copy" and is not to be serialized nor charged out, and should be destroyed by recipients when no longer needed. However, if the "Agent Copy" is marked for indexing, it is to be returned to the Information Management Analyst/Clerk (IMA/IMC). Upon accomplishing the requested indexing, the IMA/IMC should destroy the copy or return it to the Special Agent, if requested. It is not necessary to transfer indexing markings to the file copy. If additional copies are required, they may be photocopied.

(a) In nonsensitive-type cases where a Resident Agent is the case Agent, the original and copy, after being initialed, will be retained in the headquarters office, as indicated in (1) above. In the event a copy of the FD-302 or insert is necessary for work purposes in the resident agency, such must be charged out to the particular Agent.

(b) If assigned to headquarters office and the dictator is the Agent to whom the case is assigned, he/she should initial the original FD-302 and return it to the Administrative Officer/Office Services Manager with a copy to be filed as indicated in (1) above.

(c) In resident agencies, if the dictator is the Agent to whom the case is assigned, he/she should initial the original FD-302 and submit it and one copy to the Administrative Officer/Office Services Manager for filing.

(2) Indexing of FD-302s (See MAOP, Part 2, 2-3.6.1 (6), 10-13.9.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(a) If indexing of FD-302s is necessary, and a report is not being immediately prepared, the Agent to whom the case is assigned shall use the third copy ("Agent Copy") as an indexing copy, as outlined in (1) above. If a report is being prepared immediately, indexing on the third copy of the FD-302 is not necessary; the Agent is to indicate the necessary indexing on the copy of the report.

(b) Original FD-302s and 1A envelopes are to be forwarded to the OO at time prepared and/or acquired with exception of those 1A envelopes which are to be returned to the contributor in the jurisdiction wherein they were obtained. Lead office may retain excepted 1A envelopes until they have served their purpose or until lead office file has satisfied the destruction criteria at which time these 1A envelopes should have served their purpose and should be returned to contributor. (See MAOP, Part 2, 10-13.10.)

(3) The original of an FD-302 is to be filed along with a second copy. The initialing of the FD-302 by the reporting employee constitutes the necessary authority to serialize and file. The original is to contain no markings other than the initials of the author(s) and the serial number. If prosecution proceeds by trial, the pertinent originals shall be furnished to the USA in the same manner as signed statements are furnished to the USA. A notation should be placed on the second copy showing that the original was removed for court purposes. When the FD-302 is utilized as a memorandum, it should be filed as a serial after it has been initialed for the file.

(4) When FD-302s or inserts are received by the OO from another office, the original and one copy of the FD-302 or insert are to be filed. When sending FD-302s or inserts to the OO, a transmittal communication is not needed, because the FD-302 or insert should already be serialized in the OO's file.

#### **2-4.3.3 Charge-Out Procedures**

The basis of the charge-out system is the charge-out slip, FD-5. The perforated portion of FD-5 is used to route the file or serial to employee requesting same. FD-5 must be executed when files are withdrawn for purposes other than running ticklers, use of the Administrative Officer (AO)/Office Services Manager (AO/OSM), or examination of mail by SAC, ASAC, or supervisor. When the last copy of a serial is charged out, and the serial is automated, a description of the serial is optional. If the serial is not automated, the charge-out slip must contain a description of the serial. When an employee assigned to the AO's/OSM's Office removes a serial from a file, other than a consolidated file, and prepares the charge-out slip, the classification and case numbers of the file need not be shown on Form FD-5.

#### **2-4.3.4 Charge Out of Files**

(1) Pending - FD-5 must be executed and placed in the file folders.

(2) Closed - FD-5 must be executed and clipped to a red 10 x 10 card which must be placed in the space from which the file was withdrawn.

(3) To whom may file be charged out? - To employees having a need for them. Permission of the SAC must be obtained for an Agent to charge out a file on a matter on which Agent is not assigned to work. Files are to be charged out in the name of the person who is to use them.

SENSITIVE

(4) How long may files be charged out? - Files may be charged out seven calendar days counting Saturdays, Sundays, and holidays. If transferred to another employee, recharge them. Files may be recharged once if necessary.

#### **2-4.3.5 Charge Out of Serials**

Serials may be charged out to any employee having official need for them. Serials may be charged out 60 calendar days. Serials may be recharged at end of 60 days and every 60 days thereafter if necessary. The person to whom charged must submit recharge if retained. If transferred, recharge them.

##### **(1) Pending files -**

(a) FD-5 must be executed and placed on top of the most recent serial in the section of the file from which withdrawn.

(b) Procedure on return of initialed serials to pending cases: File the serials, but if the file is not in the drawer/cabinet/rotor, put the serials in the file folder and file them on the return of the file. Destroy the charge-out slip when the serial is returned.

##### **(2) Closed files -**

(a) FD-5 must be executed and placed on top of the most recent serial in the section/volume of the file from which withdrawn and a red 10 x 10 card inserted in the file in the space from which the serial was withdrawn. If more than one serial is withdrawn from a section/volume of a closed file only one red card is to be used per section/volume.

(b) Procedure on return of initialed serials to closed cases: File the serials, but if the file is not in the drawer put the serial and red card in a blank folder which must be placed in the space from which the file is withdrawn. Upon the return of the files, file them, destroy the charge-out slip, and return the red card to supply. When a case is closed and serials are charged out, send routing slip to employee to whom charged to return.

##### **(3) Deleted**

##### **(4) Recharge serials -**

When a nonautomated serial is to be recharged and the charge-out slip contains considerable description as to the serial, the Administrative Officer/Office Services Manager may date the original charge-out slip, initial it to show that the serial has been recharged, and destroy the recharge slip prepared by the Agent.

##### **(5) Serials permanently charged -**

(a) Serials permanently charged from pending and closed files must be replaced by FD-5, fully executed and filed in place of the serial.

(b) Top Secret and/or Sensitive Compartmented Information mail which is to be permanently charged out from pending and closed files must be replaced by an FD-654, fully executed and filed in place of the serial.

##### **(6) Files and/or serials temporarily charged -**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(a) In the event it becomes necessary to forward files and related record material (indices cards) from the field office to FBIHQ for processing in connection with litigation and/or FOIPA matter, etc., such material should be duplicated for retention in the respective field office prior to forwarding the original records. This applies to all documents (including FD-192s and 1-A envelopes) in the file whether a lead office or office of origin file. Upon return of the original record(s), the duplicate material is to be destroyed unless the need to again respond to a like requirement is foreseen. In the event the exigent circumstances and/or cost of duplicating voluminous material would render the aforementioned procedure impractical, you should contact the FBIHQ Division making the request.

(b) In the event it becomes necessary to add any administrative notation to a duplicate copy of a document retained in the field office, you must first contact the FBIHQ entity to which the material is charged to ensure the original is similarly marked. (See MAOP, Part 2, 2-4.3.1 (3)(h).)

(c) Whenever any files and/or serials or other record material are to be removed from the premises of FBI space, whether or not copies are retained, Form FD-702 is to be utilized to identify the charge out.

#### **2-4.3.6 Consolidation of Files**

(1) Files are consolidated on the authority of the SAC when there are two or more files on the same subject, pertaining to related or similar matter, and handling will be facilitated through consolidation. Write "Consolidated into \_\_\_\_\_" (show new file number) on the file front of the eliminated file, and retain it in the closed files section.

When the OO changes (redesignation of OO), a consolidation is done. The new OO opens a new case and notifies the old OO of the new number. The old OO closes their case and consolidates it into the new file number. The original serials of the old OO are sent to the new OO.

(2) Deleted

(3) Deleted

(4) Deleted

(5) Deleted

(6) Deleted

#### **2-4.3.7 Reclassification of Files**

(1) When it becomes necessary to reclassify a UCFN, the old classification is crossed off the file front, and the new classification is written on the file front.

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(3) Deleted

(4) Deleted

SENSITIVE

#### **2-4.3.8 Missing Files or Serials (See MIOG, Part 2, 26-13.2.)**

(1) Files or serials missing for 30 days are to be reported to the Information Resources Division, Attention: Information Management Section.

(a) In the event these files or serials contain classified material, the aforementioned information must be accompanied by a damage assessment, as outlined in the Manual of Investigative Operations and Guidelines, Part 2, Section 26-13.1. The damage assessment will be forwarded to the Security Programs Manager (SPM), FBIHQ.

(b) When files and serials are located, information concerning the circumstances of the recovery is to be furnished to FBIHQ.

(c) If the files or serials are classified, efforts should be directed to identify individuals having possession, and if these individuals possess appropriate security clearance and "need-to-know" access to the files or serials. If the individuals do not possess appropriate security clearances and "need-to-know" access, they are to be interviewed regarding the circumstances surrounding their exposure to the information and be given the FD-722, "Inadvertent Disclosure Statement," in accordance with current procedures in the Manual of Investigative Operations and Guidelines, Part 2, Section 26-4.1.

(2) On 60-day intervals, the Administrative Officer (AO)/ Office Services Manager (OSM) is to direct to the SAC a communication advising SAC of the status of missing material and efforts to locate same (communication not to be furnished to FBIHQ). Such communications are to be reviewed and initialed by the SAC for subsequent filing in the control file. On December 1st of each year, the AO/OSM will again direct to the SAC a communication recapitulating all missing material and indicating what efforts are being made to locate same. After this communication has been reviewed and the SAC is satisfied that sound procedures to facilitate locating missing material have been implemented and are being adhered to, SAC should initial the communication for subsequent filing in the control file (communication not to be furnished to FBIHQ). All 60-day follow-up communications that have been incorporated into the December 1st communication are to be purged from the control file. The initial communication advising FBIHQ of the missing material is to be retained until files and/or serials are located, or destruction criteria have been met.

(3) It will be the responsibility of each SAC to follow this matter to ensure that every effort is being made to recover material that is missing. FBIHQ does not intend to follow with any office regarding this matter but will collect this information for accountability and statistical purposes only to later be incorporated into a profile report and furnished to the Inspection Staff for their scrutiny and evaluation at the time the respective field office is inspected. Should it be determined that files and/or serials are missing as a result of employee negligence or willful destruction of such material, it will be the responsibility of the SAC to notify and make appropriate recommendations to the Office of Professional Responsibility.

## **2-4.4 Retention of Property by the FBI**

### **2-4.4.1 Evidence (See MAOP, Part II, 6-13.9(6).)**

(1) Property may be acquired during investigations in accordance with the law concerning searches and seizures, and by warrant, subpoena, or consent including voluntary delivery. If a request is made by anyone that property is to be taken into possession in any other manner, employees must explain their lack of authority. Form FD-597 (Receipt for Property Received/Returned/Released/Seized) is to be used to document the receipt/return of property acquired during investigations. The FD-597 consists of an original and two copies with carbon insert. The original is to be filed in the 1A section (FD-340a) of the investigative case file. One copy of the FD- 597 is to be furnished to the contributor, and one copy, when appropriate, returned with the search warrant.

(2) It is essential that seized/recovered/contributed property be properly identified and described by investigative personnel at the time possession is transferred to the investigator. The items are to be carefully packaged and the containers properly identified. If appropriate, chain of custody is to be established and a record thereof is to be maintained from the time possession transfers to the investigator to the time of trial/disposition. To minimize the number of FBI personnel required to establish chain of custody, it is recommended that one or two investigators be designated to identify and describe all evidence at any particular search or arrest site.

### **2-4.4.2 Evidence Control Room (ECR) (See MAOP, Part II, 2-4.4.4 and 2-4.4.10.)**

(1) The designated ECR should be a separate area, usually within the confines of field office space, used solely for the storage of seized/recovered/contributed property which can reasonably be expected to be introduced in court and/or subject to chain of custody, regardless of size. Access to the ECR is restricted to ensure evidentiary property is accounted for, retrievable, and can withstand defense challenges concerning chain of custody.

(a)



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(b) Appropriate personal protective supplies and first aid and safety equipment should be stored in the ECR for easy accessibility. This includes, but is not limited to: disposable gloves/gowns, disposable plastic aprons, eye/mouth protection, pails with disinfectant, biohazard bags for disposing biohazard material (bag to be placed in a hard cardboard box), containers to hold needles, sink with hot and cold running water (with elbow or foot connection), flammable cabinets, acid cabinets, poison cabinets, and biohazard labels and containers.



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) The Drug Vault (or room) should be afforded outside ventilation for the storage of odoriferous substances. The floor should be made of a nonporous material so that it can be disinfected.

(d) In the event evidentiary property is of such volume that it is not practical to store in the ECR or similar facility within field office space, it may be stored in a secure off-site facility at the discretion of the Special Agent in Charge (SAC). The off-site facility should be established in accordance with the guidelines set forth in (1) (a) through (c) above. Every effort should be made to store evidence in the ECR; however, if a similar facility within field office space or an off-site facility is used, these facilities are considered satellites of the ECR and are subject to the same administrative controls afforded the ECR.

(2) Form FD-455 (Access Log - Evidence Storage Facility) is to be maintained for each ECR or satellite ECR whether located within field office space or an off-site. In addition, a separate FD-455 is to be maintained for each valuable, drug, and ELSUR evidence repository regardless of size or location. The FD-455 establishes a reliable record of persons gaining entry. The visitor SIGNS his/her own name - one name per line, reason for entry, the case file number and 1B/1D serial number, if appropriate, and the date and time of entry/exit. This information is extremely useful in defense against attacks regarding chain of custody. In field offices where an "enclosed reception area" has been established at the entrance to the ECR, it is not required that the FD-455 be signed as long as the visitor does not enter beyond this "enclosed reception area." Investigative personnel reviewing evidence in the "enclosed reception area" are not required to sign the FD-455; however, the chain of custody must be signed as a record of their review of the evidence. The FD-455 logs are to be maintained from inspection to inspection. The logs are eligible for destruction following an inspection when the evidence, pertaining to the log entries, has been disposed of or the files listed on the log are eligible for destruction, whichever is sooner. (See 2-4.4.7 (1).)

(a) The Evidence Control Technician (ECT) and Alternate Evidence Control Technician (AECT), when substituting for the ECT for one day or longer, are required to sign in and out on the FD-455 log maintained for the ECR only upon initial entry and final departure on a given day. Any other employee, including the AECT, when the ECT is on duty, must sign in/out on the FD-455 log for each entry/exit on a given day. **ONLY ONE SIGNATURE PER LINE IS PERMITTED.**

(b) In those field offices where more than one full-time ECT and/or more than one evidence storage facility is operated on a daily basis, access to the storage facility(s) is to be recorded on the FD-455 log as follows:

The ECT must sign in/out on the FD-455 log for the primary ECR, when first entry/last exit of the day is made. Access to any satellite ECR must be recorded on the FD-455 log maintained for that satellite ECR for each entry/exit on a given day.

(3) Access to the ECR and/or other evidence storage facilities which store general evidence, located within or outside field office space, is strictly limited to the ECT and AECT(s). Access by other employees is prohibited unless accompanied by the ECT/AECT, or as outlined in (7) below, and documented on the FD-455 log maintained for the facility accessed.

(4) In instances involving large seizures of evidentiary property which occur during off-duty hours (nights/weekends/ holidays), the services of the ECT/AECT should be used to assist with analyzing, cataloging, inventory and storage of the seized/recovered property.

**SENSITIVE**

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(5) In the event that the services of ECT/AECT are not utilized, a secured night depository is to be used for the temporary storage of valuable/drug evidence until the next business day. The night depository should be secured to the floor either outside the ECR or in the Night Supervisor's working area.

(6) The ECT/AECT is not authorized to access the Drug/Valuable Vault unless accompanied by the Administrative Officer (AO) or the person(s) designated to act on behalf of the AO as the Vault Witness Official (VWO). The vault witness responsibility remains with the AO, but the actual duty may be delegated to meet the requirements of the field office and resident agencies. However, the VWO should not be an AECT. Each office should limit the number of designated VWOs, and must document the list of authorized vault witnessing personnel in the evidence control file. The VWO must also sign the FD-455 for each entry/exit.

(7) The only persons having emergency access to the Drug/Valuable Vault (both combinations or both keys) and the ECR will be the Special Agent in Charge (SAC), the Assistant Special Agent(s) in Charge (ASAC), and the Supervisory Special Resident Agent (SSRA). The written access numbers to the combination(s) or the key(s) for the dual access entry must be stored separately. One combination (or key) is to be maintained in a GSA-approved security container with the central combination record file; the other combination (or key) is to be placed in the COMSEC vault safe. The SAC/ASAC/SSRA who makes an emergency entry/exit into the ECR must sign the FD-455, and document their access by an electronic communication (EC) to the Evidence Control File. (See (3).)

(8) A refrigerator/freezer is to be placed in the ECR for the storage of body fluids and any perishable-type evidence. Food items, for personal consumption, are NOT to be stored in this refrigerator.

(9) On the entrance to the ECR (preferably the door) and on the refrigerator in the ECR, a BIOHAZARD WARNING label is to be placed.

#### **2-4.4.3 Responsibilities of the Evidence Control Technician (ECT) (See MAOP, Part 2, 2-4.4.10.)**

The ECT is designated custodian of seized/recovered evidentiary property which encompasses the following responsibilities:

(1) Familiarity with the procedures set forth herein; the Manual of Investigative Operations and Guidelines (MIOG), Part 2, Section 13 (Laboratory Division Aids to Investigations) for assistance in the collection, identification, preservation, packaging and transmittal of evidence; HANDBOOK OF FORENSIC SCIENCE; MIOG, Part 2, 13-6.7.1 concerning the handling and storage of hazardous chemicals; the Forfeiture Manual concerning the disposition of property subject to forfeiture and the Forfeiture and Abandoned Property Manual, Section 10, concerning Dangerous Goods Regulations, International Air Transport Association (IATA).

(2) Ensures that access to the Evidence Control Room (ECR) and other evidence storage facilities is limited to persons having an official need; that all individuals entering the facilities are escorted and that access is recorded on Form FD-455 (Access Log - Evidence Storage Facility) maintained for EACH storage facility.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(3) Ensures that the proper protective clothing/equipment is stored and is readily available in the ECR, and is utilized when handling hazardous or potentially hazardous evidentiary property.

(4) In conjunction with Subpart H of Title 49, Code of Federal Regulations, Part 172 which requires that training be provided to those individuals who, in the course of their employment, directly affect Hazardous Materials (HAZMAT) transportation safety, the ECT is to avail himself/herself of such training. ECTs are to receive specialized HAZMAT training for air transport shipments every two years by a certified Department of Transportation or IATA-approved school. Strict fines are imposed on individual employees by the Federal Aviation Administration for noncompliance.

(5) Ensures, by physical examination of property, that the descriptive data entered into the automated evidence system (aka "Collected Item"), as furnished by case Agent/acquiring Agent, adequately reflects the property to be retained. (When evidence is heat-sealed, the sealing/witnessing officials are responsible for the accurate description of the evidentiary items.)

(6) Responsible for the recordkeeping, storage, and maintenance of all evidence. Responsibility for nonevidentiary property acquired during investigations may, at the discretion of the SAC, be assigned to the ECT if his/her workload permits. Otherwise, the SAC should assign responsibility for nonevidentiary property to an employee other than the ECT.

(7) The case Agent, acquiring Agent, and/or Agent Supervisor, depending upon the circumstances, as individuals or collectively, share the responsibility for ensuring that seized/recovered/contributed evidence is properly documented on the FD-192. The evidence and/or documentation is to be submitted to the ECT within 10 calendar days from the date that the evidence was seized/recovered. Should extenuating circumstances prevent handling of the evidence within 10 calendar days, the ECT advises the Agent that an electronic communication (EC), aka Late Day Memo, is to be submitted to the SAC, signed by the Squad Supervisor and thereafter placed in the investigative case file. (A copy of the EC is to be directed to the ECT, placed in a binder in the ECR, and maintained from inspection to inspection.) The ECT is authorized to reject evidence that is submitted late without the accompaniment of an EC. The 10 calendar days for the acquiring Agent begin with the seizure of the property and end when the ECT receives the evidence and signs the chain of custody. (If the acquiring Agent submits only the FD-192, thereby maintaining the evidence, the ECT is to be cognizant of the 10-day time frame and should not accept the late FD-192 without an EC. In the event the evidence is retained by the acquiring Agent, proper charge-out procedures are to be followed.)

(a) When lead offices (LOs) forward evidence to the office of origin (OO), the following documents (when necessary) should accompany the evidence:

FD-192 (package copy and file copy) EC for late submission - SA and/or ECT FD-597

(See also 2-4.4.4 (2).)

(8) The ECT is responsible for ensuring that the seized/recovered/contributed evidence is properly captured in Collected Item within 10 calendar days from the date the evidence and/or documentation was presented to him/her by the seizing Agent. Should extenuating circumstances prevent the ECT from entering the information into the automated evidence system, aka Collected

SENSITIVE

**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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Item, within 10 calendar days, the AO is to be advised by EC which is to be placed in the investigative case file. (A copy of the ECT's EC is placed in a binder in the ECR, and maintained from inspection to inspection.) The 10 calendar days for the ECT begin when:

- (a) he/she signs the chain of custody at the time he/she acquires the evidence, or
  - (b) when he/she acquires only the documentation, and ends when he/she enters the information into Collected Item. (See 2-4.4.4 (3).)
- (9) Ensures that exact location of property is noted in Collected Item; that the 1B, 1C, or 1D serial number is recorded on the automated FD-192/FD-192a for file; that bar code labels are placed directly on the general evidence packaging, and on the plastic pouches containing valuable or drug evidence; that an automated FD-192/FD-192a is filed in the case file and a second copy is attached to the property or placed in the binder/folder maintained in the valuable/drug evidence repository.
- (10) Ensures chain of custody documentation for evidence is recorded in Collected Item and on the automated FD-192 maintained with the evidence.
- (11) Ensures evidence is properly packaged and labeled for forwarding to FBIHQ other field offices, Drug Enforcement Agency (DEA), or contributor and that transmittal/disposition information is recorded in Collected Item.
- (12) Retrieves evidence from the ECR and any other evidence storage facility as requested by Agent personnel; accurately records chain of custody on the form maintained with the package copy of the automated FD-192; and in Collected Item; produces a charge-out reminder report to ensure property held over 60 days is either recharged or returned to the storage facility.
- (13) Upon request, retrieves nonevidentiary property from the facility and charges out the property by using an FD-5 (Charge- Out form) in accordance with established charge-out procedures. Maintains and monitors a record of property charged out to ensure nonevidentiary property held over 60 days is either recharged or returned to the facility.
- (14) Follows closely the automated property disposition tracking system to ensure every effort is made to return property to contributor and/or property declared abandoned is processed on a timely basis. Closed Cases with Pending Evidence Report is to be run and distributed to squad supervisor(s) for evidence disposition decisions every 60 days.
- (15) Disposes of property on instructions of FBIHQ, other field offices, or Agent personnel through actual destruction (drug evidence excluded), return to contributor, or other methods as appropriate. Should property that has been declared abandoned become the property of the FBI, ensures action is taken by supply personnel to have the property placed on the field office inventory.
- (16) As necessary, may be required to testify in a court of law regarding evidentiary property (chain of custody) for which responsible.
- (17) At the discretion of the SAC, serves as a fully trained member of the Evidence Response Team.
- (18) Upon the advice of the Evidence Program Manager, FBIHQ, and at the request of the Inspection Division, FBIHQ, conducts inspections of field office evidence programs with SAC approval.

**SENSITIVE**

(19) At the request of the Evidence Program Manager, FBIHQ, and with the consent of the SAC, assists the Evidence Program Manager to conduct training and ECR assessments in various field offices.

#### **2-4.4.4 Evidentiary Property (See MAOP, Part 2, 2-4.4.11 (3) and 2-4.4.16.)**

To facilitate recordkeeping and storage procedures, evidentiary property is divided into three categories: general evidence, valuable evidence, and drug evidence. All newly acquired evidence must be entered into Collected Item.

Procedures for the administrative handling and storage of evidence are as follows:

(1) In field offices where Special Agent personnel do not directly enter their own evidence into Collected Item, the traditional green FD-192 is to be used as a "data loading form" (draft) to communicate to the ECT the information that is to be entered in Collected Item. The evidence, together with the "draft" FD-192, a signed chain of custody (automated sheet), and the case file, are then furnished to the ECT. Upon entering the information into Collected Item, the "draft" FD-192 is thereafter destroyed. It is NOT to be used as the file or package copy. (See (11).)

(2) The evidence and/or the documentation is to be submitted to the ECT within 10 calendar days from the date the evidence was seized/recovered/contributed. Should extenuating circumstances prevent handling of the evidence within 10 calendar days, the ECT advises the SA that an EC (aka Late Day Memo), is to be submitted to the SAC, signed by the Squad Supervisor and thereafter placed in the investigative case file. (A copy of the EC is to be directed to the ECT, placed in a binder in the ECR, and maintained from inspection to inspection.) The ECT is authorized to reject evidence that is submitted late without the accompaniment of an EC. The 10 calendar days for the acquiring Agent begin with the seizure of the property and ends when the ECT receives the evidence and signs the chain of custody. (If the acquiring Agent submits only the FD-192, thereby maintaining the evidence, the ECT is to be cognizant of the 10-day time frame and should not accept the late FD-192 without an EC. In the event the evidence is retained by the acquiring Agent, proper charge-out procedures are to be followed.)

(a) When LOs forward evidence to the OO, the following documents (when necessary) should accompany the evidence:

FD-192 (package copy and file copy) EC for late submission - SA and/or ECT FD-597

(See also 2-4.4.3 (7).)

(3) In field offices where Agent personnel directly enter their own evidence into Collected Item, the Agent sends the automated FD-192 to the ECT's printer and thereafter provides the evidence, together with a signed chain of custody (automated sheet), and the case file to the ECT. The 10 calendar days for the acquiring Agent begin with the seizure of the property and end when the ECT receives the entered information through Collected Item.

(4) The ECT is responsible for ensuring that the seized/recovered/contributed evidence is properly captured in Collected Item within 10 calendar days from the date the evidence and/or documentation was presented to him/her by the seizing Agent. Should extenuating circumstances prevent the ECT from entering the information into Collected Item within 10 calendar days, the AO

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

is to be advised by an EC which is to be placed in the investigative case file. (A copy of the ECT's EC is placed in a binder in the ECR, and maintained from inspection to inspection.) The 10 calendar days for the ECT begin when:

- (a) he/she signs the chain of custody at the time he/she acquires the evidence
  - (b) when he/she acquires only the documentation, and ends when he/she enters the information into Collected Item. (See 2-4.4.3 (8).)
- (5) The ECT accepts the evidence and signs the chain of custody. He/She then enters the required information (if not already done so by the Agent), and produces a bar code number (which is affixed to the evidence packaging) and a 1B/1D serial number. (For detailed procedures on entering evidence into Collected Item, see the AUTOMATED CASE SUPPORT (ACS) USERS' GUIDE.) The chain of custody and a record thereof must be maintained on evidentiary items from the time of acquisition to the time of disposition.
- (6) Upon assigning the bar code to the evidence, the ECT is required to print three new copies of the FD-192 which show the bar code. One copy of the automated FD-192 (file copy) is submitted to the Supervisory Special Agent (SSA), primary relief supervisor, ASAC or SAC for initialing, and is then filed in the first section of the investigative case file immediately above the 1A section (FD-340a). (See (11)(c).) If there is no 1A section, the file copy becomes the first item in the first section of the investigative case file. The file copy may be maintained in a subfile, in which case a blank automated FD-192 should be placed in the main file as a substitute for the original indicating their location, i.e., "1B serials maintained in Subfile E."
- (7) For GENERAL EVIDENCE, the second copy (package copy) of the automated FD-192 and the written chain of custody is affixed to and remains with the evidence until final disposition. For VALUABLE AND DRUG EVIDENCE, the package copy and the written chain of custody is filed in numerical sequence, by file number, in a binder which is maintained in the ECR.
- (8) The third copy is an informational copy which is to be forwarded to the paralegal specialist within the field office for forfeiture potential. (See (11).)
- (9) The written chain of custody documents the SIGNATURES of persons, including the ECT, who receive custody of the evidence while it is the property of the FBI. The first chain of custody is established as a result of entering the group data on the first page of the automated FD-192 and indicates the identity of the person who collected the evidence. Subsequent chain-of-custody signatures will be made by the ECT or other individuals who receive the property. Chain-of-custody entries should not disclose that the evidence is received by the ECR; instead the entry should show the signature of the person to whom the custody of the evidence has been given. (The only exception to this policy is when evidence is forwarded to the DEA or FBI Laboratories.)
- (10) In task force investigations, it is permissible for a federal criminal investigative agent from a participating federal agency or a deputized officer from a participating police department, to record chain of custody on Form FD-192 (Control Form for General/Valuable/Drug Evidence) when that investigator/officer is involved in the acquisition of the property documented on the FD-192. He/She may also participate as the sealing/witnessing agent in the verification and sealing of

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

DRUG/VALUABLE EVIDENCE. Support employees may be witnessing officials for valuable evidence only.

(11) In EMERGENCY SITUATIONS where circumstances dictate the immediate transmittal of evidence to FBIHQ and/or the DEA Laboratory by Agent personnel in an RA, prior to being furnished to the ECT for handling, the property must be documented, within the 10- calendar-day time frame, in Collected Item as noted in Section 2-4.4.4 (1) through (8), and handled according to the following procedures:

(a) The case/seizing Agent is to note transmittal information on the chain-of-custody page of the automated FD-192, (i.e., forwarded to FBI/DEA Lab, registered mail number or Federal Express number, date of transmittal letter, etc.), and furnish the chain of custody and an automated FD-192 (or a drafted green data- loading FD-192) to the ECT. The ECT does NOT sign the chain-of-custody page unless he/she is physically taking custody of the evidence; however, the appropriate information must be recorded in Collected Item. (See (21)(d).)

(b) The ECT assigns a bar code number and a 1B serial number to the evidence documentation. The bar code label is held by the ECT until the evidence is returned by the DEA or FBI Laboratory.

(c) The file copy of the automated FD-192 is initialed by an SSA and filed in the case file as noted in Section 2-4.4.4 (6).

(d) The package copy of the automated FD-192 is retained in the ECR and filed in a binder labeled "Evidence sent to FBIHQ" or "Evidence sent to DEA Lab" according to the transmittal date.

(e) When the evidence is returned to the field office, the ECT attaches the assigned bar code to the property, and properly executes the chain of custody on the package copy of the automated FD-192. The package copy of the automated FD-192 is affixed to the general evidence or filed in the binder maintained in the valuable/drug vault. The chain-of-custody information is then entered into Collected Item.

(f) If the evidence is to be returned to the RA, and not to the ECT in Headquarters City, the RA is to request that a copy of the laboratory report be furnished to the ECT when the evidence is returned to the RA.

(12) Collected Item will produce 60-day charge-out reminders.

(13) Property or items seized or recovered incidental to a search and seizure should generally be treated as evidence and maintained in the ECR. The below-listed material/items, are currently considered hazardous materials.

Flash Paper Live Ammunition Explosives Radioactive Materials Flammable Liquids and Solids  
Flammable and Nonflammable Gases Spontaneously Combustible Substances Oxidizing and  
Corrosive Materials

All require special packaging and the amount of each item which can be shipped is regulated. (See the Manual of Investigative Operations and Guidelines (MIOG), Part 2, 13-6.7.1 and the HANDBOOK OF FORENSIC SCIENCE for specific requirements and instructions for the handling/storing/shipping hazardous materials.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(14) Property seized for forfeiture, which is also evidence, should be treated as evidence and maintained in the ECR during the forfeiture process. (See the Forfeiture Manual, Step 3-1.)

(15) Nonevidentiary property, if size permits, may be filed in the 1A section of the case file. Otherwise, large nonevidentiary property (serialized as a 1C), seized, subpoenaed or contributed pursuant to investigative activity, is to be stored in a separate area within, or, at the discretion of the SAC, outside the field office, in space specifically designated for the storage of nonevidentiary items. (See 2-4.4.16.)

(16) Chain of custody on Grand Jury Material (Rule 6E Material) is not required unless specified by the case Agent. The case Agent will consult with the AUSA to determine whether chain of custody should be maintained on specific Grand Jury Material. If so required, an FD-192 is completed and the material is stored in the ECR. When a chain of custody is not required, Grand Jury Material is documented on Form FD-192a (Control Form for Nonevidentiary Items), entered into Collected Item as a 1C serial, and segregated from the other nonevidentiary property, with access given only to those individuals named on the Grand Jury List. When Grand Jury Material is entered into Collected Item as a 1C, it is charged out by using Form FD-5 (Serial Charge-Out). (See MAOP, Part 2, 2-4.4.16 and 10-13.8 and MIOG, Part 2, 2-9.5 and 2-9.7.)

(17) Special Agents' original interview notes are not intended to be used as evidence at a trial, and questions raised by the defense with respect to them generally attempt to focus on inconsistencies between the original notes and the resulting FD-302. Just as it is not necessary to maintain chain of custody on the FD-302, it is not necessary to maintain chain of custody on original interview notes and they should be filed in the 1A section (FD-340a) of the case file.

(18) Classified National Security Information should be handled in the same manner as other evidence, with the exception that it must be retained in a storage receptacle, appropriate to its level of classification, with full consideration as to the necessary chain-of-custody accountability. Money, weapons, and other items of intrinsic value shall not be stored in the same security container unless they are also classified. Material believed to be classified, but not so identified, must be protected as though it is classified. Within 30 days a determination as to its classification must be made either by presentation of the material to an Original Classification Authority or comparison with an approved classification guide in accordance with MIOG, Part 2, 26-2.3. Under no circumstances will classified material be released to any person unless it has been determined that they have the necessary clearance and/or access commensurate with the classification level of the material and a demonstrated need to know.

(19) Electronic Surveillance (ELSUR) evidence (serialized as a 1D) should be handled in the same manner as general evidence, with the exception of Title III material which must be sealed within five (5) days by the court. (See MIOG, Part 2, 10-9.) However, ELSUR evidence is not to be stored in the ECR, but rather in a room specifically designated for such material. The physical requirements for this room are the same as for an ECR (see 2-4.4.2). (See FCI Manual, Introduction, 1-2.6.3.)

(20) Obscene material which will be retained as evidence must be clearly marked "Obscene" and stored as general evidence in the Evidence Control Room (ECR). (See 2-4.4.11 and MIOG, Part 1, 145-2; Correspondence Guide - Field, 1-14.)

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(21) For Preautomated Evidence only:

Every effort should be made to enter all evidence into Collected Item. However, if extenuating circumstances prevent the entry of preautomated evidence into Collected Item, the following guidelines are to be followed:

(a) Three copies of the nonautomated green Form FD-192 should exist for preautomated evidence.

1. The original copy must be signed by an SSA and filed in the first section of the case file immediately above the 1A section (FD-340a). If there is no 1A section, the file copy becomes the first item in the first section of the case file. The file copy may be maintained in a subfile, in which case a blank nonautomated green FD-192 should be placed in the main file as a substitute for the original indicating their location, i.e., "1B serials maintained in Subfile E."

2. The package copy of the nonautomated green FD-192 records the chain of custody and must remain with general evidence. (If valuable/drug evidence, the package copy is not affixed to the property, but is filed in numerical sequence by file number in a binder which is maintained in the valuable/drug evidence repository. The package copy may be reproduced if more than one copy is required.) The signatures of persons, including the ECT, accepting custody must be recorded thereon as follows:

a. The first chain-of-custody entry is the employee who first acquired the property as identified on the front page of the nonautomated green FD-192.

b. The second chain-of-custody entry is the individual to whom the property was first released. The date, time and reason for release is also required.

c. The third chain-of-custody entry is the signature of the ECT or other individual who accepts possession from the individual releasing it (second chain-of-custody entry) along with the date, time, and reason for acceptance.

d. Chain-of-custody information continues in this fashion as the property changes hands. Chain-of-custody entries should not disclose that the evidence is released to or accepted by the ECR; the entry must show the signature of the person accepting/releasing custody.

3. It is the responsibility of the ECT to ensure that the chain of custody is accurately recorded on the package copy of the nonautomated green FD-192.

4. The index copy of the nonautomated green FD-192 serves as the index of property acquired as evidence. A consolidated record of all index copies is to be maintained in the ECR in a binder labeled "(Name of Field Office) - Index of Evidence." The index copies are to be filed by evidence category (general, valuable, drug) in numerical sequence by file number. If a satellite ECR is established in a resident agency (RA), the index copies of the nonautomated green FD-192s for evidence maintained in that RA are to be maintained in the field office Headquarters City ECR in a separate binder labeled "(Name of Resident Agency) - Index of Evidence" and filed therein as noted above. To maintain an effective recordkeeping system and to facilitate the conduct of physical inventories as required in Section 2-4.4.15, the Headquarters City's and RA's indexes must be kept up to date by noting any type of chargeout/transmittal/ disposition of property on the appropriate index copy.

SENSITIVE

(b) A 1B number should be assigned to the nonautomated green FD-192 by the ECT. A notation should be made on the nonautomated green FD-192 noting the exact location of the property stored in the ECR. When applicable, the 1B number should also be listed on the evidence label attached to the plastic pouch containing drug or valuable evidence. The ECT should ensure that the location of the property and the 1B serial number are legible on each copy of the nonautomated green FD-192.

(c) When physical inventories are conducted as required in Section 2-4.4.15, the inventories of preautomated evidence will be reconciled with the index copies of the nonautomated green FD-192s maintained by the ECT in the Headquarters City ECR, not those maintained in satellite ECRs in the RA. Therefore, the Headquarters City ECT should be advised of any type chargeout/transmittal/disposition of property located in the RA to prevent discrepancies.

(d) If preautomated evidence is required to be transmitted to FBIHQ and/or the DEA Laboratory, it is suggested that the evidence be immediately entered into Collected Item, and handled according to the guidelines as noted in Section 2-4.4.4 (11)(a).

#### **2-4.4.5 General Evidence**

(1) Items of evidence such as firearms, ammunition, clothing, typewriters, computer equipment, latent fingerprints lifted from a crime scene, and documentary items (exclusive of ELSUR evidence) such as books of account, printed materials, video tapes, motion picture films, magnetically or electronically recorded cards, tapes, discs, are treated as general evidence and stored within the ECR.

(2) If documentary items have been admitted into evidence during court proceedings or serve a continuing law enforcement purpose, the items may be retained by the FBI with the concurrence of the USA. (See also MIOG, Part II, Section 28 and Legal Handbook for Special Agents, 5-12.4.)

(3) ELSUR evidence is treated as general evidence in Collected Item, and handled in accordance with procedures set forth herein, and in MIOG, Part II, 10-9.

(4) Clothing that may contain blood and/or other liquids of known or unknown origin, should be completely dried before being stored or shipped. In field offices that are moving to newly acquired space, or being renovated, a separate room (not inhabited by employees) should be utilized to air-dry these garments. This room is to be either in the ECR or adjacent to the ECR and have outside ventilation. If the drying room is outside of the ECR, it must be as secure as the ECR.

(5) Prior to storing and/or shipping blood-stained garments, the HANDBOOK OF FORENSIC SCIENCE and the DANGEROUS GOODS REGULATIONS should be consulted.

#### **2-4.4.6 Firearms (Moved from 2-4.4.3) (See 2-4.4.17.)**

(1) By Statutes

(a) Title 18, USC, Section 3665, provides as follows: Firearms possessed by convicted felons-

"A judgment of conviction for transporting a stolen motor vehicle in interstate or foreign commerce or for committing or attempting to commit a felony in violation of any law of the United States involving the use of threats, force, or violence or perpetrated in whole or in part by the use of firearms, may, in addition to the penalty provided by law for such offense, order the confiscation

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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and disposal of firearms and ammunition found in the possession or under the immediate control of the defendant at the time of his arrest. The court may direct the delivery of such firearms or ammunition to the law-enforcement agency which apprehended such person, for its use or for any other disposition in its discretion."

(b) In all cases in which firearms and ammunition are seized pursuant to the above statute, the USA shall be notified of the seizure so that USA may bring it to the attention of the court at the time of sentencing.

(c) There is no objection to a court order directing disposal by the FBI Laboratory. (See MIOG, Part II, 13-12.8.)

(d) Other federal statutes, indexed under "Firearms" in the U.S. Code Annotated, provide for forfeiture of firearms used in violation of various statutes including liquor laws and used in named national parks and declaring contraband any firearm with respect to which there has been committed a violation of any provision of the National Firearms Act or any regulation issued pursuant thereto. The responsibility for selecting the applicable statutes, if any, is that of the USA.

(2) By Other Means - If Title 18, USC, Section 3665, or other statutes relating to confiscation or forfeiture do not apply, the firearms shall be disposed of as follows:

(a) If the firearm is the property of the subject, obtain from subject a signed waiver of ownership rights and forward the firearm to the FBI Laboratory.

(b) If the firearm is the property of the subject and subject is convicted and will not waive ownership rights, deliver the firearm to the USM as part of subject's property or deliver it to subject's attorney or other designated representatives.

(c) If the firearm is the property of the subject and subject is acquitted and will not waive ownership rights, deliver the firearm to subject or to designated representative.

(d) If the firearm was stolen from a known and legitimate owner, return the firearm to owner. If the firearm is the property of the United States, return it to the nearest appropriate government agency office.

(e) If the legitimate owner of the firearm cannot be determined, deliver the firearm to the USM as abandoned or unclaimed property unless the firearm bears a U.S. government stamp in which case it should be determined if it is desired for inclusion in the Reference Firearms Collection (RFC) of the FBI Laboratory and, if not, it should be forwarded by express, collect, to the nearest U.S. Army Ordnance arsenal or depot with the request that a receipt be furnished the field office by the military authorities.

(f) Whatever the ownership status of the firearm, if the Bureau only borrowed it as evidence from another law enforcement agency which obtained it upon arrest of the subject, it should be returned to that agency.

(g) If the subject is not prosecuted federally and is delivered to some other agency, as in the case of a deserter or a person arrested for unlawful flight to avoid prosecution, deliver the firearm to that agency, along with the subject.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (3) In situations (b) through (g) above, obtain a receipt (FD-597) from person to whom firearm is delivered and place it in the 1A section of the investigative case file.
- (4) If a firearm (or ammunition) is held for evidence and any person demands the immediate return of it, or a firearm is otherwise held and two or more claimants dispute ownership, hold the weapon and refer the legal problem to the USA.
- (5) Any offer of a firearm for inclusion in the RFC should be accepted only if the owner will furnish a release showing that the weapon is being given to the FBI unconditionally with the understanding that if the FBI Laboratory has a similar weapon or for any other reason does not desire its retention, the weapon may be destroyed.
- (6) All firearms obtained by the FBI through a court order or waiver of ownership shall be handled according to the following criteria:
- (a) All firearms shall be submitted to the Firearms- Toolmarks Unit, FBI Laboratory, along with any requests for their return to the field offices and justification for such action.
- (b) The Laboratory shall have the option of retaining any such firearms for its RFC unless specifically instructed by court order to destroy a firearm.
- (c) The FBI Academy, Quantico, will be advised by the Laboratory of any firearms received that are not being included in the RFC and will decide whether they are needed for training purposes or for reissue.
- (d) If there is a request for the return of the firearm to the field office for issue or display and if it is not needed by the Laboratory or Training Division, the Training Division will evaluate the request and, if approved, will perform the necessary refurbishing, or deactivation of these firearms. It is to be noted that approval of such requests will not be routine and must be supported by ample justification.
- (e) If not needed by the Training or Laboratory Division and there is no request to return the firearm to the field (or if request denied), the Laboratory will destroy the firearm. The field office is not authorized to destroy any confiscated firearms.
- (7) Seized/recovered firearms that are to be retained by FBI field offices pending resolution of an investigative matter are to be stored in the Evidence Control Room (ECR).
- (8) Firearms are not to be accepted by the ECT for storage until they have been examined by a field office Firearms Instructor and rendered safe. THE FIREARMS INSTRUCTOR IS TO CERTIFY THE EXAMINATION BY:
- (a) SIGNING HIS/HER NAME, AND
- (b) PLACING THE DATE THAT THE WEAPON WAS EXAMINED AND RENDERED SAFE IN THE LOWER LEFT HAND CORNER OF THE CHAIN-OF- CUSTODY PAGE OF THE PACKAGE COPY OF THE AUTOMATED FD-192.
- Chain-of-custody information is not to be recorded if possession of the firearm does not change during the safety examination. Once rendered safe, firearms may be stored in a secured cabinet or on open shelving within the ECR.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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**2-4.4.7 Drug Evidence (See MAOP, Part II, 2-4.4.9, 2-4.4.10, 2-4.4.11; MIOG, Part I, 281-8.1 (3), 281-8.1.4 (2), 281-8.1.5, 281-8.1.6, 281-8.1.8, 281-8.1.12.)**

(1) Drug evidence must be afforded maximum security while in the FBI's possession, and not commingled with any other type of evidence. Storage should be in one or more of the following types of facilities:

- (a) [REDACTED]
- (b) [REDACTED]
- [REDACTED]

b2

[REDACTED] Open-shelf filing is permissible in

- (c) [REDACTED]
- [REDACTED]

[REDACTED] Exterior ventilation for the storage of odoriferous substances and the health and safety of evidence personnel is to be afforded. Open shelving is permissible.

- (d) [REDACTED]
- [REDACTED] Exterior ventilation for the storage of odoriferous substances and the health and safety of evidence personnel is to be afforded. [REDACTED]
- [REDACTED]
- [REDACTED] Open shelving is permissible.

- (e) [REDACTED]
- [REDACTED]

(f) A separate Form FD-455 (Access Log - Evidence Storage Facility) is to be maintained for EACH drug repository. If open shelving is utilized, then one FD-455 Log for the room/vault is sufficient. (See 2-4.4.2 (2).)

(g) The ECT/AECT is not authorized to access the drug/valuable storage facility unless accompanied by the AO, or the person(s) designated to act on behalf of the AO as the Vault

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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Witnessing Official (VWO). The vault witness responsibility remains with the AO, but the actual duty may be delegated to meet the requirements of the field office and resident agencies. However, the VWO should not be an AECT. Each office should limit the number of designated VWOs and must document the list of authorized vault witnessing personnel in the evidence control file.

(h) The Agent submitting the drug evidence to the ECT must remain with the ECT while he/she processes the evidentiary property and until the VWO arrives to access the vault and witness the storage of the drugs.

(i) The only persons having emergency access to the drug/valuable storage facility (both combinations or both keys) and the ECR will be the SAC, the ASAC, and the Supervisory Special Resident Agent. The written access numbers to the combination(s) (or the key(s) for the dual access entry to the drug/valuable vault) must be stored separately. One combination (or key) is to be maintained in a GSA-approved security container with the central combination record file; the other combination (or key) is to be placed in the COMSEC vault safe.

(2) Drug evidence should be stored in a reasonably controlled environment as elevated temperatures or humidity may result in some drug decomposition. Marijuana and crude preparations of some other drugs, such as cocaine, PCP and methamphetamine, are highly odoriferous and will require more than normal ventilation for odor control. Wet or freshly harvested marijuana will mildew if not thoroughly dried before being sealed and stored. It is also advisable to fumigate marijuana to curb insect growth within the bundles. For health and safety reasons, proper outside ventilation of the drug vault/room is required.

(3) Two federal criminal investigative agents and/or deputized officers (one designated the sealing agent/officer and one the witnessing agent/officer, who are not support employees) are responsible for ensuring that drug evidence is weighed/counted and verified before the evidence is sealed, transmitted to the DEA Laboratory or placed in storage in accordance with the following procedures:

(a) The drug evidence, along with the original container, is placed in an appropriate size plastic evidence pouch and weighed/counted. The weighing should be accomplished on a scale capable of weighing in gram increments and the weight recorded on the FD-723 (Evidence Label). If the drug seizure involves tablets or capsules, the number of tablets or capsules can be determined by actual count if the quantity is small or, if too voluminous to count, by computation based on relative weights, e.g., count and weigh 100 units to determine a unit weight and then divide this weight into the net weight of the entire exhibit to determine the total number of units. If liquids are involved, the gross quantity will be reported by volume. Estimates will be based on the known or apparent size of the container.

(b) The FD-723, is to be completed with the following information:

1. Field Office Name
2. File Number
3. Date of Seizure or Purchase
4. Sealing Official's Printed Name

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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5. Sealing Official's Signature
6. Witnessing Official's Printed Name
7. Witnessing Official's Signature
8. Laboratory Examiner's Signature
9. Weight (for drugs)
10. DEA Exhibit Number (for drugs)

(c) Ensure that the completed FD-723 is placed on the outside of the plastic evidence envelope, at the top, and folded at the perforation over both sides of the envelope. Insert the envelope into the heat sealer ensuring that the heat seal is made across the FD-723.

(d) The use of plastic evidence envelopes is not always practical for bulk drug evidence seizures. Therefore, the entire bulk shipment must be packaged in boxes or cartons of uniform size. Each box should contain no more than 15-20 kilograms of substance and should be packed as full as possible. Packing material should be added, if required, to ensure that boxes will not be crushed when stacked and transported.

1. Each box or carton is to be closed with fiber- reinforced plastic tape ensuring that the tape encircles the carton and that the tape ends meet or overlap on the top.
2. An FD-723 is to be completed to include the date of sealing and the printed names and signatures of the sealing agent/officer and witnessing agent/officer.
3. The FD-723 is to be affixed to each box at the top to ensure that it covers both ends of the plastic fiber- reinforced tape. The label should be covered with clear plastic tape to ensure that names and signatures are not obliterated during transport and handling.
4. Each box will be numbered consecutively (1 of 10; 2 of 10, 3 of 10, etc.) with a permanent marker in large print.
5. Each box should also be marked with the number of packages it contains. (For additional specifics on bulk drug seizures, see MIOG, Part I, 281-8.1 through 281-8.1.11.)

(e) Opening and resealing of drug evidence must be conducted in the presence of at least two federal criminal investigative agents/deputized officers. The reasons and procedures must be fully documented in an FD-302. Two copies of the FD-302 are to be generated - one is designated for the investigative case file, and a second copy is to be presented to the ECT with the resealed evidence. (The ECT is to maintain the ECR copy of the FD-302 in a binder from inspection to inspection).

(f) A sealed plastic evidence pouch is opened by cutting off the sealed upper edge with scissors or a paper cutter, ensuring that the FD-723 is intact. If the evidence is to be resealed, both portions of the used pouch are to be retained, placed in a new evidence pouch with the evidence and sealed following the above-mentioned instructions. Opening and resealing drug evidence is to be continued in this fashion.

(g) When bulk drug evidence is required to be opened, it is done so by first cutting the FD-723 from the top of the box. If the evidence is to be resealed, the previously used FD-723 is placed in a

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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plastic envelope inside the box, and the box is then sealed following the above-mentioned instructions. (For detailed procedures on entering drug evidence into Collected Item, see the ACS USERS GUIDE.)

(h) Investigative or operational requirements may necessitate the temporary storage of bulk drug evidence for later use by investigators. The original containers cannot be marked or otherwise altered without adversely affecting the investigation or operation. Storage of the drugs in the ECR is temporary, although the drugs may be permanently stored in the ECR at a later date. Under these circumstances, the drugs will remain in the original packaging (boxes, suitcases, individual kilograms, etc.) and will then be placed in additional boxes, cartons or other containers and sealed as described in paragraph (3)(d) above. The original packaging containing the drugs will not be marked or otherwise altered. In this manner, the original packaging containing the drugs remains unaltered, while the external packaging is sealed with appropriate documentation. (See MIOG, Part I, 281-8.1.12.)

(4) Laboratory analyses of seized drugs will be conducted by the DEA Laboratories. The transmittal to and return of drug evidence from the DEA Laboratories are to be recorded in Collected Item. (See MIOG, Part I, 281-8.1.3.)

(a) Usually, DEA is requested by the FBI to forward the original packaging that contained the drugs to the FBI Laboratory for latent fingerprint analysis. When this occurs, the packaging will be returned, separated from the drugs, and at a later date. To account for the evidentiary property that has now become two pieces, the "Split" function is performed in Collected Item when the drugs are returned. This will give both pieces of evidence their own chain of custody. If the drugs are properly sealed by the DEA chemist, the package is not to be resealed by the FBI, as the DEA chemist will testify to the contents and to his/her sealing procedures. (The DEA Laboratory may complete the lower portion of the FD-723 that states "for Lab use only." However, they are not required to do so, as DEA reseals the package with their own seal.)

(b) When drugs packaging has been examined for latent fingerprints by the FBI Laboratory (therefore having been separated from its original contents), it is also treated as a drug, and therefore should be sealed by the FBI Laboratory in the same manner as any drug. The FBI Laboratory will heat seal the packaging and complete the lower portion of the FD-723 that states "for Lab use only." The field office will process the sealed drugs packaging in Collected Item (continuing the entry that was began by the "Split" function), and place the evidence in storage in the drug vault.

(5) DEA Form 7 (Report of Drug Property Collected, Purchased or Seized) is a six-part form (original and five copies) and is to be utilized when transmitting drug evidence to the DEA Laboratory. DEA Form 7 is transmitted to the appropriate DEA Regional Laboratory by cover communication. Procedures for filling out the form are as follows:

(a) DEA Form 7 is to be typed. Each form is limited to three (3) exhibits inasmuch as there is not sufficient space for the results of analyses of more than three (3) exhibits. The submitting office case file number and exhibit number (see item 9) should be placed on all drug evidence pouches so they can be matched with the accompanying correspondence.

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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Item 1: Self-explanatory. Money flashed will be checked only where drugs were seized as a result of using a flash roll.

Item 2: Enter field office file number, e.g., 245A-HN-1234. This number is essential for future case identification and retrieval.

Item 3: Disregard.

Item 4: Enter "FBI."

Item 5: Self-explanatory.

Item 6: Disregard.

Item 7: Self-explanatory.

Item 8: Disregard.

Item 9: The exhibit number or sequence number is assigned by the submitting office or by the DEA chemist. An exhibit is defined as any substance differing in form, color or shape from any other submitted materials or acquired at a different time and place. When there are several submissions from one field office or separate submissions from several field offices, it will be the responsibility of the office of origin (OO) to assign the sequential exhibit numbers. The DEA Laboratory may also be contacted to determine the next sequential exhibit number for that particular case.

Item 10: The "alleged drug" is that drug which the evidence is purported to be, or is sold as, by the defendant.

Item 11: Describe fully the labels on the original containers and specify whether seals on these containers were intact. This entry may be continued under Item 15 ("Remarks"), as necessary.

Item 12: Approximate the amount of substance in each exhibit by size or weight. The exact count and precise weight of submitted exhibits will be determined by the DEA chemist.

Item 13: Indicate whether all the materials seized are being submitted or only a portion thereof.

Item 14: Complete only if the evidence was acquired through an undercover purchase.

Item 15: The OO and the OO file number must be identified under "Remarks." The OO file number will become the DEA Laboratory case control number for all future submissions in that case. When drug evidence is submitted by lead offices (LO), the LO must determine the OO file number and enter it under Item 15. Also, under "Remarks," it should be indicated whether latent fingerprint examinations or other forensic laboratory examinations are to be performed by the FBI's Laboratory Division. The cover communication should also set forth these requests and include appropriate case background data.

Item 16: Self-explanatory.

Item 17: Supervisory Special Agent.

(b) The copy distribution for DEA Form 7 is as follows:

Copies one through five are to be forwarded by cover communication, with the evidence, to the appropriate DEA Laboratory.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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Copy six is to be detached by the submitting office and attached to the field office file copy of the cover communication and filed in the case file.

(c) Upon completion of the laboratory analyses, copy three will be sent to the OO and copies one and two will be returned to the submitting field office. These copies contain results of the DEA analyses and are to be filed in the 1A section (FD-340a) of the case file of the respective field office. All evidence will be returned to the submitting field office for retention and eventual destruction. The DEA Laboratory will not accept responsibility for the storage of drug evidence.

(6) The Federal-Wide Drug Seizure System (FDSS) is a computerized system which produces records of federal drug removals without regard for individual agency involvement. Participating agencies are DEA, FBI, the Immigration and Naturalization Service (INS), the U.S. Coast Guard (USCG), and the U.S. Customs Service (USCS). The FBI's participation in the FDSS is required whenever the weight of drugs recovered by the FBI exceeds established weight thresholds. At that time, a Federal Drug Identification Number (FDIN) will be telephonically obtained from the El Paso Intelligence Center (EPIC) and recorded on the DEA Form 7. The FDIN will be used by DEA's Statistical Services Section to capture records from the participating federal agencies. DEA's System to Retrieve Information from Drug Evidence (STRIDE) will continue to capture statistical information concerning FBI drug removals and will use that information for quality control of the FDSS. The following procedures have been established for implementation of the FDSS:

(a) An FDIN will be required for drugs recovered if the weight entered in Item #12 of DEA Form 7, "Approx. Gross Quantity Seized," or Item #13 of DEA Form 7, "Approx. Gross Quantity Submitted," exceeds the following thresholds:

Heroin 100 grams or 1/4 pound Morphine 100 grams or 1/4 pound Opium 500 grams or 1 pound Cocaine 500 grams or 1 pound Marijuana 25 kilograms or 50 pounds or 50 plants Khat 5 kilograms or 10 pounds Hashish 1 kilogram or 2 pounds LSD 100 units Other drugs 5,000 units

(b) Separate FDINs are required for each drug that exceeds the above weight thresholds, regardless of whether they came from the same incident. Samples extracted from a bulk seizure do not require separate FDINs.

Some examples of when an FDIN is needed are:

1. Exhibits 1, 2, and 3 of cocaine are seized during the execution of a warrant. Collectively the evidence weighs 900 grams; individually none weigh more than 500 grams. No FDIN is needed for any exhibit.
2. Exhibits 1, 2, and 3 of cocaine are seized during the execution of a warrant. Exhibit 1 weighs 600 grams and needs an FDIN. Exhibits 2 and 3 weigh less than 500 grams; neither requires an FDIN.
3. Exhibit 1 is 600 grams of cocaine. Exhibit 2 is 250 grams of heroin, and both were seized during the execution of a warrant. Each exhibit requires a separate FDIN.
4. Exhibit 1 is a bulk marijuana seizure, and is reported on DEA Form 7 along with sub-exhibits 1A through 1K which are samples extracted from the seizure. The total collected exceeds 25 kilograms. An FDIN is needed for exhibit 1, but not for sub-exhibits 1A through 1K.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(c) The FDIN will be obtained by the first federal agency to take custody of the drug evidence. On the rare occasions when the FBI assumes custody of drug evidence from another federal agency, the FDIN must be provided to the FBI as part of the custody transfer.

(d) Obtain the FDIN by contacting EPIC at FTS [ ] or [ ]. Be ready to provide the following information, which will be recorded in a log maintained by EPIC:

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1. Name and Title of Official Requesting the FDIN
2. Agency and Telephone Number of the Official Requesting the FDIN
3. Date and Local Time Collected
4. Place Collected (city, state)
5. Conveyance Type (e.g., vehicle, vessel, aircraft, or person)
6. Conveyance Identifier (e.g., name, number)
7. Quantity of Drug Collected (including unit of measure)
8. Type of Drug Collected (e.g., heroin, cocaine, or marijuana)

EPIC will issue an FDIN, which will be a ten-digit number beginning with the four digits of the fiscal year in which the drug evidence was collected, e.g., 1999000325. There will be no dashes or periods in the number.

(e) The FDIN is listed in the "Remarks" section of DEA Form 7.

(f) The method of drug removal (seized, recovered, collected, or purchased) does not affect the need for an FDIN. The determining factor is the weight estimate which includes the minimum wrapping necessary for evidentiary or packaging purposes. (See MIOG, Part I, 281-8.1.)

(8) To maintain the integrity of the drug evidence and to avoid unnecessary handling and possible exposure to toxic materials, Agent personnel should not attempt to transfer drug contents from the original package, wrapper or container into a substitute container. Those items which require both chemical analyses for drug contents and subsequent latent fingerprint or laboratory examinations of the packaging material itself for handwriting, or other type of forensic laboratory analyses, should be submitted to the DEA Laboratory and the appropriate information noted in the "Remarks" section of DEA Form 7. The DEA chemist will conduct the chemical analysis, then forward the items directly to FBIHQ, Attention: Laboratory Division, as appropriate.

(9) Drug evidence returned from DEA Laboratory is not to be opened, if properly sealed by the DEA chemist, but placed in storage as received. The DEA chemist occasionally removes the evidence from the original container(s) and returns the examined evidence to the submitting office in a substitute container(s) causing uncertainty as to whether the returned evidence is identical to the submitted evidence. In such instances, the ECT should note the change in containers on the package copy of the FD-192 stating the number of sealed containers returned from the DEA Laboratory and the DEA Laboratory numbers that appear on the containers and make appropriate modifications in Collected Item to accurately describe the evidence in storage.

SENSITIVE

**2-4.4.8 Valuable Evidence (Moved from 2-4.4.6) (See MAOP, Part II, 2-4.4.9 and 2-4.4.10.)**

(1) Valuable evidence is defined as money irrespective of amount and country of origin, jewelry irrespective of value and composition, negotiable documents, and other items of intrinsic value, excluding drug evidence.

(2) Seized currency subject to criminal or civil forfeiture is to be delivered to the U.S. Marshals Service for deposit in the Seized Asset Deposit Fund, and such transfer is to be recorded by the ECT in Collected Item. However, if the seized currency serves a significant independent, tangible, evidentiary purpose, i.e., presence of fingerprints, packaging in an incriminating fashion, or the existence of a traceable amount of drug residue on the bills, the currency is retained pending final disposition of the investigative matter.

(3) Valuable evidence is to be independently counted/verified by two officials. The sealing official is to be a federal criminal investigative agent or deputized officer; the witnessing official may include the ECT, the paralegal specialist, or other support employee directly involved in the processes of seizing, packaging, and initial documentation of the evidence. They are to verify the accuracy of the count and/or detect any errors before the evidence is sealed and placed in storage.

(a) The valuable evidence is placed in an appropriate-sized plastic evidence pouch. The FBI evidence label, FD-723, is to be completed with the following information:

1. Field Office Name
2. File Number
3. Date of Seizure or Purchase
4. Sealing Official's Printed Name
5. Sealing Official's Signature
6. Witnessing Official's Printed Name
7. Witnessing Official's Signature
8. Laboratory Examiner's Signature
9. Weight (for drugs)
10. DEA Exhibit Number (for drugs)

(b) The completed FBI evidence label (FD-723) is placed on the outside of the plastic evidence envelope, at the top, and folded at the perforation over both sides of the envelope. Insert the envelope into the heat sealer ensuring that the heat seal is made across the evidence label (FD-723).

(c) The Agent submitting the valuable evidence to the ECT must remain with the ECT while he/she processes the evidentiary property and until the VWO arrives to access the vault and witness the storage of the valuable evidence.

(d) Opening and resealing of valuable evidence must be conducted in the presence of:

1. Two federal criminal investigative agents/deputized officers, or

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

2. One federal criminal investigative agent/deputized officer and one witnessing official (as described in paragraph (3) above), or

3. Two paralegal specialists (one of which serves as a sealing official and one as a witnessing official)

(e) The reasons and procedures must be fully documented in an FD-302 by the sealing and witnessing officials. Two copies of the FD-302 are to be generated--one is designated for the investigative case file, and a second copy is to be presented to the ECT with the resealed evidence. (The ECT is to maintain the ECR copy of the FD-302 in a binder from inspection to inspection.)

(f) A plastic evidence pouch is opened by cutting off the sealed upper edge with scissors or a paper cutter, ensuring that the FD-723 is intact. If the evidence is to be resealed, both portions of the used pouch are to be retained, placed in a new evidence pouch with the evidence, and sealed following the above-mentioned instructions. Opening and resealing evidence is to be continued in this fashion.

(g) If valuable evidentiary items are of such size as to preclude the use of a plastic evidence pouch, i.e., paintings, the property should be boxed or wrapped in brown paper and secured with plastic fiber-reinforced tape ensuring that the tape encircles the package and that the tape ends meet or overlap. The FD-723 label is to be completed with all pertinent information and affixed to each box top or package front to ensure that it covers both ends of the plastic fiber-reinforced tape. The label should be covered with clear plastic tape to ensure that names are not obliterated during transport and handling.

(h) When large valuable evidentiary items are required to be opened, it is done so by first cutting the FD-723 from the front of the package or top of the box. If the evidence is to be resealed, the previously used FD-723 is placed in a plastic envelope inside the new package or box, and the new package or box is then sealed following the above-mentioned instructions.

(4) Valuable evidence must be afforded maximum security while in the FBI's possession, and not co-mingled with any other type of evidence. Storage should be in one or more of the following types of facilities:

(a)

[REDACTED]

(b)

[REDACTED]

[REDACTED]

[REDACTED] Open-shelf filing is permissible in

[REDACTED]

(c)

[REDACTED]

[REDACTED]

SENSITIVE

[REDACTED]

Exterior ventilation for the storage of odoriferous substances and the health and safety of evidence personnel is to be afforded. Open shelving is permissible.

(d) [REDACTED]  
[REDACTED] Exterior ventilation for the storage of odoriferous substances and the health and safety of evidence personnel is to be afforded. [REDACTED]

[REDACTED]  
[REDACTED] Open shelving is permissible.

(e) [REDACTED]  
[REDACTED]

(f) A separate Form FD-455 is to be maintained for each valuable repository. (See 2-4.4.12.)

(g) The ECT/AECT is not authorized to access the drug/valuable storage facility unless accompanied by the AO, or the person(s) designated to act on behalf of the AO as the VWO. The vault witness responsibility remains with the AO, but the actual duty may be delegated to meet the requirements of the field office and resident agencies. However, the VWO should not be an AECT. Each office should limit the number of designated VWOs and must document the list of authorized vault witnessing personnel in the evidence control file.

(h) The only persons having emergency access to the drug/valuable storage facility (both combinations or both keys) and the ECR is the SAC, the ASAC(s), and the Supervisory Special Resident Agent. The written access numbers to the combination(s) (or the key(s) for the dual access entry to the drug/valuable vault) must be stored separately. One combination (or key) is to be maintained in a GSA-approved security container with the central combination record file; the other combination (or key) is to be placed in the COMSEC Vault safe.

#### **2-4.4.9 Temporary Storage - Drug and Valuable Evidence (See MAOP, Part II, 2-4.4.7 and 2-4.4.8.)**

(1) A security-type safe with a dual-combination locking system may be used for TEMPORARY STORAGE of drug and valuable evidence not to exceed ten (10) calendar days from date of acquisition. The secure container should be located either outside the ECR or in the Night Supervisor's working area. The container should be secured to the floor. The contents of the night depository safe must be removed at the beginning of each work day by the ECT, accompanied by the VWO, properly stored in the ECR pursuant to established policy, and entered into Collected Item. Evidence that is being temporarily stored within the container is to be properly heat-sealed and appropriate documentation is to be attached prior to its temporary storing.

(2) Neither the SAC's safe nor a squad supervisor's safe are to be used for the temporary storage of drug/valuable evidence. In those instances when seizures of drug/valuable evidence are anticipated during off-duty hours (nights, weekends/holidays), the services of the ECT/AECT should be utilized to assist with the analyzing, cataloging and labeling of the evidence.

#### **2-4.4.10 Storage of Evidence in Resident Agencies (RAs)**

(1) Evidence that is needed at the RA for Agent review, court proceedings, etc., must be charged out by the ECT to the appropriate Agent, who is then responsible for storing it securely. Evidence that is seized, subpoenaed, or voluntarily contributed, and not relinquished to the ECT for processing into Collected Item, must be stored temporarily within RA space in a security-type safe.

(a) Access to the temporary storage facility is limited to the appropriate Agent, and the Senior Supervisory Resident Agent (SSRA) or Senior Resident Agent (SRA).

(b) An FD-455 is to be maintained for the facility and each instance of access must be recorded thereon to include the signature of the person(s) gaining entry, reason for entry, case file number and 1B number, and the date and time of entry/exit to successfully defend any chain-of-custody challenges.

(2) At the discretion of the SAC, an ECR may be established in an RA in accordance with the guidelines set forth in 2-4.4.2 and all rules and regulations applicable to evidence storage and handling applies. Drug and valuable evidence may be stored within the ECR as set forth in 2-4.4.7 and 2-4.4.8, or may be stored in a bank safe-deposit box. An employee in the RA is to be designated an ECT, and is directly responsible for the recordkeeping, storage, and maintenance of evidence in the RA. In the event bank safe-deposit boxes are used and the designated RA/ECT is a support employee, he/she must be escorted to and from the bank by the VWO.

(a) Form FD-455 (Access Log - Evidence Storage Facility) is to be maintained for the ECR and the drug and/or valuable repository, whether located within the ECR or in a bank safe-deposit box. Each instance of access must be recorded on the FD-455 to include the signature of the person(s) gaining entry, reason for entry, case file number and 1B serial/exhibit number, and the date and time of entry/exit to successfully defend any chain- of-custody challenges.

(b) Access to the RA/ECR and/or bank safe-deposit box is strictly limited to the RA/ECT and the SSRA/SRA. Access by other employees is prohibited unless accompanied by the RA/ECT and SSRA/SRA. Access is to be documented on Form FD-455. For access to the drug/valuable evidence storage facility, whether located within the field office or in a bank safe-deposit box, the RA/ECT is accompanied by the SSRA/SRA, who is the VWO. If the drug/valuable evidence is stored in a safe-deposit box, the names of the RA/ECT, SSRA/SRA are to appear on the bank access signature card, and documented in the field office evidence control file by electronic communication (EC) and updated as necessary.

(c) The RA/ECT ensures the following:

1. That the evidence is entered Collected Item within 10 calendar days.
2. If the evidence is submitted late, an EC must accompany the evidence before being entered into Collected Item.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

3. That a 1B serial number is recorded on the automated FD-192 for file.
4. That the evidence is bar coded.
5. That an automated FD-192 is initialed by the SSRA/SRA and filed in the case file; a second copy is attached to the property; and a third copy is made for forfeiture.
6. That chain-of-custody documentation is recorded in Collected Item and on the automated FD-192 maintained with the evidence.
7. That an FD-302 is completed when evidence is to be resealed.
8. That evidence is properly packaged when the need arises to mail.
9. That disposition information is recorded in Collected Item.
10. Retrieves evidence from RA/ECR when need arises and ensures chain of custody is accurately recorded in Collected Item and on the automated FD-192.
11. Produces every 60 days a charge-out reminder report for evidence charged out from RA/ECR.
12. Disposes of property on instructions of SA personnel by appropriate methods.
13. As necessary, may be required to testify in a court of law regarding evidentiary property for which responsible.

(For detailed responsibilities of the ECT, see 2-4.4.3.)

**2-4.4.11 Transmittal of Evidence to Field Offices and FBIHQ/DEA Laboratories (See MAOP, Part 2, 2-2.2.2(1)(i).)**

(1) The ECT is responsible for properly preparing evidence for mailing/shipping. Refer to MIOG, Part 2, Section 13, and the HANDBOOK OF FORENSIC SCIENCE for illustrated packaging chart and related information.

(a) For shipping of drug and valuable evidence, the case Agent is to ensure that the evidence is properly heat-sealed prior to being packaged for shipment. Due to the fact that drug/valuable evidence is not to be left solely in the custody of the ECT, the case Agent/acquiring Agent and/or the VWO is to witness the wrapping/packaging of such evidence by the ECT for shipment.

(2) Due to chain-of-custody requirements, ALL EVIDENCE TRANSMITTED BETWEEN FBI OFFICES IN THE U.S. AND PUERTO RICO, IS TO BE SENT BY EITHER U.S. POSTAL SERVICE USING ONLY REGISTERED MAIL, OR BY FEDERAL EXPRESS. However, Classified National Security Information shall be transmitted according to its classification level as prescribed in MIOG, Part 2, 26-7. (When U.S. Registered Mail is used, Form FD-441a (Return Receipt for Evidence Control Technician) must be completed, and placed in the outer evidence packaging. If Federal Express is utilized, never use their "drop-off" service. Ensure that the package is picked up and a receipt is received.) Regardless of the mode of shipping, clear yellow evidence tape must always be placed over the shipping address label.

(a) Evidence that is shipped to other agencies is to be shipped via U.S. Registered Mail, return receipt requested (PS 3811.) The receipt is then placed in the 1A section of the investigative case file. (See 2-4.4.13.)

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(b) Evidence that is being returned to the contributor/owner is to be shipped U.S. Registered Mail, return receipt requested (PS 3811.) (See 2-4.4.17.) The receipt is then placed in the 1A section of the investigative case file.

(3) If evidence is being transmitted from one field office to another, the evidence must first be entered and disposed in Collected Item.

(a) The ECT in the transmitting office prints out two copies of the automated FD-192. The file copy is initialed by the Squad Supervisor, and filed in the investigative case file. (If the case file is in the office of origin (OO) and it is the lead office (LO) that is shipping the evidence to the OO, then the file copy of the FD-192 and all other appropriate documents required by the investigative case file are to be shipped to the OO with the evidence.) (Drug and valuable evidence must be appropriately sealed before being transmitted.) The package copy of the automated FD-192 must accompany the evidence that is being shipped. When transmitting to the FBI or DEA Laboratories, the package copy of the automated FD-192 remains filed in a binder marked "(Name of Office) - Evidence sent to FBI Lab" or "(Name of Office) - Evidence sent to DEA Lab." The binder is maintained in the ECR. (See Section 2-4.4.4.)

(b) The ECT in the transmitting office will record the manual chain of custody on the automated FD-192 maintained with the evidence:

Received By: Honolulu Remarks: Sent via FEDEX 123456789 (or Reg 246) w/EC dated 2/23/96

The ECT in the transmitting office will also record the automated chain of custody in Collected Item:

Accepted Date.>> 02231996 Accepted Time.>> 0200pm Accepted By....> Organization..>>  
Honolulu Reason.....>> Forwarded Remarks.....> Sent via FEDEX 123456789 (or REG 246)  
w/EC dated 2/23/96

(c) The FD-441a is for FBI use only. This form is to be executed by the ECT in the transmitting office and placed in the package with the evidence when the evidence is being shipped via U.S. Registered Mail.

(d) The ECT in the receiving office must complete the remaining portion of the FD-441a (if U.S. Registered Mail was utilized) and return it to the sending office, Attention: ECT. The receipt is then placed in the 1A section of the investigative case file.

(e) In the receiving office, the cover sheet of the package copy of the automated FD-192 that accompanied the evidence is filed in a 1A envelope in the appropriate case file. The ECT then enters the evidence into Collected Item, giving it a 1B number for his/her office. He/She then generates three new automated FD-192s (for the file, for the evidence, and for forfeiture) to document the receipt of the evidence in the receiving office. The original chain of custody (that accompanied the evidence) is attached to the newly computer-generated FD-192, is appropriately signed, and remains with the evidence in the receiving office.

Page One of the "Received Collected Item" (formally known as the Group Information) will read as follows:

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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Category.....>> 1B Acquired Date...>> 02261996 Acquired Time...>> 1000am Acquired By.....>>  
(name of ECT in receiving field office) Contributor.....>> (name of transmitting field office)

(4) If evidence is being transmitted from a field office to FBIHQ or DEA Laboratory, it must first be charged out manually and documented in Collected Item. Drug and/or valuable evidence must be sealed prior to being shipped.

(a) The ECT in the transmitting office will record the manual chain of custody on the automated FD-192 maintained with the evidence:

Received By: FBI Lab (or DEA Lab) Remarks: Sent via FEDEX 123456789 (or REG 246) w/EC dated 2/23/96

The ECT in the transmitting office will also record the automated chain of custody in Collected Item:

Accepted Date.>> 02231996 Accepted Time.>> 0200pm Accepted By....> Organization...> HQ (or DEA) Reason.....>> Analysis Remarks.....> Sent to FBI Lab (or DEA Lab) via FEDEX 123456789 (or REG 246) w/EC dated 2/23/96

The package copy of the automated FD-192 is retained in the ECR and filed in a binder/folder labeled "Evidence Sent To FBI (or DEA) Laboratory" according to date of transmittal.

(b) The FD-441a is to be completed by the ECT in the transmitting office (if U.S. Registered Mail is utilized), and placed inside the outer packaging with the evidence that is to be transmitted between field offices, and field offices and FBIHQ. DO NOT use Form FD-441a when transmitting evidence to DEA.

(c) The FBIHQ Laboratory and field offices must complete the remaining portion of the FD-441a (if U.S. Registered Mail is utilized) and return it to the sending office, Attention: ECT. The receipt is then placed in the 1A section of the investigative case file.

(d) When the evidence is returned, the ECT is to record chain of custody on the automated FD-192 maintained with the evidence and in Collected Item. If general evidence, affix the package copy of the automated FD-192 to the evidence. If drug or valuable evidence, place the package copy of the automated FD-192 in the binder maintained in the drug/valuable vault.

(5) As a general rule, evidence seized/recovered by RA personnel is stored in Headquarters City and transmittal of such evidence to another field office/FBIHQ/DEA Laboratory is handled by the Headquarters City ECT. However, if an ECR has been established in a RA, evidence must be administratively handled and entered into Collected Item prior to being wrapped/packaged/shipped by the RA/ECT according to the aforementioned guidelines. Otherwise, RAs may only transmit evidence directly to another field office/FBIHQ/DEA Laboratory in instances where the urgency of a particular situation demands expedient handling, or in instances when the bulk of the evidence is such that to ship through Headquarters City for subsequent shipping elsewhere would be impractical. In such instances where FBIHQ/DEA Laboratory returns evidence directly to an RA, a copy of the communication transmitting/returning the evidence must be furnished to the Headquarters City ECT for appropriate administrative handling, when the RA does not have an established ECR.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(6) Before filing or forwarding obscene and indecent matter which has come into the possession of an employee during the course of an investigation, it shall be placed in a sealed container and the container marked for identification and the label marked "Obscene." Such evidence is considered general evidence and stored in the ECR. (See MAOP, Part 2, 2-4.4.4 (20) ; MIOG, Part 1, 145-2; Correspondence Guide-Field, 1-14.)

(7) For the handling, transportation, shipping, and storage of explosives, see MIOG, Part 2, 13-16.2 and 13-16.3, and the HANDBOOK OF FORENSIC SCIENCE.

**2-4.4.12 Charge-Out Procedures - Evidentiary Property (See MAOP, Part II, 2-4.4.8 and 2-4.4.16.)**

(1) Evidence stored in the ECR, or other evidence storage facilities, may be charged out to any employee having an official need. Evidence may be charged out for up to 60 calendar days and recharged at the end of those 60 days and, if necessary, every 60 days thereafter as follows:

(a) The ECT is to record chain of custody on the automated FD-192 and in Collected Item.

(b) The package copy of the automated FD-192 must remain with the evidence. Care should be exercised by the employee accepting custody of the evidence to ensure that chain-of-custody information is recorded on the package copy of the automated FD-192.

(2) The ECT must run Collected Item charge-out reminders, and recharge evidence every week or every two weeks, depending on the size of the field office.

(3) If the evidence is to be recharged, the person to whom the evidence is currently charged must initial next to that item on the Evidence Charge-Out Report and return the report to the ECT. If the evidence is no longer required to be charged out, the person to whom the evidence is currently charged immediately returns the evidence to the ECR for storage.

(4) Two copies of the Charge-Out Report should be printed by the ECT. One copy is forwarded to the appropriate squad supervisor for initialing by appropriate squad personnel. The second copy is maintained by the ECT, to reconcile responses from each Squad/RA. Charged-out evidence will appear on the Charge-Out Report at 60-day intervals until the evidence is returned to the ECR for storage.

(5) Upon return of the evidence, the ECT records chain of custody on the automated FD-192 and in Collected Item. Once all charged-out evidence has been accounted for, both copies of the Charge-Out Report are to be discarded.

(6) When evidence is accessed by Agent personnel for review/examination outside the ECR, or in the "reception area" of the ECR, chain of custody must be executed on the automated FD-192 maintained with the evidence and in Collected Item. If the review/examination takes place in the "reception area" of the ECR, the FD-455 need not be completed, as the visitor did not enter the actual ECR where the evidence is stored.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

**2-4.4.13 Evidence Released to Custody of Outside Agencies (See MAOP, Part II, 2-4.4.11.)**

(1) When evidence is permanently released to the custody of an outside agency, disposition and chain-of-custody documentation is to be recorded on the package copy of the automated FD-192 and in Collected Item. A receipt for the property (Form FD-597) must be signed by the person representing the receiving agency and then filed in the 1A section of the investigative case file. When money is involved, the receipt should clearly indicate that the receiving agency counted the money and that the amount corresponds to the amount listed on the original documentation.

The ECT is to:

(a) Place the package copy of the automated FD-192 in the 1A section of the investigative case file. The chain of custody will show the signature of the Agent who charged out the evidence, followed by a statement showing release of the evidence to the receiving agency. For example:

Received By: [redacted] 1/8/96 2pm Remarks: Review Received By: Released to USM  
[redacted] 1/8/96 3pm Remarks: See FD-597 dated 1/8/96

b6  
b7C

(b) Make an appropriate notation on the file copy of the FD-192 (which is in the investigative case file) regarding the disposition, i.e., "Released to the custody of USM [redacted] by SA [redacted] [redacted] on 1/8/96 - See 1A-5."

(c) Modify Collected Item to reflect the chains of custody and disposition.

Chain = Accepted Date..>> 010896 Accepted Time..>> 0200pm Accepted By.....> [redacted]  
[redacted] Organization....> Reason.....>> Review Remarks.....> Probable release to USM

Disposition = Disposal Method>> USMO Disposal Date..>> 01081996

Chain = Accepted Date..>> 010896 Accepted Time..>> 0300pm Accepted By.....>  
Organization....> USMO

Reason.....>> Released Remarks.....>> Released to custody of USM [redacted] see FD-597 1/8/96

If one or several items, as opposed to all items listed on the FD-192 are released, perform the "Split" function in Collected Item, and make appropriate notations on the file copy of the FD-192 and on the new chain of custody. A new package copy of the automated FD-192 is printed and is attached to the original chain-of-custody page for the remaining item(s), and is maintained with the remaining item(s) of property pending final disposition of all items. (See the ACS USER'S GUIDE for detailed instructions on the splitting of evidentiary items.)

(2) When property is temporarily released to an AUSA or non-Task Force officer, the Agent charging out the evidence signs the chain of custody and retains the package copy of the FD-192 (with chain of custody attached) until the evidence is returned to him/her. The non-Task Force officer signs a receipt (FD-597) for the property. The receipt is attached to the FD-192 until the evidence is returned to storage, at which time the receipt is then placed in the 1A section of the investigative case file. (AUSAs do not sign chains of custody nor FD-597s.)

SENSITIVE

**2-4.4.14 Handling of Evidence and Property by the U.S. Marshal (Moved from 2-4.4.2.)**

(1) Where it can be arranged to the satisfaction of the U.S. Marshal (USM) and the SAC, property seized as evidence should be turned over to the USM. However, no attempt should be made to store with the USM items not known to be evidence. U.S. Marshal's Manual, Section 541, dated December 15, 1971, provides that "Marshals are authorized and instructed to accept, store, and safeguard all items to be used in evidence, and all nonevidentiary property involved in violations of federal gambling laws, which have been seized by the F.B.I. incident to an arrest or in connection with searches and seizures under warrants. Only such property as is to be used in evidence or seized for gambling violations should be accepted. The storage of any other property in the possession of the F.B.I. is the responsibility of the Bureau representatives. Any questions as to whether particular property will or may be used in evidence will be resolved by the U.S. Attorney of the District where the property is to be stored." The SAC is responsible for ensuring proper storage and security of such property. If deemed necessary, FBIHQ assistance should be solicited. The USM will give a receipt for property stored under USM's custody, keeping a copy of the receipt accurately describing the property received. The USM's Manual further instructs that "seized money will be counted in the presence of the person from whom it is received, and both the Marshal and the person delivering the money will sign the receipt." The USM will return seized property or evidence to the owner or other person designated, or otherwise dispose of it in accordance with a court order or written instructions from the USA. Receipts obtained for property released to the custody of the USM should state that the property has been verified by the USM, and when money is involved, the receipt should clearly indicate the USM has counted the money and the amount is correct. These receipts should be filed in the 1A section of the investigative case file. (See MIOG, Part 1, 91-13.8.)

(2) When property is seized as evidence and it is of such a nature that its bulk (i.e., an automobile) and other circumstances would bring it within the purview of USM's Manual, Section 541, ensure by contacting the USA that USA desires the matter to be held as evidence for future court action. A letter to this effect should be obtained from the USA, or if an oral opinion is given, it should be confirmed in writing by the field office. A copy of the correspondence should be furnished to the USM and it should be made clear to all parties concerned in writing that the USM is holding the item or items as evidence.

(3) The foregoing procedure does not alter in any manner the prevailing FBI instruction that Agents should not take possession of a stolen motor vehicle (ITSMV case). If a special problem arises in an ITSMV case in which the automobile may also be an item of evidence, the situation should be discussed with the USA and handled in accordance with the above-outlined procedures. To assist in gathering complete data regarding the recovered vehicle, the FD-653, Motor Vehicle Inspection Inventory Record, may be used. The FD-653 is an optional administrative form which, if used, is to be retained in the 1A section of the investigative case file, with the Agent's notes.

(4) A consolidated record is to be maintained of all property released to the custody of the USM. This may be accomplished by placing in a folder entitled "Record of Evidentiary Material in Possession of USM" a reproduced copy of the FD-192 and/or the 1A evidence envelope, FD-340, FD-340b and/or FD-340c, bearing appropriate notation of disposition of the evidence or portion of

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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the evidence. Otherwise, a log of such items may be maintained, identifying the items by file number, subject of case, description of item(s), and date released to the USM. These records are to be reconciled annually with corresponding records of the USM to ensure their accuracy. Any differences or inaccuracies are to be immediately resolved. This is to be accomplished at the time of the inventory of the general evidence, and a notation certifying to the accuracy of the records affixed to the FBI copy of such record along with the date and name of the employee who made the comparison.

**2-4.4.15 Physical Audit/Inventory - Evidentiary Property (See MAOP, Part 2, 2-4.4.4.)**

(1) AN AUDIT (physical/telephonic/written verification of evidence charged out) coupled with AN INVENTORY (automated scanning of bar codes attached to evidence (or primary evidence container) housed in an ECC), is to be conducted as follows:

(a) A 100 percent unannounced audit/inventory of general evidence (to include firearms, federal grand jury and CART) and charged out evidence, at least once in a calendar year as determined by the SAC/AO (not to be conducted at the same time each year).

(b) A 100 percent unannounced audit/inventory of drug and valuable evidence and charged out evidence at least once in a calendar year as determined by the SAC/AO (not to coincide with the inventory of general evidence nor to be conducted at the same time each year).

(c) A 100 percent audit/inventory of general (to include firearms, federal grand jury and CART), drug, and valuable evidence and charged out evidence, PRIOR TO THE DEPARTURE of the AO.

(d) A 100 percent audit/inventory of general (to include firearms, federal grand jury and CART), drug, and valuable evidence and charged out evidence, PRIOR TO THE DEPARTURE of an ECT/AECT position(s) in HQ city (or in an RA that has an ECT/AECT departing).

(e) A 100 percent audit/inventory of all evidence before and after the relocation of a field office, RA, and/or ECR (within 30 days of the move).

(f) At any time an SAC/AO deems an inventory to be necessary.

(2) The SAC/AO is to designate an Agent(s) and/or support supervisor who does NOT have a direct supervisory role in the Evidence Program and/or an FBI Auditor to conduct the inventory/audit and to write the accompanying electronic communication (EC).

(3) The SAC/AO is to designate an RA Agent and/or RA support supervisor who does NOT have a direct supervisory role in the Evidence Program to conduct the audit/inventory of approved ECRs/ECCs in resident agencies and the writing of the accompanying EC.

(4) THE ECT/AECT IS NOT TO CONDUCT AN AUDIT/INVENTORY, NOR WRITE THE ACCOMPANYING EC. However, the ECT/AECT must be present in the designated ECR throughout the entire audit/inventory process to ensure the integrity of the evidence, and resolve any discrepancies that may develop.

(5) During an audit/inventory of the Drug and Valuable ECRs, the Vault Witnessing Official (VWO) MUST remain inside the designated ECRs throughout the entire audit/inventory process.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

NOTE: VWO's have a role in the Evidence Program by their witnessing duties and, therefore, are exempt from conducting audit/inventories.

(6) The Agent/support supervisor/auditor who is designated to conduct an audit/inventory must sign in/out on the FD-455 maintained for each ECR that they access in order to conduct the audit/inventory. The chain-of-custody is NOT TO BE SIGNED by the employee(s) conducting the audit/inventory unless they take physical custody of the evidence.

(7) Sealed drug and valuable evidence KPAKs/boxes are NOT TO BE OPENED for an audit/inventory nor inspected. If a seal is found to be improperly sealed/broken or has dried and therefore has opened, the person conducting the audit/inventory is to immediately notify the case Agent/sealing Agent so that the evidence may be immediately resealed/repackaged and updated in the evidence database.

(8) An INVENTORY is to entail the automated scanning of all bar codes that are affixed to evidence (or the primary container) housed in the ECR that is being checked. Once scanned, the bar codes are uploaded, and an Exception Report is produced. An AUDIT is to be a physical, telephonic and/or written verification by the person conducting the audit/inventory to ensure that the evidence, said to be charged to a specific employee, is, in fact, in the custody of that employee.

(9) An EC to the SAC/AO, documenting that an audit/inventory of evidentiary property (name the type of evidence, general (to include firearms, FGJ and CART), drugs, valuables) was conducted is to be PREPARED BY THE AGENT/SUPPORT SUPERVISOR/AUDITOR WHO CONDUCTED THE AUDIT/INVENTORY. The approved/uploaded/serialized EC is then placed in the field office Evidence Control Subfile designated for the audit/inventory of evidence. The EC should reveal the date(s), name(s) of individual(s) who conducted the audit/inventory, any deficiencies detected, and steps taken to resolve those deficiencies. The EC is to be maintained from field office inspection to inspection. The final copy of the Exception Report is to be included as an enclosure to the EC. Separate ECs are to be done for each type of audit/inventory conducted.

(10) The EC should contain a lead for the Laboratory Division, Attention: Evidence Program Manager, for information purposes. (Copies of the Exception Report are NOT to be sent.) If there are any unresolvable errors, the EC is to so state, as well as the steps being taken to resolve the problem. If the SAC recommends administrative action, this is to be so noted in the documentation to the FBI Evidence Program Manager.

**2-4.4.16 Nonevidentiary Property (Revised and Moved from 2-4.4.4.) (See MIOG, Part 2, 2-9.5.)**

(1) 1A Serials:

(a) 1A serials are documents or items of property which are pertinent to an investigation. Generally the size, nomenclature, and/or value of the nonevidentiary item will determine the place where it is to be filed; however, all physical evidence seized or contributed incidental to a search by search warrant, arrest, or crime-scene search, that requires a chain of custody, must be maintained in the Evidence Control Room (ECR) as 1B evidentiary property.

(b) If the evidence is not likely to come under attack regarding chain of custody, and is of such size that it can be filed in the investigative case file, it is to be placed in a white evidence envelope

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(Form FD-340, FD-340b and/or FD-340c) showing the universal case file number and serial number of the item, the date received (by investigating employee), name and address of contributor, whether it may be returned, whether a receipt was given, and description of the evidence. The serial number of the document in the investigative case file that originated and identifies the 1A may be recorded on the FD-340, FD-340b and/or FD-340c at the discretion of the case Agent. The FD-340, FD-340b and/or 340c is to be placed inside the 1A envelope, FD-340a, which is a letter-sized envelope known as the 1A serial in the investigative file. Due to the size of the FD-340c, it can be placed in front of the FD-340a inside an accordion-type folder. The FD-340a envelope is placed at the bottom of the file under serial number one. The FD-340a shall be clearly marked as to contents and shall bear the date the FD-340, FD-340b and/or FD-340c was placed in the FD-340a, and file, and serial number. If the number of FD-340's, FD-340b's and/or FD-340c's in the FD-340a envelope increases to the point where the file is unwieldy, a subfile must be opened and filed adjacent to the investigative case file.

(c) In zero and control files, the FD-340a evidence envelope is to be filed adjacent to the EC, letter, or other communication to which it pertains.

(d) When transmitting 1A evidence to another field office, leave the evidence in the white evidence envelope (FD-340, FD-340b and/or FD-340c) and place a notation on the FD-340a 1A evidence envelope to show disposition and describe the method of transmittal. Transfer Collected Item to show the field office the 1A was sent to and the date it was transferred. Do not send FD-340's, FD-340b's and/or FD-340c's to FBIHQ. If a portion of the evidence is being transmitted, prepare an FD-340, FD-340b and/or FD-340c for the receiving office in the same fashion as above and place appropriate notations on the FD-340a. No outer enclosure envelope is required.

(2) Bulky Nonevidentiary Material:

(a) If other nonevidentiary bulk property which may be pertinent to an investigation and must be retained is of such size that it cannot be filed in the 1A section (FD-340a) of the investigative case file, it is to be made a 1C, documented on Form FD-192a, and recorded in the investigative case file. The material is to be stored segregated from evidentiary property and access restricted to those persons with an official need. (See 2-4.4.4.)

(b) The drafted FD-192a and the property is to be furnished to the ECT. (Form FD-340/FD-340b/FD-340c is to be furnished to the Information Management Assistant/Clerk (IMA/IMC) working the specific squad rotor.)

(c) Collected Item will computer-generate the 1A/1C serial number. The ECT/IMA will enter the exact storage location.

(d) One copy of the automated FD-192a is to be filed in the 1C section of the investigative case file. (The FD-340/FD-340b/FD-340c is filed in the 1A section (FD-340a) of the investigative case file.)

(e) A second copy of the automated FD-192a is to be affixed to and remains with the property until final disposition.

(f) When nonevidentiary property is required to be charged out, it is done so by using Form FD-5 (Serial Charge-Out). Personnel having an official need may charge out nonevidentiary property for

SENSITIVE



SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

up to 60 calendar days, and if necessary, recharge every 60 days thereafter. (See MIOG, Part 1, 91-13.8.)

(3) Nonevidentiary property entered into Collected Item is handled in the same manner as evidentiary property. However, a chain of custody is not required, and an inventory is not conducted.

(4) Federal Grand Jury (FGJ) Material:

(a) Access to FGJ material must be limited to authorized persons appearing on the FGJ list, and when not in use must be placed in a secured location. The FGJ list may be the Rule 6(e) letter of the Assistant United States Attorney (AUSA), or (with the concurrence of the USA's office) an FBI internal certification list. (See MIOG, Part 2, 2-9.6.1.)

(b) Absent chain-of-custody requirements, the material is to be placed in a subfile which is locked in a container (or room) with a combination lock, the combination of which is known only by such authorized persons appearing on the FGJ list. The combination(s) is to be changed annually. The material is documented on Form FD-192a in a timely fashion. When the material is required to be charged out, Form FD-5 is utilized. Please note that when a secured room is used, rather than separate secured containers, individuals with access to that room must be listed on the FGJ lists of all cases that are in that room. (See MIOG, Part 2, 2-9.7 (2).)

(c) When a chain-of-custody is required, the material is treated in accordance with the rules and regulations pertaining to general evidentiary property, i.e., documented in the investigative case file within 10 calendar days on Form FD-192. (See 2-4.4.12.) However, the material is stored segregated from all other types of general evidence in either a separate room with a combination lock (used exclusively for the storage of evidentiary FGJ material), or a separate container within the ECR, or on separate shelving within the ECR. When a separate room is utilized, a separate Form FD-455 (Access Log-Evidence Storage Facility) is to be maintained. The ECT, and in his/her absence, the Alternate ECT, accesses the material, as is the rule with all evidentiary property. When the need arises, appropriate charge-out procedures are utilized. (See MAOP, Part 2, 2-4.)

(d) Evidentiary and nonevidentiary FGJ material must never be co-mingled for storage purposes.

#### **2-4.4.17 Disposition of Property**

(1) When an investigative case is closed, it is the responsibility of the case Agent to dispose of seized/recovered/ contributed property when there is no further need for retention. Whenever there is any doubt regarding the need for retention, the AUSA should be consulted and the contact recorded in the investigative case file.

(2) Certain case files will be marked for "Permanent Retention" and will eventually be transferred to the National Archives and Records Administration. In such instances, only those evidentiary and nonevidentiary exhibits, regardless of size, that are documentary in nature, generated by and considered FBI records (i.e., Agents' interview notes, photographs, work papers, ledgers, journals, etc.), are to be preserved as part of the case file. Documentary materials (i.e., records of private enterprises, original or copies, contributed, seized or subpoenaed) should be returned to the rightful owner when the investigative or administrative purpose for which they were obtained has been satisfied. (See also MIOG, Part 2, Section 28, and Legal Handbook for Special Agents, 5-13.4.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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Likewise, physical property (i.e., typewriters, radios, televisions, firearms, etc.) is to be returned to their rightful owner.

(3) Guidelines for the disposition of drug evidence are contained in the Manual of Investigative Operations and Guidelines (MIOG), Part I, Section 281-8.

(4) Guidelines for the disposition of firearms are contained in the MAOP, Part 2, 2-4.4.6.

(5) Detailed procedures for disposition of forfeited and abandoned property are contained in the Forfeiture Manual.

(6) The following procedures should be followed for disposing/returning of general and valuable evidence in a closed investigative case:

(a) The case Agent and/or ECT (when advised in writing via an EC by the case Agent) should make every effort to notify the owner/contributor of the property, telephonically or in writing, advising that their property may be reclaimed within 30 calendar days and will be released to him/her or his/her authorized Agent. Record in the case file the fact that the contact was made.

(b) If property is personally returned to the owner/contributor, Form FD-597 is to be properly executed. The original of the FD-597 is to be placed in the 1A section of the investigative case file.

(c) If the owner/contributor requests that the property be returned by mail, it is to be sent by U.S. Registered Mail, return receipt requested. When the return receipt (Postal Form 3811) is returned to the field office, it is to be placed in the 1A section of the investigative case file. Form FD-631 (Return of Seized/Recovered Property), a preprinted transmittal letter, is to accompany the property when the property is returned to the owner by mail. The FD-631 should request that the owner sign the enclosed FD-597 and return it in the attached postage-paid, self-addressed envelope. The FD-597 should detail the exact property being returned. When the FD-597 is received by the field office and signed by the owner of the property, the original is to be placed in the 1A section of the investigative case file. (See MAOP, Part 2, 2-4.4.11.)

(7) The ECT is responsible for ensuring the following recordkeeping procedures are followed when evidentiary and nonevidentiary property is disposed of:

(a) The package copy of Form FD-192 should have a completed chain of custody reflecting the disposition. Form FD-192a should also reflect the disposition by the placing of a notation. Forms FD-192/FD-192a are then placed in the 1A section of the investigative case file. Collected Item must be modified to reflect the date and method of disposition. Ensure that the disposition is reflected in the disposition field and on the automated chain of custody.

(b) If one or several items, as opposed to all items listed on Forms FD-192/FD-192a are disposed of, the package copy of the FD-192/FD-192a is to be kept with the remaining items of property pending final disposition of all items.

(8) A notation is to be placed on the closing communication indicating that property acquired during the investigation has been disposed of, disposal is being initiated, or stating a valid reason for retention. Supervisors may not approve the closing of cases in which property has been seized/recovered/contributed without the appropriate notation.

(9) Retention of evidence/nonevidence in closed cases can be monitored through the ACS to:

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (a) Provide supervisory personnel the tools to enforce prompt property disposition through the case review process;
- (b) Provide field office management statistical reports to identify individuals/squads which are not in compliance with property disposition procedures; and
- (c) Highlight noncompliance trends to the Inspection Staff for evaluation.

The report "Closed Cases With Pending Collected Item," is to be printed and distributed to appropriate case Agents at 60-day intervals by the ECT to ensure that those items eligible for disposition are handled. If evidence is to be retained for an extended period of time, the case Agent should so indicate by recording an anticipated disposition date and his/her initials on the report. (An EC to the investigative case file is then required explaining the reason for retaining the evidence. A copy of the EC is maintained in the ECR until final disposition of the evidence.) The report is then initialed by the supervisor and returned to the ECT. The returned reports showing retention, are to be maintained in a binder in the ECR from inspection to inspection.

#### **2-4.4.18 Forms Used in the Evidence Program**

DEA-7 Report of Drug Property Collected, Purchased or Seized

FD-5 Serial Charge-Out

FD-192 Control of General/Drug/Valuable Evidence

FD-192A Inventory of Nonevidentiary Property

FD-302 Form for Reporting Information That May Become Testimony

FD-340 1A Envelope (6 x 10 inches)

FD-340A 1A Envelope (9 x 11 1/2 inches)

FD-340B 1A Envelope (4 1/4 x 10 1/4 inches)

FD-340C 1A Envelope (8 1/2 x 11 inches)

FD-441A Return Receipt for Evidence Control Technician

FD-455 Access Log-Evidence Storage Facility

FD-597 Receipt for Property Received, Returned, Released, Seized

FD-631 Letter to Accompany Return of Documentary Evidence

FD-632 Evidence Transmittal Envelope

FD-723 Evidence Label

FD-737 Indemnity Agreement

PS-3811 Domestic Return Receipt

SENSITIVE

### **2-4.5 Destruction of Field Files and Records**

The destruction of FBI files and records is governed by Title 44, U.S. Code, Sections 3303 and 3303a; Title 36, Code of Federal Regulations, Part 1220; the General Records Schedule (GRS); and the FBI Records Retention Plan and Disposition Schedule (The Plan) developed by the National Archives and Records Administration (NARA) and the FBI, which was approved by the United States District Court, District of Columbia, Washington, D.C., September 9, 1986.

FILES AND RECORDS NOT IDENTIFIED HEREINAFTER ARE NOT TO BE DESTROYED WITHOUT SPECIFIC FBIHQ AUTHORITY.

The following field files and records are authorized for destruction after observance of the instructions and restrictions set forth below. The file number and date of destruction are to be recorded on Form FD-478 (List of Files Destroyed/Transferred to FBIHQ). Form FD-478, containing the file numbers and dates files were destroyed, is to be maintained at the beginning of each respective classification in the closed files section. For files bearing the Universal Case File Number (UCFN), the FD-478 should be filed at the beginning of the field office breakdown in the closed files section. At the option of each office, an additional copy of Form FD-478 may be maintained in an administrative control file entitled "List of Files Destroyed."

#### **2-4.5.1 Restrictions:**

(1) Periodically, and pursuant to criteria outlined in The Plan, FBIHQ issues to the field instructions to stamp certain field files/records, including lead office files with 50 or more volumes/sections, with legends "DO NOT DESTROY: HISTORICAL VALUE - NATIONAL ARCHIVES" and/or "X: DO NOT DESTROY: HISTORICAL VALUE - NATIONAL ARCHIVES." Files so stamped are permanent and must be retained for eventual transfer to the NARA. Pursuant to the provisions of The Plan no field office may engage in file destruction of office of origin case files unless specifically authorized on case file classification basis. All time periods and cut-off dates for records destruction, as set by FBIHQ, must be strictly adhered to without exception.

(2) Freedom of Information/Privacy Acts (FOI/PA) Request:

Upon receipt of an FOI/PA request in the field office, the request must be immediately searched through the office indices to identify any relevant files which must be immediately marked to indicate that an FOI/PA request is pending and to preclude premature destruction pending resolution of the request.

(3) Litigation Matters:

No field office may engage in file destruction until all litigation matters have been searched through the office indices and relevant files identified and marked for retention pending resolution of the litigation. Case files which bear the notation that files are being retained due to pending litigation are to be maintained until notification is received from FBIHQ that the litigation has been resolved. Upon receipt of new litigation matters from FBIHQ, all file destruction must cease until the new litigation freeze sheets have been searched through the office indices and related files identified and marked for retention pending and to preclude premature destruction pending resolution of the litigation.

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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**(4) Tax Returns/Tax Return Information:**

Tax returns and/or tax return information are to be removed from lead office files prior to destruction and forwarded to the office of origin for retention in the office of origin file for five (5) years from date of receipt of the Internal Revenue Service (IRS) material from IRS, or five (5) years from the date of any disclosure, whichever is longer.

**(5) Original Documents:**

Original FD-302s, Laboratory reports, Latent Fingerprint reports, original surveillance logs, Agents' investigative notes, original photographs and other original documents maintained in the 1-A section of lead office case files are to be forwarded to the office of origin prior to destruction of the lead file. Form FD-491 (Transmittal of Original Documents to Office of Origin) may be used for this purpose.

**(6) Office of Origin (OO) Changes:**

In those cases where OO is changed, both the new OO and new lead office will apply the 10-year (criminal) or 20-year (security/applicant) destruction rule. It will be the responsibility of the new OO to advise the original OO when case is closed. This will ensure that original documents and/or evidence is not prematurely destroyed.

**(7) Investigative/Administrative Needs:**

Case files which continue to serve investigative, administrative or research needs may be retained if deemed necessary. If a case file that has not been marked for archival retention is retained beyond the authorized destruction period, a communication should be placed in each case file justifying the need for longer retention.

**(8) Disposition of Property**

(a) Certain case files will be marked with the notation "DO NOT DESTROY: HISTORICAL VALUE - NATIONAL ARCHIVES" and will eventually be transferred to the National Archives and Records Administration. In such instances, only those evidentiary and non-evidentiary exhibits, regardless of size, that are documentary in nature, generated by and considered FBI records, i.e., Agents' interview notes, photographs, work papers, ledgers, journals, etc., are to be preserved as part of the case file. Documentary materials, i.e., records of private enterprises, original or copies, contributed, seized or subpoenaed should be returned to the rightful owner when the investigative or administrative purpose for which they were obtained has been satisfied. Likewise, physical property, i.e., typewriters, radios, televisions, firearms, etc., are to be returned to their rightful owner or, if required, disposed of in accordance with approved procedures, i.e., drug evidence, illegal firearms, forfeited and abandoned property, etc.

(b) Prior to closing a case, it is the responsibility of the case Agent to dispose of seized/recovered/contributed property when there is no further need for retention. Wherever there is reasonable doubt regarding the need for retention, the United States Attorney/Assistant United States Attorney should be consulted and the contact recorded in the case file.

**(c) Disposition of Drug Evidence:**

See Manual of Investigative Operations and Guidelines (MIOG), Part 1, Section 281-8.

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(d) Disposition of Other Property:

See Forfeiture Manual concerning property subject to forfeiture and Forfeiture and Abandoned Property Manual, Section 10, concerning abandoned property.

**2-4.5.2 Destruction - Investigative Files and Records: (See MIOG, Part 1, 67-4.2.11 and 67-7.15.)**

(1) Index Records/Cards: Automated index records in the Automated Case Support (ACS) data base will be deleted when the corresponding file is destroyed in the Investigative Case Management (ICM) application. Manual index records corresponding to files destroyed should be purged from the general indices at the discretion of the SAC.

(2) Copy Destruction

(a) Duplicate copies of communications, maintained within the same case file, which DO NOT contain action notations, i.e., notations issuing instructions, notations requesting action be taken, notations of certification that action was taken, etc., may be removed from those case files that have been stamped as having historical/research value (exceptional and/or permanent) when the case file is closed and destroyed.

(b) Copies of documents which contain action notations not appearing on the original file copy are to be retained within the same case file along with the original file copy.

(c) Duplicate copies of documents, maintained within the same case file, which have not been stamped as having historical/research value also may be purged and destroyed when the case file is closed. (See MAOP, Part 2, 2-4.3.1 (3)(h) & 2-4.5.3.)

(3) Record Checks:

(a) LEAD OFFICES may destroy, when six (6) months old, results of contacts with various credit, law enforcement, and federal, state and local Bureaus to determine criminal, credit and/or employment status of individuals related to current investigations.

(b) Record Checks in OFFICE OF ORIGIN are to be retained/destroyed commensurate with the disposition authority of the office of origin case file to which the record check relates.

(c) Field office files containing record checks conducted in connection with applications for employment, and resulting in receipt of information identifiable with applicant may be destroyed when six months old or when all administrative needs have been met, whichever is later.

(4) Deleted

(5) Deleted

(6) Zero "0" Files: Zero "0" files in classifications one (1) through two hundred seventy-nine (279), exclusive of classifications 192, 214, 258, 261, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278 and 279, may be destroyed when three (3) years old or when all administrative needs have been met, whichever is later. Prior to destruction, Zero "0" file material must be reviewed and any policy material identified transferred to the corresponding Double Zero "00" file for permanent retention.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(7) Nontax Criminal Information: Destroy when five (5) years old, copies of correspondence maintained in administrative control files concerning nontax criminal information requested and obtained from the Internal Revenue Service (IRS).

(8) Freedom of Information and Privacy Acts Requests:

(a) Files containing correspondence and supporting documents (excluding official file copy of material if filed therein) TWO (2) YEARS after the date of reply, provided access was granted to all records requested and no appeal was filed; files containing responses to requester for nonexistent records, responses to requester who provided inadequate description, or those where requester failed to pay reproduction fees.

(b) Files and records relating to FOI/PA requests are authorized for destruction SIX (6) YEARS after the date of last relevant entry, reply to requester, final adjudication by court and/or FBI agreement to amend:

1. Records involved in litigation;
2. Those under appeal;
3. Those records involved in request to amend and/or expunge certain information;
4. Those files where access to all or part of the records requested was denied; and
5. Control file (Classification 190 only) for information disseminated to individuals and/or other agencies. (See MIOG, Part 1, 190-3.3(1).)

(9) Deleted

(10) Deleted

(11) Classification 116: LEAD OFFICE (FBIHQ is origin) case files in classification 116 created between November, 1947, and September, 1948, and contain no correspondence between the field office and FBIHQ are permanent and must be retained for eventual transfer to the NARA. Remaining lead office case files in the 116 classification may be destroyed if closed for twenty (20) years and none of the foregoing restrictions are applicable.

(12) Deleted

(13) Legat Files and Records:

(a) The NARA has designated all Hong Kong and Mexico City Legat investigative case files and corresponding index cards as exceptional/permanent; consequently, there will be no destruction of these records. All other Legat files and corresponding index cards are eligible for destruction when five (5) years old after application of the criteria of THE PLAN to identify exceptional/permanent case files in this collection. Closed Legat files are stored at FBIHQ; therefore, they will be reviewed by the Information Resources Division to identify and mark for preservation any exceptional/permanent Legat files. A numerical list of files to be transferred to the NARA and an alphabetical listing, by file number, of information indexed in exceptional/permanent Legat files will be furnished to all Legats with instructions to purge the Legat indices and forward the index records to FBIHQ to be matched with the corresponding exceptional/permanent file for eventual transfer to the NARA. After the index records have been purged and forwarded to FBIHQ, the

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

index purge list may be destroyed by the Legat. The numerical list of files transferred to the NARA should be retained by the Legat for future reference.

(b) Remaining Legat files, except Hong Kong and Mexico City, will be destroyed according to the five (5) year authority granted by the NARA. In conjunction with the destruction process, the files will be reviewed and a list made of all information indexed by Legats. The Legats, except Hong Kong and Mexico City, will be furnished a list of all files destroyed and a listing of all information indexed by the Legats. These listings are to be used by the Legats to purge and destroy the corresponding microfiche and index records. The list of information indexed may be destroyed once the index purge and destruction process have been completed. The list of files destroyed is to be retained by the Legat for future reference.

(14) Destruction of Original Foreign Intelligence/Foreign Counterintelligence (FCI) Electronic Surveillance Tape Recordings:

See Foreign Counterintelligence Manual (FCIM), Introduction, Section 1.

(15) Classification 67: FBI employment application case files pertaining to unsuccessful applicants, declined offers (by applicants) for employment and related correspondence which are maintained within classification 67 case files or control files in the various FBI field offices. Material maintained by field offices is duplicative of material maintained at FBIHQ inasmuch as FBIHQ is the office of origin and field offices are lead offices in classification 67 matters.

(a) Case files or control files wherein no appeal and/or litigation has been filed. Destroy when two years old or when all administrative needs have been met, whichever is later.

(b) Case files or control files wherein an appeal and/or litigation has been filed and which contain complaints with related correspondence, reports, exhibits, withdrawal notices, copies of decisions, records of hearings and meetings, and other records as described in Title 29, Code of Federal Regulations, Part 1613, Section 222 and resolved within the FBI, by Equal Employment Opportunity Commission or by United States Court(s). Destroy four years after final resolution of the case or when all administrative needs have been met, whichever is later.

(c) Field office case files or control files containing only correspondence and/or leads received from other field offices or FBIHQ which supplements the full background investigation which is being conducted primarily by FBIHQ or another field office. Destroy when six months old or when all administrative needs have been met, whichever is later.

(16) Contract Files:

Field office files which pertain to contracts, requisitions, purchase orders, leases, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment of transactions. Destroy in accordance with Federal Acquisition Regulations Subpart 4.805, captioned "Storage, Handling and Disposal of Contract Files." Questions concerning these regulations should be directed to the Chief Contract Officer, Finance Division, FBIHQ.

(17) Contract Appeals Files:

SENSITIVE



Field office files which pertain to contract appeals case files arising under the Contracts Dispute Act, consisting of notices of appeal and acknowledgments thereof; correspondence between parties; copies of contracts, plans, specifications, exhibits, change orders, and amendments; transcripts of hearings; documents received from parties concerned; final decisions; and all other related papers. Destroy in accordance with Federal Acquisition Regulations Subpart 4.805, captioned "Storage, Handling and Disposal of Contract Files." Questions concerning these regulations should be directed to the Chief Contract Officer, Finance Division, FBIHQ.

#### **2-4.5.3 Destruction - Noninvestigative Files and Records (See MAOP, Part 2, 2-4.3.1 (3)(h).)**

(1) Classification 66 - Administrative case files accumulated by individual field offices containing material that relates to the internal administration or housekeeping activities of the office rather than the investigatory functions for which the office exists. In the absence of specific instructions set forth elsewhere in this manual, administrative material may be destroyed when one year old on an annual basis, except for the following administrative case files which must be retained for eventual transfer to the National Archives and Records Administration.

- (a) "00" - Policy File
- (b) Films
- (c) Jails
- (d) Sources of Information
- (e) Surveillance
- (f) Technical Equipment
- (g) Technical Plants
- (h) Technical Surveillance
- (i) Microphone Surveillance
- (j) Security Policy File
- (k) Physical Security Of Building
- (l) Security of Communications
- (m) SAC Confidential Fund
- (n) Persons Not To Be Contacted
- (o) Congressional Committees
- (p) Employee Services
- (q) Detention And Security Index Program
- (r) Arraignments
- (s) Arrests

(t) Interviews including confessions and signed statements

(u) Searches and Seizures

(2) Copy Destruction

See MAOP, Part 2, 2-4.5.2 (2).

#### **2-4.5.4 Destruction - Office of Origin Files and Records**

(1) Office of origin case files in following case file classifications may be destroyed when 10 years old if none of the foregoing restrictions are applicable:

11, 13, 16, 18, 20, 22, 24, 30, 33, 34, 53, 57, 59, 68, 78, 84, 85, 95, 107, 135, 136, 154, 155, 169, 171

(2) Office of origin case files in following case file classifications, with less than two volumes (or number of serials as indicated) may be destroyed when 10 years old if none of the foregoing restrictions are applicable:

12, 28, 46, 54, 89, 147, 156, 159, 172, 177, 179, 183 (30 serials or less), 188 (10 serials or less), 192 (50 serials or less), 193, 194, 196, 205 (20 serials or less), 207, 208, 213 (45 serials or less), 245, 250 (25 serials or less), 252 (10 serials or less), 255 (75 serials or less), 262 (14 serials or less), 264 (25 serials or less), 265 (30 serials or less), 266 (30 serials or less)

(3) Office of origin case files in following classifications, with less than two volumes (or number of serials as indicated) may be destroyed when 20 years old if none of the foregoing restrictions are applicable:

1, 2 (40 serials or less), 3 (Exceptions: WF 3-4; WF 3-5 and NY 3-13), 14, 19, 39 (Opened prior to 1/1/78), 64, 97 (30 serials or less), 106, 117, 122 (11 serials or less), 173, 175 (8 serials or less), 191, 199 (20 serials or less), 201 (15 serials or less), 203 (15 serials or less), 215 (15 serials or less), 216 (15 serials or less), 217 (15 serials or less), 218 (15 serials or less), 219 (15 serials or less), 220 (15 serials or less), 221 (15 serials or less), 222 (15 serials or less), 223 (15 serials or less), 224 (15 serials or less), 225 (15 serials or less), 226 (15 serials or less), 227 (15 serials or less), 228 (15 serials or less), 229 (20 serials or less), 246 (15 serials or less), 247 (15 serials or less), and 248 (15 serials or less)

#### **2-4.5.5 Destruction - Lead Office Files and Records**

(1) Lead office case files in the following classifications may be destroyed one (1) year from the date of the last relevant communication, AND AFTER OBSERVANCE OF THE FOREGOING RESTRICTIONS/INSTRUCTIONS:

Classifications:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 93, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 136, 138, 139, 140,

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

141, 142, 143, 144, 145, 146, 147, 148, 149, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 255, 256, 257, 258, 259, 260, 262, 264, 265, and 266.

(2) DELETED.

(3) Classification 81

After a determination has been made that none of the foregoing restrictions are applicable, lead offices case files in classification 81 may be destroyed after one (1) year in all offices EXCEPT PORTLAND AND FORMER BUTTE FIELD OFFICE. BUTTE LEAD OFFICE FILES IN THE 81 CLASSIFICATION CREATED PRIOR TO THE BUTTE/SALT LAKE CITY MERGER June 6, 1989, AND NOW RESIDENT IN SALT LAKE CITY, ARE PERMANENT AND MUST BE RETAINED.

#### **2-4.5.6 Deleted**

#### **2-4.5.7 Deleted**

#### **2-4.5.8 Deleted**

#### **2-4.5.9 Noninvestigative Files and Records to be Destroyed If More Than Six (6) Years and Three (3) Months Old**

(1) Voucher Matters - Field office files containing voucher records processed as Direct Advance Vouchers or through the Third Party Draft System including, but not limited to, supporting documents, such as Draft Request Forms (FD-794), receipts, cancelled checks, bank statements, check stubs, and bank passbooks.

(2) Imprest Fund Matters - Field office files containing records processed for payment through the field office imprest fund.

#### **2-4.5.10 Files and Records to be Destroyed If More Than Six (6) Years Old**

(1) Automobiles - Accidents - Destroy six years after case is closed. Retain if loss of life, personal injury to third party, or possible suits involved.

(2) Health Record Cards - Cards containing dates of employees' visits, diagnosis, and treatment. Destroy six years after date of last entry on card.

(3) Time and Attendance Registers, FD-420 and FD-31 (obsolete) and Time and Attendance/TURK Registers, FD-420a (See MAOP, Part 2, 3-3.2.)

(4) All Leave Accounting Listings. Destroy when six years old, at end of leave year, or when administrative needs have been met, whichever is later.

(5) Leave Requests, FD-282

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (6) Compensatory Time Request, FD-813
- (7) Doctors' Certificates
- (8) Confidential Financial Disclosure Reports (OGE-450) and Conflict of Interest Certifications (See MAOP, Part 1, 1-14 (14).)
- (9) Bills of Lading
- (10) Government Transportation Requests and related correspondence
- (11) Household Goods - Transportation
- (12) Correspondence relating to reimbursing individuals, such as travel orders, per diem vouchers, and all other supporting documents relating to official travel by officers, employees, dependents, or others authorized by law to travel.
- (13) Lost or damaged shipment files - Schedules of valuables shipped and related correspondence.

**2-4.5.11 Files and Records to be Destroyed When Five (5) Years Old, or Five (5) Years From the Date of Receipt or Disclosure, Whichever Is Longer**

- (1) Documents identified as tax returns and/or containing tax return information maintained in the field office (Classification 66) administrative control file entitled "Tax Return/Tax Return Information" may be destroyed five years from the date of receipt of the Internal Revenue Service (IRS) material or five years from the date of any disclosure, whichever is longer.
- (2) General Training/Police Training/Firearms Training Matters - Field office administrative case files containing inquiries, requests, schedules, authorizations, and approvals for short-term training sessions(s) at the FBI Academy or within the immediate territory of a specific FBI field office. Material within the case files is utilized for individual registration, applicant scheduling and attendance purposes only. Case files serve no useful purpose to the field office after completion of the training session(s). Destroy when five years old or when all administrative needs have been met, whichever is later. Prior to destruction, all volumes will be screened by the FBI in order that any personnel-related material may be filed within the Official Personnel File (OPF) of FBI personnel or within the individual file of an FBI National Academy graduate. (See MAOP, Part II, 8-3.5.)

**2-4.5.12 Files and Records to be Destroyed If More Than Three (3) Years Old (See MAOP, Part 2, 2-4.2.1.)**

- (1) Automobiles - After vehicle leaves custody by sale, transfer, donation, or exchange.
- (2) Deleted
- (3) Deleted
- (4) Deleted
- (5) Deleted
- (6) Deleted
- (7) Deleted

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

- (8) Deleted
- (9) Correspondence relating to position classification appeals. Destroy three years after resolution.
- (10) Correspondence relating to employee appeals of performance ratings. Destroy three years after resolution.
- (11) Tax Exemption Files - Tax exemption certificates and related papers. [REDACTED]  
[REDACTED] Destroy three years after period covered by related account.
- (12) Telephone Toll Statements, invoices, and toll slips (See MAOP, Part 2, 6-9.2.7.)
- (13) Report of Excess Personal Property, SF-120
- (14) Correspondence, reports, and data relating to voucher preparation
- (15) Deleted
- (16) Charity campaigns
- (17) Deleted
- (18) Deleted
- (19) Deleted
- (20) Deleted
- (21) Deleted
- (22) Semiannual Motor Vehicle Report, FD-111
- (23) Radio Equipment Maintenance Log, FD-341. Retain for three years after completion.
- (24) Postal Irregularities - Correspondence relating to irregularities in the handling of mail, such as loss or shortage of postage stamps or money orders or loss or destruction of mail. Destroy three years after investigation completed.
- (25) Printing and duplicating - Files and correspondence pertaining to planning and other technical matters relating to the printing and duplicating function.
- (26) Telecommunications general files, including plans, reports, and other records pertaining to equipment requests, telephone service and similar matters.
- (27) Speech material - except one copy of speech material of continuing interest.
- (28) Quarterly and/or semiannual reports of the national organization of the Communist Party USA, furnished all offices by New York. If desired, individual offices may maintain for historical value. New York will retain.
- (29) Copies of annual, semiannual, or quarterly letters or reports submitted concerning informants (FD-374) or confidential witnesses and data maintained in field office control file.
- (30) Firearms
- (31) Inspections (For destruction of work papers, see MAOP, Part 2, 2-4.5.13(7).)

b2

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (32) Office Personnel File (SAC is to review prior to destruction and specify documents to be retained longer than three years.) (See MAOP, Part 2, 2-4.5.17(2).)
- (33) Memorandum to All SACs (formerly SAC Letters), and Bureau bulletins. Carefully review to ensure that instructions which are still applicable and which will be of future value are not destroyed prematurely. (See MAOP, Part 2, 2-4.2.1(3) & 2-4.5.17(4).)
- (34) Monthly Administrative Reports, FD-29 and FD-29a
- (35) Foreign National Field Office Control Files - Records pertaining to the movement of foreign nationals to and from the United States. Control files only; field office investigative case files are to be retained/destroyed commensurate with the disposition authority applicable to the specific case file classification wherein the material is maintained.
- (36) Equal Employment Opportunity (EEO) Control Files - General correspondence, copies of regulations with related records pertaining to the Civil Rights Act of 1964, the EEO Act of 1972, any pertinent later legislation and EEO Committee meeting records (including minutes and reports)
- (37) Deleted
- (38) Voucher Matters - Field office files containing voucher records which have been forwarded to FBIHQ for payment.
- (39) Restoration of Annual Leave Requests - Standard Form (SF) 71 or equivalent and all supporting documentation of requests and approvals of restoration of annual leave. Destroy three years after end of leave year during which annual leave was originally earned.

**2-4.5.13 Files and Records to be Destroyed When Two Years Old or After Office Inspection, Whichever Is Later (See MAOP, Part 2, 2-4.2.1.)**

- (1) Daily Reports, FD-28
- (2) Record of Agents' individual accomplishments
- (3) Copies of correspondence requesting record checks of  and Passport Office, Department of State, maintained in control file.
- (4) Deleted
- (5) Deleted
- (6) Deleted
- (7) Inspection work papers (yellows) covering prior inspection provided inspection just completed was full inspection and not a recheck. If longer retention deemed essential, appropriate notation to be made. (See Part 2, 2-4.5.12(31).)
- (8) Copies of the Accomplishment Report (FD-515) maintained in the control file.
- (9) Authorization to maintain Bureau Vehicle Overnight at Agent's Residence on Irregular and/or Emergency Basis, FD-490.
- (10) Original Agent File Review Sheets (FD-271) maintained for inspection purposes.

b2

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(11) Pending Transcription Workload and Delinquency Report (FD-703) and Automated Workload Tracking Reports.

(12) FD-515 Cumulative/Comparative Reports - Field office control file containing summary of statistical accomplishments accumulated from FD-515 by individual program(s).

(13) Resource Management Information System - Field office control files (including subfiles) containing resource management statistical information, i.e., manpower allotment, manpower hours utilized, individual program(s) accomplishments and projections.

(14) Unaddressed Work - Field office control files containing correspondence and/or leads which, prior to the implementation of the Automated Case Support (ACS) system, were unaddressed and are currently in ACS as closed case files. (See MAOP, Part 2, Section 2-5.2.5.)

#### **2-4.5.14 Deleted**

#### **2-4.5.15 Files and Records to be Destroyed When Two Years Old, If Certain Conditions Are Met (See MAOP, Part 2, 2-4.2.1.)**

(1) Deleted

(2) Supply Management Matters - Files containing original correspondence relating to supply requirements and procurement matter submitted for internal supply management operation and administration, exclusive of that original material which has been incorporated into investigative case files, or that material which has been forwarded to FBIHQ.

(3) Ammunition - Destroy two years after completion or cancellation of requisition.

(4) Inventory/Requisition Matters - General files containing requisitions, inventory lists and inventory cards for supplies and equipment necessary to supplement and/or maintain current inventory, exclusive of that material which has been incorporated into specific investigative case files, or that material which has been forwarded to FBIHQ.

(5) Property Disposal Correspondence Files - Correspondence maintained by units responsible for property disposal, pertaining to their operation and administration.

(6) Space files and related correspondence pertaining to the allocation, use, and release of space under agency and/or General Services Administration (GSA) control. Destroy two years after termination of space assignment, when lease is canceled, or when plans are superseded or obsolete.

(7) Files and correspondence relating to the administration, operation, and execution of the copying, duplicating, and printing functions.

(8) Procurement matters - ORIGINAL correspondence files concerning internal operation and administration not forwarded to FBIHQ.

(9) Deleted

(10) Equal Employment Opportunity (EEO) Counselors' notes. Destroy two years after the date of creation, unless the EEO Counselor forwards them to FBIHQ for storage and later destruction (see MAOP, Part 1, 4-5.1.4 and 4-5.1.5).

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(11) Deleted

(12) Complaint Form (FD-71) - Control Files only; field office investigative case files opened as a result of information recorded on FD-71 are to be retained/destroyed commensurate with the disposition authority applicable to the specific case file wherein the material is maintained.

(13) Administrative case files containing correspondence, memoranda, annuity estimates, and other records used to assist retiring employees or survivors claim insurance or retirement benefits, including but not limited to reports, registers, or other control documents, and other records relating to retirement, such as SF-2807 or equivalent.

(14) United States Postal Service (USPS) records and mail and delivery service control files - Including record of Registered Mail FD-211; USPS Forms 3877 (outgoing registered mail) and 3883 (incoming registered mail); records relating to certified, insured, and special delivery mail, including receipts and return receipts; application for USPS registration and certificates of declared value of matter subject to USPS surcharge; reports of loss, rifling, delay, and other improper treatment of mail matter; records of receipt and routing of incoming and outgoing mail and items handled by private delivery companies, i.e., Federal Express (FedEx), United Parcel Service (UPS), DHL, etc.; statistical reports on mail handled and work performed; records relating to checks, cash, stamps, money orders, or other valuables remitted by mail; and correspondence relating to the administration of the mail room operation. (See also MAOP, Part 2, 2-2.1 and 2-2.2.2.)

**2-4.5.16 Files and Records to be Destroyed When One Year Old, If Certain Conditions Are Met**

(1) Deleted

(2) Copies of correspondence forwarded to Office of Personnel Management relating to performance rating board reviews. Destroy one year after case is resolved (for files created prior to the Civil Service Reform Act of 1978).

(3) Notice of Tardiness, FD-120. Destroy when one year old at the end of the calendar year.

(4) Deleted

(5) Deleted

(6) Deleted

(7) Forms

(8) Gun Vault Charge-Out Records, FD-79

(9) Bank robbery, bank burglary, and bank larceny summaries

(10) Theft from Interstate Shipment and Interstate Transportation of Stolen Property summaries

(11) New Agents' Training Unit class books.

(12) Voluntary Leave Transfer Program Records - Administrative case files documenting the receipt and donation of leave for medical emergencies, including receipt applications, FBIHQ/field office approvals or denials, medical or physician certifications, leave donation records or OF-630-A,

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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supervisor/timekeeper approvals, leave transfer records, payroll notification records, and leave program termination records.

(13) Form FD-430 (Bank Robbery Statistical Airtel) - Field Control File copy only.

(14) Fugitive Bank Robbery (FUBANK) circulars - Field Control File copy only.

(15) National Bank Robbery Album (NABRA) circulars - Field Control File copy only.

**2-4.5.17 Files and Records to be Destroyed When One Year Old on an Annual Basis**

(1) Deleted

(2) Office Personnel File - Destroy obsolete temporary documents relating to Bureau personnel only. (See Part 2, 2-4.5.12 (32), for disposition of remaining documents.)

(3) Firearms Score Card, FD-39

(4) Memoranda to All Special Agents in Charge (formerly SAC Letters) - Review prior to destruction in order to identify and retain any policy and/or instructions which is still applicable. (See MAOP, Part 2, 2-4.2.1 (3) and 2-4.5.12 (33).)

(5) Individual Security Patrol Daily Report, FD-215; Combined Security Patrol Report, FD-215a; and Security Patrol Log, FD-215b.

(6) Security and Complaint Assistant Daily Report Sheet (FD-694).

(7) Volumes of letters, often from chronic letter writers, which do not require acknowledgment. Correspondence is nonspecific, frequently incoherent, and contains no data of interest to the FBI or any other agency.

**2-4.5.18 Files and Records to be Destroyed When One Year Old on a Monthly Basis**

(1) Deleted

(2) Except New York and Washington Field Offices: Copies of INS form I-94 or equivalent form used locally to furnish information from the I-94 to FBIHQ which pertain to individuals within the provisions of the National Foreign Intelligence Program Manual, and which are retained in control files only and the index cards relating thereto.

**2-4.5.19 Files and Records to be Destroyed When Six Months Old, If Certain Conditions are Met**

(1) Deleted

(2) Field Stenographer's and Typist's Daily Report, FD-76

(3) HF Radio Log, FD-279

(4) Telecommunications message registers, logs, performance reports, daily load reports, and related and similar records.

SENSITIVE

#### **2-4.5.20 Files and Records to be Destroyed When Four Months Old, If Certain Conditions Are Met**

(1) Field Personnel Files - Files of employees who have retired, resigned, or transferred to other agencies outside of the FBI. Material maintained by field offices is duplicative of material maintained at FBIHQ inasmuch as FBIHQ is the office of origin and field offices are lead offices in classification 67 matters.

(a) Case files wherein no appeal, litigation grievance, lawsuit or any kind of employment related complaint, has been filed. Retain for a period of 120 days after retirement, resignation, or transfer of employee; then destroy.

(b) Case files wherein an appeal, litigation grievance, lawsuit or any kind of employment related complaint, has been filed. Forward file to FBIHQ along with an explanation of the circumstances requiring retention of the file. A copy of the explanation must be provided to the Office of the General Counsel, Employment Law Unit (ELU). FBIHQ will file the Field Personnel File with the FBIHQ Official Personnel Folder and retain the Field Personnel File until instructed to destroy it by the Office of the General Counsel, ELU.

#### **2-4.5.21 Files and Records to be Destroyed When Three Months Old, If Certain Conditions Are Met**

(1) Transmittal letters - checks and bonds

(2) Automobile Record Form, FD-73

(3) FM Radio Station Log, FD-283 (See MIOG, Part 2, 16-4.2.4.)

(4) Gasoline sales tickets (tissue copy)

(5) Deleted

(6) Identification credentials, including cards, badges, parking permits, photographs, agency permits to operate motor vehicles; property, dining room, and visitors' passes; and other identification credentials. Destroy three months after return. (See MAOP, Part 2, 6-10.2 (3).)

(7) Building and Equipment Service Files - Requests for building and equipment maintenance services, excluding fiscal copies. Destroy three months after work performed or requisition canceled.

(8) Carbon copy of printout produced by NCIC terminal not required to be retained. However, an NCIC log must be maintained for all criminal history record checks; the log will be maintained for a minimum of one year.

(9) Unless required as part of a review or investigation, alarm log sheets and paper tape records of all alarm calls received shall be destroyed when no longer required after three (3) months.

(10) Visiting employees log, FD-426

(11) Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply.

#### **2-4.5.22 Files and Records to be Destroyed When Two Months Old, If Certain Conditions Are Met**

- (1) Messenger Service Files - Daily logs, assignment records and instructions, dispatch records, delivery receipts, route schedules, and similar records related to the messenger function.
- (2) Telecommunications - Copies of incoming and outgoing messages retained in the message center.

#### **2-4.5.23 Files and Records to be Destroyed When Purpose Has Been Served (See MAOP, Part 2, 2-4.2.1.)**

- (1) Request for Personnel Action, SF-52 (when used to advise of arrival date of a transferred employee into the field office)
- (2) Itinerary, FD-330
- (3) Circulars, flyers related to charity campaigns, recreational matters, open season for thrift savings program, open season for health/life insurance/retirement benefits, blood donor program, savings bond campaign.
- (4) Copies of SF-50 documenting individual personnel actions.
- (5) Credentials - Papers related to identification credentials, including receipts, indices, listings, and accountable records. Destroy when all listed credentials are accounted for.
- (6) Telecommunications - Tapes of outgoing messages. Destroy after transmission.
- (7) Channelizing memoranda in criminal cases and security cases must be destroyed following submission of reports or following submission of LHM in nonprosecutable espionage and nationalistic tendency cases.
- (8) Channelizing memoranda in security cases must be destroyed when the contents have not been included in a report or LHM because the information is of no value to the report or LHM. In destroying these memoranda, be guided by the following instructions:
  - (a) The Agent, at the time he/she dictates the report or the LHM in nonprosecutable espionage and nationalistic tendency cases, is to prepare a memorandum (Form FD-338) listing the channelizing memoranda to be destroyed by serial or serial scope and requesting Administrative Officer to destroy. List channelizing memoranda to be destroyed because they are of no value to the report or LHM by file and serial number. This memorandum should indicate that pertinent information contained in the serials to be destroyed was incorporated in the report or the LHM, or in security cases was not included because the information was of no value to the report or LHM.
  - (b) The cover pages accompanying the report or the cover document accompanying the LHM will list the file and serial number of the original informant reports or master channelizing memoranda except in cases concerning reports or LHM prepared by Legal Attaches since Legat sources are not usually available for testimony.
  - (c) In the case of multiple volumes, the destruction memorandum should be prepared by the Agent in sufficient numbers so that one copy will appear in each volume of the multiple volume file being stripped.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

- (d) Prior to destruction, the Agent's recommendations are to be reviewed and approved by the supervisor at the time he/she reviews and approves the report or the LHM.
- (e) Employee destroying the channelizing memoranda must place date of destruction and his/her initials on the destruction memorandum. Thereafter, this memorandum will be filed in the case as a permanent record of the serials destroyed.
- (f) Channelizing memoranda based on confidential investigative techniques may be destroyed after submission of LHM or report. The cover pages of the report or the cover document of the LHM must record the exact location in the office files of the original information.
- (g) Channelizing memoranda of translations of foreign language newspapers and periodicals may be destroyed provided the original translation is maintained in the main file of the publication concerned.
- (h) Channelizing memoranda from other offices may be destroyed provided the communication of transmittal and one copy of the channelizing memoranda are retained in your office. The cover pages to the report or the cover document to the LHM should list field office and the file number in which the original recording is located, as well as location in your files of the retained copy.
- (9) Do not destroy channelizing memoranda in the following instances: The original recording; serial one of a file regardless of its nature; serials containing indexing. It would appear that if indexing was necessary to channelizing memoranda, such indexing would only be done in the main case file as set forth in the title of the communication; serials showing "action" information: e.g., opening, closing, posting, or instructions given by a supervisor to an Agent concerning the case.
- (10) The destruction of those channelizing memoranda should be subject to close supervisory control to ensure that all pertinent information contained in these memoranda is reported in the investigative report or the LHM.
- (11) Stop notice cards and correspondence received by field offices requesting affirmative action in connection with stop notices placed with Immigration and Naturalization Service (INS) and Bureau of Prisons (BOP) maintained in administrative file (if no case file exists) when stop notices have been canceled or expire.
- (12) Deleted
- (13) Teletype summaries or reproduced copies of teletype summaries on civil unrest sent to all field offices by FBIHQ.
- (14) Deleted
- (15) Routing of Earnings and Leave Record, FD-655.
- (16) Field Office Special Surveillance Group (SSG) Daily Worksheets - Control files which have been arranged in monthly volumes and workshift for the purpose of gathering and maintaining statistics used for administrative purposes.
- (17) Weekly Press Summary File (WPSF)/National Periodical Summary File (NPSF) - Volumes of copies of newspaper articles from various national/international newspapers (WPSF) and periodicals (NPSF). Material is furnished to field offices and Legal Attaches by the Office of

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

Congressional and Public Affairs, FBIHQ, for informational/reference purposes ONLY. Retention by the field office or Legal Attaches is OPTIONAL.

(18) Investigator - Case files containing past issues of FBI employee magazine "The Investigator." Formal filing of "The Investigator" is unnecessary.

(19) Internal office memoranda unique to individual FBIHQ division, field office, resident agency or Legal Attache Office and accumulated solely for the internal administration of each individual entity.

(20) Dissemination Files - Field office control files containing correspondence and/or lead(s) received from other field offices. Leads are disseminated to appropriate field office squad, resident agency, or local law enforcement agency for follow-up. Material has been accumulated solely as a "tracking system" of official records disseminated to other agencies and filed for administrative purposes only inasmuch as lead(s) usually meet with negative results. Case files opened as a result of dissemination of correspondence and/or lead(s) are to be retained/destroyed commensurate with the disposition authority applicable to the specific case file wherein the material is maintained.

(21) Law Enforcement Bulletin and related Indexing Lists - Material is furnished to field offices and Legal Attaches for informational/reference purposes related to training activities. Official filing is NOT REQUIRED and any future retention, for reference purposes only, should be at the discretion of the field office Training Coordinator.

(23) FBI Recreation Association (FBIRA) - Administrative case files pertaining to the overall functions of the FBIRA. Formal filing of FBIRA material is unnecessary. Material pertinent to the organization and/or operation of the FBIRA should be put under the control of the field office FBIRA committee, as chosen by the field office employees.

(24) Terrorist Photograph Album - Terrorist Photograph Album has been discontinued and FD-432's and FD-432a forms are no longer to be maintained in an album (file) but serialized into the subject's substantive file or main organizational file.

(25) FBI Bomb Data Center Investigators Bulletins and Monthly Incident Summaries - Material is furnished to field offices and Legal Attaches for informational/reference purposes related to training activities. Official filing is NOT REQUIRED and any future retention, for reference purposes only, should be at the discretion of the field office Special Agent Bomb Technician or Training Coordinator.

(26) Routine communications from individual field offices to FBIHQ, field offices, resident agencies and Legal Attaches of routine advisement, i.e., telephone problems, death notices, promotion/transfer/reassignment notices, etc., which require no administrative action, policy decision, or reply. Material is furnished to various entities for informational and/or reference purposes only. Official filing is NOT REQUIRED.

(27) Notices of Vacancy - Copies of notices of vacancy, exclusive of official record copy maintained within position selection file. Filing of copies outside of official selection file is NOT REQUIRED. See MAOP, Part 1, 7-6.7 for contents and maintenance of official selection file.

**SENSITIVE**

#### **2-4.5.24 Deleted**

#### **2-4.5.25 Records to be Destroyed After Separation or Transfer of Employee**

Employee record cards used for informational purposes.

#### **2-4.5.26 Files and Records to be Destroyed When Abolished or Superseded**

- (1) Copies of position descriptions and related correspondence
- (2) Copies of official publications, charts, posters, directives, regulations, forms, press releases or similar material.
- (3) Instructions from FBIHQ sent to all field offices, not filed within the appropriate Double Zero "00" case file. Prior to destruction, file material must be reviewed and any policy and/or instructions which is still applicable and not previously filed in appropriate Double Zero "00" case file transferred accordingly.

#### **2-4.5.27 Files and Records to be Destroyed When Canceled or Revised**

Mailing lists - Correspondence, request forms, and other records relating to changes in mailing lists and card lists. Destroy when canceled or revised, whichever is appropriate.

#### **2-4.5.28 Files and Records to be Destroyed Upon Termination or Completion**

- (1) Copies of routine procurement files, including contract, requisition, purchase order, lease, and bond and surety records. (Excluding original correspondence not forwarded to FBIHQ)
- (2) Copies of successful or unsuccessful bids.

#### **2-4.5.29 Files To Be Destroyed Upon Notification From FBIHQ**

- (1) Office of Professional Responsibility (OPR) case files maintained by field offices may be destroyed upon receipt of notification from Administrative Summary Unit, Personnel Division, FBIHQ, that the OPR matter has been resolved.
- (2) Case files which have been stamped with OCIS/ISIS/ISS/TIS notations. Destroy office of origin case files in accordance with destruction authority granted by FBIHQ. Auxiliary office case files may be destroyed after a determination has been made that none of the foregoing restrictions are applicable.

### **2-5 CASE MANAGEMENT - FIELD OFFICES**

#### **2-5.1 Opening Cases (See NFIP Manual, 19-03, M.)**

- (1) When one or more interviews are to be conducted
- (2) When the USA is consulted and a written record of USA's opinion furnished USA
- (3) When an informant is being operated.
- (4) In considering the above it should be borne in mind when a file is opened designating a particular individual as the subject of that file that the Bureau be in the position to justify the

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

establishment and later the maintenance of that file on the grounds that there is sufficient jurisdiction for the Bureau to investigate that matter as a separate activity. This is also applicable to the use of subfiles, meaning that if such a file is opened it must meet this test.

(a) The universal list of subfiles, and the standard code assigned to each subfile are listed below. These subfiles should be used when appropriate. The subfiles are not to be opened until a specific need exists.

STANDARD SUBFILE: CODE:

1A Exhibits 1A FD-192s (Evidence) 1B FD-192As (Bulky, Nonevidence) 1C FD-302s and inserts  
302 Background Information re subject BC (FD-160, FD-125, FD-809) Case Expenditures CE  
ELSUR Administrative (Criminal & FCI matters) ELA ELSUR Original Logs (Criminal and FCI)  
EL1 ELSUR Copies and Logs (Criminal and FCI) EL1A ELSUR Transcripts (Criminal and FCI)  
EL1B Grand Jury Material GJ Physical Surveillance Logs FISUR Forfeiture FF Lab/Latent Reports  
LAB Mail Covers MC Newspaper Clippings (Press Releases) NC Subpoenas SBP Telephone  
Subscriber and Telephone TEL Toll Information

(b) When more than one subfile is needed for a specific category, numbers are to be used following the code. For example, three Forfeiture subfiles would be named: FF1, FF2, FF3, etc.

(c) With regard to ELSUR usage in both criminal and FCI matters, subfiles will be opened for the purpose of maintaining the administrative correspondence relating to the ELSUR usage. Where more than one ELSUR authorization is sought/obtained, additional subfiles may be opened and named ELA2, ELA3, ELA4, etc. In each case a subfile for retaining original logs and hard copy printouts of communications intercepted in criminal and FCI matters will be opened and named EL1. Multiple installations in a given case will require additional subfiles, i.e., EL2, EL3, EL4, etc. COPIES of these logs/printouts are to be retained in a subfile named EL1A. Multiple installations will require additional subfiles for COPIES of these logs, i.e., EL2A, EL3A, EL4A, etc. Full text or partial transcripts of intercepts are to be maintained in subfiles named EL1B.

(d) The Manual of Investigative Operations and Guidelines (MIOG), Part 1, Section 137-15, sets forth policy for maintaining Criminal Informant (CI)/Cooperating Witness (CW) subfiles.

(e) The National Foreign Intelligence Program Manual, Section 27-25, sets forth policy for FCI and International Terrorism (IT) Assets subfiles.

(f) The MIOG, Part 2, 2-9.7, sets forth policy for grand jury material subfiles.

(5) The initials of a supervisor must be placed on the serial opening or reopening a case. In opening new fugitive cases each fugitive subject must be assigned a letter priority designation. The supervisor will make the appropriate letter designation on the lower left hand corner of the opening serial. (See MIOG, Part 2, 21-2.)

(6) Crime Problem Indicator (CPI) Codes:

(a) Definition and Use: CPI codes are mechanisms by which investigations can be "tagged" as pertinent to specific direct-funded initiatives and national crime problems, some of which require Congressional reporting on statistics, but which may span more than one investigative classification

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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or program. By reviewing the various crime problems encountered in cases, the FBI will be able to request funding commensurate with its needs.

(b) Assigning CPI Codes: The squad supervisor or Legat (whoever is approving the case opening) should indicate all applicable CPI codes for every new investigative case opened or reopened, along with the classification, case Agent, date opened, etc. The Information Management Assistant will designate the CPI codes in ACS in the Open and Assign Case section of the Case Management Menu, ICM. Up to 20 CPI codes may be identified per case. If no CPI codes apply, the "none" value must be entered.

(c) Reports: Reports to obtain statistical information regarding CPI codes may be run by FBIHQ from ACS or from the Integrated Statistical Reporting and Analysis Application (ISRAA).

#### **2-5.1.1 Leads (See MAOP, Part 2, 10-16.15.)**

(1) Leads are set to offices and assigned to individuals/organizations in order to aid in the investigation. When the OO sets a lead to another office, that office is considered a Lead Office.

(2) There are three types of leads: Action Required, Discretionary Action, and Information Only.

(a) Action Required leads are used if the sending office requires the receiving office to take some type of action. Action Required leads cannot be set out of zero (0) and double zero (00) files.

(b) Discretionary Action leads are used if the sending office has some information that may be of importance to the receiving office. These leads may or may not require action by the recipient, and the recipient will decide what, if any, action to take. Discretionary Action leads can be set out of zero (0) and double zero (00) files.

(c) Information Only leads are used for information only and when no specific action is required or necessary. Information Only leads can be set out of zero (0) and double zero (00) files.

(3) Leads are covered once the investigation or request has been completed. Discretionary Action and Information Only leads can be covered while they are in the "Set" status. These leads do not have to be assigned in order to be covered.

#### **2-5.2 Status of Cases**

(1) The status of the case shall be marked on the top cover of a file in the lower right corner as follows:

(a) Deleted

(b) Assigned - All active investigative cases must be assigned immediately upon receipt. Name of employee or squad/unit to whom assigned and date must be entered.

(c) Closed - C and date

(d) Deleted

(e) Deleted

(f) Pending inactive - P\*

SENSITIVE



(g) Deleted

(2) When the status of a case is changed, the top cover should be marked accordingly.

### **2-5.2.1 Pending Case**

A case is pending when there is work remaining to be done or to be reported.

Every 90 days, the Administrative Officer (AO)/Office Services Manager (OSM) or Legat is required to print the PENDING CASES report from ACS. This report is to be balanced against the actual pending cases in the office. The reports, with appropriate verification markings, should be filed in the same file containing the copy of the Monthly Administrative Report.

### **2-5.2.2 Pending Inactive**

(1) Instructions to the Administrative Officer (AO)/Office Services Manager (OSM) to place a case in pending-inactive status must be in writing on the appropriate serial, which must be initialed and dated by the supervisory employee and flagged for the AO's/OSM's attention.

(2) A case should be placed in a pending-inactive status when:

(a) All investigation has been completed and only prosecutive action or other disposition remains to be determined and reported;

(b) Deleted

(c) In fugitive cases, refer to the "Pending Inactive Status when all Logical Investigation has been Conducted," and "Locating and Relocating Fugitives Outside the United States" citations appearing in MIOG, "Fugitive-General" Section, Part 2, Section 21.

(3) Pending-inactive cases can be assigned to investigative personnel or a squad/unit.

### **2-5.2.3 Referred Upon Completion to the Office of Origin (RUC)**

The status of RUC was eliminated with the implementation of the Automated Case Support (ACS) system. RUC was used when an auxiliary office had completed their investigation, i.e., covered all of their leads. Auxiliary offices were renamed Lead Offices upon the implementation of ACS and no longer opened new cases in existing matters, but worked leads off of the OO's case; therefore, the status of RUC was no longer needed.

### **2-5.2.4 Closed (See MAOP, Part 2, 3-4.5 (9) (d).)**

(1) Case may be closed when:

(a) The USA declines prosecution

(b) The federal grand jury returns a "No Bill"

(c) A nolle prosequi has been entered

(d) Final prosecutive action has been completed

(e) All leads have been exhausted and the SAC authorizes closing. SAC's opinion must be based on the belief that further investigation would not be warranted

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

- (f) In antitrust cases, the original complaint is received
- (g) In a Lobbying Act case, the original complaint is received
- (h) In routine deserter cases, a communication is received from the apprehending office; in nonroutine deserter cases, a communication is received from apprehending field office (See MIOG, Part 1, 42-6 and 42-12.)
- (i) In parole, mandatory release, and probation violator cases, a report, teletype, or electronic communication (EC) is received from apprehending field office
- (j) In bank robbery statute violations, in selective instances by EC (See MIOG, Part 1, Section 91.)
- (k) In involuntary servitude and slavery cases, an initial investigation has been conducted, and all logical leads have been exhausted
- (l) In civil rights cases involving allegations of police brutality, the initial investigation has been conducted pursuant to MIOG, Part 1, Section 282-4.1 and, in the opinion of the SAC, the totality of the circumstances indicates that the case is not of a serious or substantial nature and does not warrant further investigation. In all other civil rights cases, when logical investigation has been conducted (See MIOG, Part 1, 50-4 (1).)
- (m) Deleted
- (n) In election laws cases, the original complaint is received
- (o) In cases under Civil Rights Act of 1964, when preliminary or limited investigation has been conducted
- (p) In antiriot laws cases, a preliminary investigation has been conducted
- (q) In discrimination in housing cases, an initial investigation has been conducted, and all logical leads have been exhausted
- (r) Deleted
- (2) Bankruptcy cases must be presented to USA and cannot be closed administratively. (See MIOG, Part 1, 49-5.)
- (3) The initials of a supervisor must be placed on the serial closing a case administratively.
- (4) When a case is closed, the office of origin must, by teletype or EC, immediately advise lead offices.
- (5) When office of origin or lead office obtains information which would seem to preclude any further investigation of a case or of any phase of it, appropriate offices and FBIHQ should be advised immediately. If there is nothing additional to be done by receiving offices, they may close administratively (except full-field public corruption investigations, which only may be closed by declination). This instruction includes office of origin if status report only would have been submitted. (See MAOP, Part 2, 10-9 (10); MIOG, Part 1, 58-6.7, 58-8.4, 194-5.7 and 194-8.4.)

SENSITIVE

(6) Ten Most Wanted Fugitive cases, after being so designated, must be kept pending in all field offices until a complete review of the case has been made and all logical investigation has been conducted.

#### **2-5.2.5 Unaddressed Work (UNAD) (See MAOP, Part 2, 2-4.5.13.)**

(1) UNAD is defined as investigative matters that cannot be adequately addressed by available manpower. These investigative matters could be either new cases in an office or pending cases which cannot be handled at the current time due to a shift of manpower priorities.

(a) Allegations of criminal activity which are not within the prosecutive guidelines of each office and, as a result, subject to blanket declinations, should not be recorded as UNAD. Each of the sections relating to the FBI investigative classifications in the MIOG should be reviewed to determine if policy and procedures for the classification would prohibit utilizing UNAD status.

(b) Each SAC must ensure that: (1) all available investigative resources are being fully utilized on investigative matters prior to recording allegations and/or events as UNAD and (2) a periodic review of these matters must be conducted by the Supervisory Special Agents (SSA) and the Supervisory Senior Resident Agents (SSRA).

(c) Allegation or events which are recorded as UNAD must be periodically reviewed to determine whether there is any concurrent federal, state or local investigative jurisdiction. If concurrent jurisdiction exists, the matter must be referred in writing to the appropriate law enforcement agency within 30 days of making the case UNAD.

(2) UNAD matters can be placed in a UNAD Control File, and a periodic review of this file must be conducted by the SSA and the SSRA. See MAOP, Part 2, Section 2-4.1.5 for the existing policy pertaining to Control Files.

(3) At the discretion of each office and/or SSA, UNAD matters can be opened and assigned a Universal Case File Number (UCFN) through the Investigative Case Management application of the Automated Case Support (ACS) system.

(a) Deleted

(b) Deleted

(c) Deleted

(d) Deleted

(e) For new cases, the Information Management Analyst/Clerk (IMA/IMC) will open the case with a case type of "U," status of "P" for pending, and assign it to the appropriate squad. The IMA/IMC opens the case through the Investigative Case Management application of ACS.

(f) The matter will be assigned a UCFN, but will not be counted or reflected on the Monthly Administrative Report (MAR). The physical filing methodology and storage of these UNAD matters is left to the discretion of each field office. The decisions made, however, should be documented and indexed under UNAD to an appropriate administrative/control file within each office for subsequent compliance review.

(g) For existing pending cases, the IMA/IMC will close the case administratively (C4) (all leads are covered or discontinued). Then the case is reopened as a UNAD case, with a case type of "U."

(h) A report for all UNAD cases is available in the automated environment. This report is called the CASE TYPE REPORT (the Case Type is "U") and is located in the Case Reports Menu of ICM, ACS. Upon request of the SSA or SSRA, the IMA/IMC can close UNAD cases by changing the status to C4 or C6.

(i) Upon request of the SSA or SSRA, the IMA/IMC can change a UNAD cases to a pending investigative case. The IMA/IMC will close the UNAD case administratively (C4) and reopen the case without a case type (blank = investigative).

### **2-5.3 Tickler Application**

#### **(1) Tickler Application**

The Tickler Application in the Automated Case Support (ACS) system can be used to follow and track cases/leads.

(2) Deleted

(a) Deleted

(b) Deleted

(c) Deleted

(d) Deleted

(3) Deleted

**2-5.3.1 Deleted****2-5.3.2 Deleted****2-5.3.3 Deleted****2-5.3.4 Deleted****2-5.3.5 Deleted****2-5.3.6 Deleted****2-5.3.7 Deleted****2-5.3.8 Deleted****2-5.3.9 Deleted****2-5.4 Reports****2-5.4.1 Deleted****2-5.4.2 Daily Report of Security Patrol Clerk (FD-215)**

The daily report of the Security Patrol Clerk is a white form made up so that the date, name of employee, hours worked, name of building, time, area covered, remarks, security of Bureau automobiles, security of Bureau automobile keys (if applicable), including time and remarks, and signature can be entered. The security patrol clerk must submit this form daily to the SAC for review and approval. In those field offices and FBIHQ divisions where Security Patrol Clerks are supervised directly by an SA, they will not be required to execute Form FD-215. Form FD-215a (Combined Security Patrol Report) will continue to be used.

**2-5.4.3 Deleted****2-6 ACCOUNTING INVESTIGATIONS**

Set forth below are the types of cases which the Bureau considers to be actual accounting cases and accounting-type cases. This list is to be used as a guide in determining whether an investigation falls within the category of an accounting matter.

**2-6.1 Actual Accounting Cases**

- (1) Where the investigation actually entails the detailed examination of books and records.
- (2) Where there is a possibility that testimony may be required as to accounting matters.

These cases are to be assigned to a Special Agent Accountant (SAA) in every instance.

### **2-6.2 Accounting-Type Cases**

- (1) Those cases in which, although no detailed examination of books and records is required, the investigation entails the tracing of billings from one company to another or to the U.S. Government. This situation occurs in many fraud against the Government cases.
- (2) Those cases in which the matter can be handled more effectively by an SAA since the investigation involves the review and interpretation of financial statements, bank records, and similar data with which an accountant is more familiar. One example of this situation is a lead in a bankruptcy case to interview customers of the bankrupt where such interviews necessarily require an inspection of accounts payable records and supporting data.
- (3) Those cases requiring an interview or series of interviews dealing with business administration or operations which because of accountant's educational background and previous experience an accountant may be more qualified to handle.
- (4) These cases should be assigned to an SAA when an accountant is available. These cases may be assigned to nonaccountants where it appears a nonaccountant is capable of handling the matter properly and an accountant is not available.

### **2-6.3 Policy**

- (1) The SAC, ASAC, and field supervisors will be held personally responsible to ensure that SAAs are assigned to matters where their accounting background and training can be utilized effectively when such matters are pending in a field office.
- (2) When an SAA has developed to the extent where SAA has additional qualifications over those previously reported, inform FBIHQ by letter for the attention of the Criminal Investigative Division.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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## **SECTION 3. RESOURCE MANAGEMENT INFORMATION SYSTEM**

### **3-1 FBI CLASSIFICATIONS/SUBCLASSIFICATIONS AND PROGRAM GROUPINGS (See MAOP, Part II, 3-3(1), 3-3.1(4).)**

#### **3-1.1 FBI Classifications and Subdivided Classifications (See MAOP, Part 2, 3-3.1; MIOG, Introduction, Section 2.)**

- 1A Training - Training Coordinator
- 1C National Academy Matters (See MAOP, Part 2, 3-3.2 (2) and (3).)
- 1D International Training and Assistance Matters 1E Civil Rights - Training Received
- 1F Civil Rights - Training Provided
- 1G Domestic Terrorism - Training Received
- 1H Domestic Terrorism - Training Provided
- 1I FCI - Training Received
- 1J FCI - Training Provided
- 1K International Terrorism - Training Received
- 1L International Terrorism - Training Provided
- 1M Computer Intrusions - Training Received
- 1N Computer Intrusions - Training Provided
- 1Q Americas Criminal Enterprise Program (ACEP) - Training Received
- 1R ACEP - Training Provided
- 1S Transnational Criminal Enterprise Program (TCEP) - Training Received
- 1T TCEP - Training Provided
- 1U VC - Training Received
- 1V VC - Training Provided
- 1W WCC - Training Received
- 1X WCC - Training Provided
- 1Y Firearms/Legal/Aviation/Surveillance/Other - Training Received
- 1Z Firearms/Legal/Aviation/Surveillance/Other - Training Provided (See MIOG, Part 1, 1-4, 1-5.1, 300-6; MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); Legal Attache Manual, Part 1, 2-13.5.)
- 2 Neutrality Matters
- 3 Overthrow or Destruction of the Government

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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4 Firearms Acts \*\*

7A Kidnapping

7B Kidnapping - International Parental Kidnaping Crime Act of 1993 (IPKCA)

7C Child Abductions - No Ransom (See MIOG, Introduction, 2-1.6.4; Part 1, 7-19; Part 2, 34-6.3.)

9A Extortion - All aggravated and/or specific threats or demands involving domestic and foreign mail or interstate communications

9B Extortion - All others, including nonaggravated and/or nonspecific mail and telephone threats

C Extortion - Interstate Domestic Violence

9D Extortion - Interstate Violation of a Protection Order (See MIOG, Introduction, 2-1.6.4; Part 2, 34-6.3.)

12 Drug Demand Reduction - Matters handled in furtherance of the FBI's goal to reduce the demand for illegal drugs in this country

14 Sedition

15 Theft from Interstate Shipment - Crime of Violence, Loss of \$25,000 or more; weapons, explosives, and all others.

26A Interstate Transportation of Stolen Motor Vehicle - Crimes of Violence/Carjacking

26B Interstate Transportation of Stolen Motor Vehicle - Commercialized Theft or Chop Shops

26C Interstate Transportation of Stolen Aircraft (ITSA)

26D Interstate Transportation of Stolen Motor Vehicle - All others (See MIOG, Part 2, 34-6.3.)

29A Financial Institution Fraud - Loss or losses contributing to the failure of a federally insured bank

29B Financial Institution Fraud - Loss or loss exposure of \$100,000 or more involving a federally insured bank

29C Financial Institution Fraud - Loss or loss exposure of \$25,000 to \$99,999 involving a federally insured bank

29D Financial Institution Fraud - Loss or losses contributing to the failure of a federally insured savings association

29E Financial Institution Fraud - Loss or loss exposure of \$100,000 or more involving a federally insured savings association

29F Financial Institution Fraud - Loss or loss exposure of \$25,000 to \$99,999 involving a federally insured savings association

29G Financial Institution Fraud - Loss or losses contributing to the failure of a federally insured credit union

SENSITIVE



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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29H Financial Institution Fraud - Loss or loss exposure of \$100,000 or more involving a federally insured credit union

29I Financial Institution Fraud - Loss or loss exposure of \$25,000 to \$99,999 involving a federally insured credit union

29J Financial Institution Fraud - Loss or loss exposure of under \$25,000 involving a federally insured financial institution and handled via Fast Track

29K Financial Institution Fraud - Loss or loss exposure of under \$25,000 involving a federally insured financial institution and not handled via Fast Track (See MIOG, Part 1, 29-7; Part 2, 20-3(3), 34-6.3.)

29L Financial Institution Fraud - Mortgage Fraud, Non Financial Institution

29M Financial Institution Fraud - Mortgage Fraud, Government Programs

31B White Slave Traffic Act - Cases targeted against non-LCN major organized crime groups where the criminal activity is that usually associated with organized crime, such as gambling, loansharking, etc.; and all non-LCN related law enforcement corruption matters

31C White Slave Traffic Act - Sexual Exploitation of Children

31D White Slave Traffic Act - All other cases 31E White Slave Traffic Act - Child Prostitution (See MIOG, Introduction, 2-1.6.4; Part 1, Section 305, Part 2, 34-6.3.)

32A Identification (Fingerprint Matters) 32B Identification (Biometrics Matters)

33 Uniform Crime Reporting

35 Civil Service \*\*

43 False Advertising or Misuse of Names to Indicate Federal Agency

43 Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia

43 Illegal Manufacture, Sale or Use of Military Cremation Urn

43 Illegal Manufacture, Use, Possession, or Sale of Emblems or Insignia

43 Illegal Wearing of Uniform

43 Miscellaneous - Falsely Making or Forging Naval, Military, or Official Pass

43 Miscellaneous - Forging or Counterfeiting Seal of Department or Agency of the United States

43 Miscellaneous - Forging or Using Forged Certificate of Discharge from Military or Naval Service

43 Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States

43 Misuse of the name "Federal Home Loan Mortgage Corporation"

43 Unauthorized use of "Johnny Horizon" Symbol

43 Unauthorized use of "Smokey Bear" Symbol

**SENSITIVE**

**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- 43 Unauthorized use of "Woodsy Owl" Symbol
- 44A Racial Discrimination - Force and/or Violence
- 44B Racial Discrimination - No Force and/or Violence
- 44C Voting Rights
- 44D Religious Discrimination - Force and/or Violence
- 44E Religious Discrimination - No Force and/or Violence (See MIOG, Part 1, 44-2.1, 44-2.2, 44-2.3, 44-2.4, 44-2.5, 44-4, 44-5, 44-6, 44-7.2, 44-11; Part 2, 34-6.3.)
- 45 Crime on the High Seas (See MIOG, Part 2, 34-6.3.)
- 46A Fraud Against the Government - Department of Defense (DOD)
- 46B Fraud Against the Government - Housing and Urban Development (HUD)
- 46C Fraud Against the Government - Small Business Administration (SBA)
- 46D Fraud Against the Government - Department of Labor (DOL)
- 46E Fraud Against the Government - Department of Transportation (DOT) 46F Fraud Against the Government - Department of Education (DOED)
- 46G Fraud Against the Government - Veterans Administration (VA) 46H Fraud Against the Government – Other (See MIOG, Part 1, 46-1.14.)
- 47A Impersonation - Act of Violence
- 47B Impersonation - Property Crimes in excess of \$25,000 47C Impersonation - All others (See MIOG, Part 2, 34-6.3.)
- 49 Bankruptcy Fraud (See MIOG, Part 2, 34-6.3.)
- 50 Human Trafficking
- 51 Jury Panel Investigations (See MIOG, Part 2, 20-3(3).)
- 52A Theft of Government Property - Crime of Violence
- 52B Theft of Government Property - Property valued in excess of \$5,000; weapons; explosives 52C Theft of Government Property - All others
- 55 Counterfeiting \*\* (See MIOG, Part 2, 34-6.3.)
- 56A Election Laws - Threats against or personal injury to named persons, federal, state or local level - (Violation of Title 18, USC, Section 245 (b)(1)(A))
- 56C Election Laws - Violations where federal official or federal candidate(s) is known subject and all other nonracially motivated violations (See MIOG, Introduction, 2-1.6.4; Part 2, 20-3 (3).)
- 58A Corruption of Federal Public Officials - Executive Branch
- 58B Corruption of Federal Public Officials - Judicial Branch
- 58C Corruption of Federal Public Officials - Legislative Branch

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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58D Corruption of Federal Public Officials - Federal Bribery - Other 58E Corruption of Federal Public Officials - Indian Country (See MIOG, Part 1, 58-10, 198-1.5, Part 2, 20-3 (3).)

60 Antitrust - Full and Limited FBI Investigations (See MIOG, Part 2, 20-3 (3).)

61 Treason; Misprision of Treason

62D Domestic Police Cooperation

62E Fugitive Investigations for Other Federal Agencies

62F Miscellaneous/Other (See MIOG, Part 1, 62-3.3(7), Part 2, 20-3(3).)

63B FBIHQ Use Only - TURK Not Recorded

63D FBIHQ Use Only

63E FBIHQ Use Only

64A See NFIP Manual

64B See NFIP Manual

64C See NFIP Manual

64D See NFIP Manual

64E See NFIP Manual

64F See NFIP Manual (See NFIP Manual, Part 1, 1-04, Sections 2 and 4.)

65A See NFIP Manual

65B See NFIP Manual

65C See NFIP Manual

65D See NFIP Manual

65E See NFIP Manual

65F See NFIP Manual

65G See NFIP Manual

65H See NFIP Manual

65I See NFIP Manual

65J See NFIP Manual

65K See NFIP Manual

65L See NFIP Manual

65M See NFIP Manual

65N See NFIP Manual

65O See NFIP Manual

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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65P See NFIP Manual

65Q See NFIP Manual

65R See NFIP Manual

65S See NFIP Manual

65T See NFIP Manual

65U See NFIP Manual

65V See NFIP Manual

65W See NFIP Manual

65X See NFIP Manual

65Y See NFIP Manual

65Z See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 20.)

66A Administrative Matters - Bureau automobile accidents

66C Administrative Matters - Night, Weekend, Holiday Supervisors and Duty Agents  
66D Administrative Matters - Physical Examinations

66E Administrative Matters - Physical Fitness Program

66F Administrative Matters - Other

66K Employee Assistance Program (EAP) Activities

66L Administrative Matters - Evidence Response Team  
66M Background Investigation Contract Service (BICS) Matters (See MAOP, Part 2, 3-3.2(8)(a), 3-4.5(5).)

67A Special Agent recruitment and processing

67B Special Agent Applicant investigations

67C Support Applicant recruitment and processing

67D Support Applicant investigations

67E Personnel Files/Reinvestigations of FBI Personnel (See MIOG, Part 1, 67-11, 67-11.1.1, 67-11.1.2, 259, 261.)

67F Other Personnel Matters

69 Contempt of Court (See MIOG, Part 2, 20-3(3).)

70A Crime on Government Reservation - Crime of Violence

70B Crime on Government Reservation - Property crimes over \$5,000

70C Crime on Government Reservation - All other property crimes

70D Crime on Government Reservation - Controlled Substance Act

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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70E Crime on Government Reservation - Sexual/Physical Abuse - Minor Child (See MIOG, Part 2, 34-6.3.)

72 Obstruction of Justice (See MIOG, Part 2, 20-3(3).)

73A Background Investigation - Office of the Pardon Attorney

73B Limited Inquiry - Office of the Pardon Attorney (See MIOG, Part 1, 73-1.1; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

74 Perjury (See MIOG, Part 2, 20-3(3).)

76 Escaped Federal Prisoner, etc. - A subject wanted for a crime of violence against the person such as murder, manslaughter, forcible rape, robbery and aggravated assault; one convicted of such a crime within the past five years or one who has been incarcerated after conviction for a crime of violence and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision; or a subject wanted for a crime involving the loss or destruction of property valued in excess of \$25,000; one being sought for criminal charges involving in excess of two ounces of heroin or cocaine, 1,000 pounds of marijuana or 10,000 dosage units of clandestinely manufactured dangerous or hallucinogenic drugs; one convicted of the above crimes within the past five years or one who has been incarcerated after conviction for such offenses and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision; or all others. (See MIOG, Part 2, 34-6.3.)

77A Background Investigation - Presidential Appointment with Senate Confirmation - Nonreimbursable

77B Background Investigation - Administrative Office of the United States Courts (15-Year) - Reimbursable

77C Background Investigation - Administrative Office of the United States Courts (10-Year) - Reimbursable

77E Background Investigation - Department of Justice (HQ) - Nonreimbursable

77F Background Investigation - Department of Justice - Foreign Intelligence Surveillance Court/Special Tribunal Judge - Nonreimbursable

77H Background Investigation - U.S. Attorney's Office (Attorney and Staff) - Reimbursable

77I Background Investigation - Department of Justice (Executive Office of United States Trustees or Executive Office of Immigration Review) - Reimbursable

77L Background Investigation - Department of Justice (5-Year Reinvestigation)

77N Limited Inquiry - White House - Nonreimbursable

77O Limited Inquiry - Department of Justice - Nonreimbursable

77P Limited Inquiry - Administrative Office of the United States Courts - Nonreimbursable (See MIOG, Part 1, 77-1.1; MAOP, Part 2, 10-23, and Correspondence Guide - Field, 1-17.)

80 Public Relations Matters

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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**87 Interstate Transportation of Stolen Property (ITSP)**

**88A Unlawful Flight to Avoid Prosecution, etc. - A subject wanted for a crime of violence against the person such as murder, manslaughter, forcible rape, robbery and aggravated assault; one convicted of such a crime within the past five years or one who has been incarcerated after conviction for a crime of violence and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision**

**88B Unlawful Flight to Avoid Prosecution, etc. - A subject wanted for a crime involving the loss or destruction of property valued in excess of \$25,000; one being sought for criminal charges involving in excess of two ounces of heroin or cocaine, 1,000 pounds of marijuana or 10,000 dosage units of clandestinely manufactured dangerous or hallucinogenic drugs; one convicted of the above crimes within the past five years or one who has been incarcerated after conviction for such offenses and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision**

**88C Unlawful Flight to Avoid Prosecution, etc. - All others**

**88D Unlawful Flight to Avoid Prosecution, etc. - Parental Kidnapping**

**88E Child Support Recovery Act (CSRA) Matters**

**89A Assassination, Kidnapping or Assaulting a Member of Congress**

**89B Assaulting, Killing or Attempting to Kill a Federal Officer**

**89C Assassination, Kidnapping or Assaulting an Executive Department Head or Director of CIA**

**89D Assassination, Kidnapping or Assaulting a Supreme Court Justice**

**89E Conspiracy to Impede or Injure a Federal Officer**

**89F Crimes Against Family Members - Federal Officials**

**89G Attorney General's Protection Detail (See MIOG, Introduction, 2-1.6.4, Part 1, 89-2.22, 89-3.20, 89-4.10, 89-5.4, 89-5.7; Part 2, 34-6.3.)**

**90A Irregularities in Federal Penal Institutions - Crime of Violence**

**90B Irregularities in Federal Penal Institutions - Controlled Substance Act 90C Irregularities in Federal Penal Institutions - All others**

**91A Bank Robbery**

**91B Bank Burglary, Larceny, \$10,000 and over**

**91C Bank Burglary, Larceny, under \$10,000**

**91D Bank Robbery, Burglary, Larceny Suspect Program**

**91F Bank Extortion - Bank extortion offenses occur when a subject demands bank funds from a bank official through the means of a threat of physical injury to himself/herself or a member of his/her family by telephone, written communication or person (See MIOG, Introduction, 2-1.6.4, Part 1, 91-33; Part 2, 34-6.3.)**

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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92A Racketeering Enterprise Investigations (REI) - LCN and Italian Organizations - Cases directed against the LCN, Sicilian Mafia, La Camorra, and 'Ndrangheta criminal organizations

92B Racketeering Enterprise Investigations (REI) - Central/South American Organizations - Cases directed against Central American and South American criminal organizations

92C Racketeering Enterprise Investigations (REI) - Mexican Organizations - Cases directed against Mexican criminal groups

92D Racketeering Enterprise Investigations (REI) - Gangs - Cases directed against major violent drug gangs and violent street gangs such as the Bloods, Crips and Black Gangster Disciple Nation; outlaw motorcycle gangs such as the Hells Angels, Outlaws, and Bandidos; or other significant emerging gangs whose principal criminal activities involve drug trafficking and related violence

92E Racketeering Enterprise Investigations (REI) - Asian Organizations - Cases directed against Asian criminal organizations

92F Racketeering Enterprise Investigations (REI) - Other Major Criminal Organizations - Cases directed against other major criminal organizations. These organizations must be well-organized, multijurisdictional in operational scope, and of national significance and influence. The characterization of these organizations must be fully documented and corroborated.

92G Racketeering Enterprise Investigations (REI) - African Organizations - Cases directed against African criminal groups

92H Racketeering Enterprise Investigations (REI) - Eurasian Organizations - Cases directed against Russian, Eastern European, and Eurasian criminal organizations

92I Racketeering Enterprise Investigations (REI) - Caribbean Organizations - Cases directed against Caribbean criminal organizations 92J Racketeering Enterprise Investigations (REI) - Alien Smuggling Investigations 92K Racketeering Enterprise Investigations (REI) - Indian Country

92L Racketeering Enterprise Investigations (REI) - Public Corruption

92M Racketeering Enterprise Investigations (REI) - Balkan Organizations

92O Racketeering Enterprise Investigations (REI) - Money Laundering

92R Racketeering Enterprise Investigations (REI) - Financial Institution Fraud

92S Racketeering Enterprise Investigations (REI) - Health Care Fraud

92T Racketeering Enterprise Investigations (REI) - Major Theft - Cases directed against major theft (MT) criminal organizations

92U Racketeering Enterprise Investigations (REI) - Internet Fraud (See MIOG, Introduction, 2-1.6.5, Part 1, 92-9, 198-1.5, 245-10; Part 2, 34-6.3.)

92V Racketeering Enterprise Investigations (REI) - Middle Eastern Criminal Enterprises

94 Research Matters

95A Laboratory Investigative Services - Crimes Against Persons (CAPS)

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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95B Laboratory Investigative Services - Crimes Against Property (CAPR)

95C Laboratory Investigative Services - Crimes Against Society (CASO) 95D Laboratory Investigative Services - Civil Cases (CC) (See MIOG, Part 1, 95-1; Part 2, 34-6.3.)

97A See NFIP Manual

97B See NFIP Manual

97C See NFIP Manual

97D See NFIP Manual (See NFIP Manual, Part 1, 1-04 and 4-02.)

98 Sabotage

100A Terrorism Enterprise Investigation - Domestic Terrorism

102A See NFIP Manual

102B See NFIP Manual

102C See NFIP Manual

102D See NFIP Manual (See NFIP Manual, Part 1, 1-04 and MIOG, Part 1 Section 102.)

105A See NFIP Manual

105B See NFIP Manual

105C See NFIP Manual

105D See NFIP Manual

105E See NFIP Manual

105F See NFIP Manual

105G See NFIP Manual

105H See NFIP Manual

105I See NFIP Manual

105J See NFIP Manual

105Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 6.)

105S See NFIP Manual

108A See NFIP Manual

108B See NFIP Manual

108C See NFIP Manual

108D See NFIP Manual (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 108.)

109A See NFIP Manual

109B See NFIP Manual

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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109C See NFIP Manual

109D See NFIP Manual (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 109.)

110A See NFIP Manual

110B See NFIP Manual

110C See NFIP Manual

110D See NFIP Manual (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 110.)

111A See NFIP Manual

111B See NFIP Manual

111C See NFIP Manual

111D See NFIP Manual (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 111.)

112A See NFIP Manual

112B See NFIP Manual

112C See NFIP Manual

112D See NFIP Manual (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1 Section 112.)

113A See NFIP Manual

113B See NFIP Manual

113C See NFIP Manual

113D See NFIP Manual (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 113.)

116A Background Investigation - Department of Energy

116B Background Investigation - Department of Energy (5-Year Reinvestigation)

116C Background Investigation - Nuclear Regulatory Commission

116D Background Investigation - Nuclear Regulatory Commission (5-Year Reinvestigation)

116E Limited Inquiry - Department of Energy/Nuclear Regulatory Commission (See MIOG, Part 1, 116-2 and 116-4; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

117A Atomic Energy Act - Domestic Terrorism

117B Atomic Energy Act - International Terrorism

131 Admiralty Matter (See MIOG, Part 2, 20-3(3).)

134A See NFIP Manual

134B See NFIP Manual

134C See NFIP Manual

134D See NFIP Manual

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

134E See NFIP Manual  
134F See NFIP Manual  
134G See NFIP Manual  
134H See NFIP Manual  
134I See NFIP Manual  
134J See NFIP Manual  
134K See NFIP Manual  
134L See NFIP Manual  
134M See NFIP Manual  
134N See NFIP Manual  
134O See NFIP Manual  
134P See NFIP Manual  
134Q See NFIP Manual  
134R Computer Intrusions- See NFIP Manual  
134S See NFIP Manual  
134T See NFIP Manual  
134U See NFIP Manual  
134V See NFIP Manual  
134W See NFIP Manual  
134X See NFIP Manual  
134Y See NFIP Manual  
134Z See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 27.)  
137A Organized Crime Informant - Top Echelon Criminal Informant  
137B General Criminal Informant  
137C Informants - Domestic Terrorism  
137D White Collar Crime Informant (See MIOG, Part 2, 20-3(3).)  
137E Confidential Source  
137F Informants - Drugs  
137G Informants - Extraterritorial - International Terrorism  
137I Informants - Civil Rights  
137J Informants - National Infrastructure Protection Computer Intrusion Program (NIPCIP)

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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137K Informants - Cyber Crime Program

137L Informants - Major Theft

137M Informants - Violent Gangs (See MIOG, Part 1, 137-3.)

139A Interception of Communications - Public Officials or Government Agencies

139B Interception of Communications - All others

139C Interception of Communications - Cyber Related (See MIOG, Part 1, 139-9; Part 2, 20-3(3), 34-6.3.)

140A Security of Government Employees

140B Suitability Background Investigation - Referral (Name of Referral Agency)

140D Limited Inquiry - Security/Suitability of Government Employees (See MIOG, Part 1, 140-2, 140-3, 140-4 and 140-6; MAOP, Part 2, 10-23; Correspondence Guide - Field 1-17.)

143A Interstate Transportation of Gambling Devices - Cases targeted against La Cosa Nostra (LCN) members and/or associates where the moving force behind the activity is the LCN

143B Interstate Transportation of Gambling Devices - Cases targeted against non-LCN criminal enterprise type where the criminal activity is that usually associated with organized crime, such as gambling, loansharking, etc.; and all non-LCN related law enforcement corruption matters

143C Interstate Transportation of Gambling Devices - All other criminal enterprise cases (See MIOG, Part 1, 143-8.)

145B Interstate Transportation of Obscene Matter - Broadcasting Obscene Language - Cases targeted against non-LCN major organized crime groups where the criminal activity is that usually associated with organized crime, such as gambling, loansharking, etc.; and all non-LCN related law enforcement corruption matters

145C Interstate Transportation of Obscene Matter - Broadcasting Obscene Language - Sexual Exploitation of Children

145D Interstate Transportation of Obscene Matter - Broadcasting Obscene Language - All other cases (See MIOG, Introduction, 2-1.6.4; Part 1, 305; Part 2, 34-6.3.)

149A Destruction of Aircraft or Motor Vehicles (DAMV)

149B Destruction of Aircraft or Motor Vehicles (DAMV) - False Report (See MIOG, Part 2, 34-6.3.)

157 Civil Unrest (Civil Disorders and Demonstrators)

160 Federal Train Wreck Statute (See MIOG, Part 2, 34-6.3.)

161A Level I-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS)

161B Level II-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS)

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

161C Level III-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS)

161D Level I-White House Staff

161E Level II-White House Staff Level II-White House Access Level II-National Security Council

161F Level II-White House Staff (Five-Year Reinvestigation) Level II-White House Access (Five-Year Reinvestigation) Level II-National Security Council (Five-Year Reinvestigation)

161G Level III-White House Staff Level III-White House Access

161H Level III-White House Staff (Five-Year Reinvestigation) Level III-White House Access (Five-Year Reinvestigation)

161I Congressional Committee

161J Congressional Committee (Five-Year Reinvestigation)

161K Expanded Name Check

161L Limited Update Investigations - Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS)

161Q Limited Inquiry - White House (Non-DOJ)

161R Limited Inquiry - Congressional Committee

161S Level IV-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS) (Five-Year Investigation) (See MIOG, Part 1, 161-4, 161-5, 161-9; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

163A Foreign Police Cooperation - General Criminal Matters

163B Foreign Police Cooperation - International Criminal Police Organization (INTERPOL) 163C Foreign Police Cooperation - Domestic Terrorism Matters

163E Foreign Police Cooperation - Bureau Files and Ident Requests

163F Foreign Police Cooperation - Drugs

163G Foreign Police Cooperation - Violent Crimes

163H Foreign Police Cooperation - White Collar Crime

163I Foreign Police Cooperation - International Terrorism

163J Foreign Police Cooperation - Organized Crime 163K Foreign Police Cooperation - Cyber Crime

163L Foreign Police Cooperation - Computer Intrusions (See MIOG, Part 1, 163-6 (1); MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

164A Crime Aboard Aircraft - Confirmed aircraft hijacking

164B Crime Aboard Aircraft - Interference and Threats

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

164C Crime Aboard Aircraft - All others, including false statements or unaggravated weapon violations detected through airport security screening process (See MIOG, Introduction, 2-1.6.4, Part 1, 164-18; Part 2, 34-6.3.)

166C Interstate Transportation in Aid of Racketeering (Murder for Hire) - Other than organized crime

166D Interstate Transportation in Aid of Racketeering - Arson (non-LCN)

174A Actual and Attempted Bombings and Explosive Violations - Terrorism

174C All Other Cases Including Threats 174D Bomb Technician Activities (See MIOG, Part 1, 174-9; Part 2, 34-6.3.)

175A Assassination, Kidnapping or Assaulting the President or Vice President

175B Assassination, Kidnapping or Assaulting Presidential or Vice Presidential Staff Member

175C Threats Against the President; Protection of the President (See MIOG, Introduction, 2-1.6.4; Part 1, 175-25; Part 2, 34-6.3.)

176 Anti-Riot Laws

177A Discrimination in Housing - Force and/or Violence

177B Discrimination in Housing - No Force and/or Violence (See MIOG, Part 1, 177-3.1, 177-3.2, 177-5, 177-5.1, 177-6, 177-6.2, 177-7, 177-8, 177-8.2, 177-9; Part 2, 34-6.3.)

178 Interstate Obscene or Harassing Telephone Calls (See MIOG, Introduction, 2-1.6.4; Part 2, 34-6.3.)

181 Consumer Credit Protection Act (See MIOG, Part 2, 20-3(3).)

182A Illegal Gambling Enterprise - LCN nexus

182B Illegal Gambling Enterprise - No LCN nexus, allegations of violence

182C Illegal Gambling Enterprise - No allegations of violence

183A Civil RICO - Civil investigations of criminal enterprises

183B Labor Related Racketeering - LCN nexus

183C Racketeer Influenced and Corrupt Organizations - Terrorism

183E Racketeer Influenced and Corrupt Organizations - Property Crime of Violence 183F Labor Related Racketeering - No LCN nexus (See MIOG, Part 1, 183-6; Part 2, 34-6.3.)

184A Police Killings - Investigation Requested

184B Police Killings - Other (See MIOG, Introduction, 2-1.6.4, Part 1, 184-11; Part 2, 34-6.3.)

185 Protection of Foreign Officials and Guests

188A Community Outreach/Crime Resistance

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

188B Victim-Witness Assistance Program

190 Freedom of Information/Privacy Acts

192B Hobbs Act - Commercial Institutions

192C Hobbs Act - Armored Carrier (See MIOG, Introduction, 2-1.6.4, Part 1, 91-12, 192-22; Part 2, 34-6.3.)

194A Corruption of State and Local Public Officials - State Level

194B Corruption of State and Local Public Officials - Local Level

194C Corruption of State and Local Public Officials - Law Enforcement

194D Corruption of State and Local Public Officials - Law Enforcement - Drug-Related

194E Corruption of State and Local Public Officials - Indian Country

194F Corruption of State and Local Public Officials - Law Enforcement - Indian Country 194G  
Corruption of State and Local Public Officials - Law Enforcement - Drug-Related - Indian Country  
(See MIOG, Part 1, 198-1.5, and Part 2, 20-3(3).)

196A Telemarketing Fraud 196B Insurance Fraud

196D Other Wire and Mail Fraud Schemes

196E Internet Fraud 196F Corporate Fraud

196G Prime Bank and High Yield Investment Fraud

196H Fictitious Securities

196I Insider Trading

196J Other Securities Fraud Matters (See MIOG, Part 2, 20-3 (3), 34-6.3.)

197A Civil Litigation, Civil Actions, Claims Against the Government or Subpoena Matters, Civil  
Suits and Claims which are Nonpersonnel Related (FBI Programs) 197B Personnel-Related  
Litigation, Title VII Civil Actions, Claims Against the Government, Equal Employment  
Opportunity Commission (EEOC), and Merit Systems Protection Board (MSPB) Hearings (FBI  
Programs)

198A Indian Country - Death Investigations

198B Indian Country - Embezzlement and Fraud

198C Indian Country - Burglary/Larceny/Theft

198D Indian Country - Gaming

198E Indian Country - Controlled Substance Act

198F Indian Country - Sexual Abuse of a Child

198G Indian Country - Assaulting or Killing of a Federal Officer (AFO/KFO)

198H Indian Country - Domestic Violence

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

198K Indian Country - Vehicular Homicide

198L Indian Country - Assault

198M Indian Country - Arson

198N Indian Country - Robbery

198O Indian Country - Motor Vehicle Theft

198P Indian Country - Trafficking in Indian Human Remains/Cultural Items

198Q Indian Country - Counterfeit Indian Arts and Crafts Board Trademark

198S Indian Country – Rape

198T Indian Country - Training

198U Indian Country - Physical Abuse of a Child 198V Indian Country - All Others (See MIOG, Part 1, 198-1.5, 198-1.9, 198-2.6, 198-3.3, 198-4.8, 198-5.8, 198-6.7, 198-6.8, 198-6.9; Part 2, 34-6.3; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

200A See NFIP Manual

200B See NFIP Manual

200C See NFIP Manual

200D See NFIP Manual

200E See NFIP Manual

200F See NFIP Manual

200G See NFIP Manual

200H See NFIP Manual

200I See NFIP Manual

200J See NFIP Manual

200M See NFIP Manual

200N See NFIP Manual

200P See NFIP Manual

200Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 7.)

202A See NFIP Manual

202B See NFIP Manual

202C See NFIP Manual

202D See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 8.)

202Q See NFIP Manual

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

203A See NFIP Manual

203B See NFIP Manual

203C See NFIP Manual

203D See NFIP Manual

203Q See NFIP Manual

203X See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 23.)

205 Foreign Corrupt Practices Act of 1977 (See MIOG, Part 2, 20-3(3).)

209A Health Care Fraud - Government-Sponsored Program

209B Health Care Fraud - Private Insurance Program

209C Health Care Crime - Noninsurance

209D Health Care Fraud - Training

209E Health Care Fraud - Medical Privacy Law Violations (See MIOG, Part 1, 209-1, 209-6.6, 209-7; Part 2, 20-3 (3), 34-6.3.)

211 Ethics in Government Act of 1978 (See MIOG, Part 2, 20-3(3).)

212A See NFIP Manual

212B See NFIP Manual

212C See NFIP Manual

212D See NFIP Manual (See NFIP Manual, Part 1, 1-04 and 3-08.)

214 Civil Rights of Institutionalized Persons Act/Pattern or Practice of Police Misconduct

220A See NFIP Manual

220B See NFIP Manual

220C See NFIP Manual

220D See NFIP Manual

220Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 13.)

221A See NFIP Manual

221B See NFIP Manual

221C See NFIP Manual

221D See NFIP Manual

221Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 12.)

222A See NFIP Manual

222B See NFIP Manual

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

222C See NFIP Manual  
222D See NFIP Manual  
222Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 14.)  
223A See NFIP Manual  
223B See NFIP Manual  
223C See NFIP Manual  
223D See NFIP Manual  
223Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 9.)  
225A See NFIP Manual  
225B See NFIP Manual  
225C See NFIP Manual  
225D See NFIP Manual  
225P See NFIP Manual  
225Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 17.)  
227A See NFIP Manual  
227B See NFIP Manual  
227C See NFIP Manual  
227D See NFIP Manual  
227Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 16.)  
228A See NFIP Manual  
228B See NFIP Manual  
228C See NFIP Manual  
228D See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 10.)  
242 Automation Matters  
243 See NFIP Manual (See NFIP Manual, Part 1, 1-04 and 4-05.)  
244A Hostage Rescue Team - International Terrorism (IT) Matters  
244B Operations and Training - IT Matters  
244C Swat Operations - IT Matters  
244D Tactical Helicopter Program - IT Matters  
244E Hostage Rescue Team - Domestic Terrorism (DT) Matters  
244F Operations and Training - DT Matters

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

244G Swat Operations - DT Matters

244H Tactical Helicopter Program - DT Matters

245A Organized Crime Drug Enforcement (OCDE) Task Force - LCN and Italian Organizations - Cases directed against the LCN, Sicilian Mafia, La Camorra, and 'Ndrangheta criminal organizations

245B Organized Crime Drug Enforcement (OCDE) Task Force - Central/South American Organizations - Cases directed against Central American and South American criminal organizations

245C Organized Crime Drug Enforcement (OCDE) Task Force - Mexican Organizations - Cases directed against Mexican criminal groups

245D Organized Crime Drug Enforcement (OCDE) Task Force - Gangs - Cases directed against major violent drug gangs and violent street gangs such as the Bloods, Crips and Black Gangster Disciple Nation; outlaw motorcycle gangs such as the Hells Angels, Outlaws, and Bandidos; or other significant emerging gangs whose principal criminal activities involve drug trafficking and related violence

245E Organized Crime Drug Enforcement (OCDE) Task Force - Asian Organizations - Cases directed against Asian criminal organizations

245F Organized Crime Drug Enforcement (OCDE) Task Force - Other Major Criminal Organizations - Cases directed against other major criminal organizations. These organizations must be well-organized, multijurisdictional in operational scope, and of national significance and influence. The characterization of these organizations must be fully documented and corroborated.

245G Organized Crime Drug Enforcement (OCDE) Task Force - African Organizations - Cases directed against African criminal groups

245H Organized Crime Drug Enforcement (OCDE) Task Force Eurasian Organizations - Cases directed against Russian, Eastern European, and Eurasian criminal organizations

245I Organized Crime Drug Enforcement (OCDE) Task Force - Caribbean Organizations - Cases directed against Caribbean criminal organizations

245J Organized Crime Drug Enforcement (OCDE) Task Force - Alien Smuggling Investigations

245K Organized Crime Drug Enforcement (OCDE) Task Force - Money Laundering - Drugs 245M Organized Crime Drug Enforcement (OCDE) Task Force - Balkan Organizations (See MIOG, Introduction, 2-1.6.5, and Part 1, 92-9 and 245-10; Part 2, 34-6.3.)

245N Organized Crime Drug Enforcement (OCDE) Task Force - Middle Eastern Criminal Enterprises

248A See NFIP Manual 248B See NFIP Manual 248C See NFIP Manual 248D See NFIP Manual 248Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 11.)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

- 249 Environmental Crimes - All investigations involving violations of Environmental Crimes statutes, including Environmental Crimes - Indian Country, and also the mishandling of special nuclear materials and waste products which is provided for under the Atomic Energy Act (See MIOG, Part 2, 20-3(3).)
- 250 Tampering with Consumer Products (See MIOG, Introduction, 2-1.6.4; Part 2, 34-6.3.)
- 251A Controlled Substances - Robbery
- 251B Controlled Substances - Burglary (See MIOG, Introduction, 2-1.6.4, Part 1, 251-9.)
- 252A National Center for the Analysis of Violent Crime (NCAVC) - Violent Criminal Apprehension Program
- 252B NCAVC - Criminal Investigative Analysis Program
- 252C NCAVC - Research and Development Program
- 252D NCAVC - Training Program
- 252E NCAVC - Arson and Bombing Investigative Services Program
- 252F Crisis Management Program
- 252G Crisis Negotiation Program (See MIOG, Introduction, 2-1.6.4, Part 1, 252-12, 252-13.)
- 253A Fraud and Related Activity - Passport/Visa/Identity Documents - Domestic Terrorism
- 253B FRAID - Fugitive Subprogram
- 253C FRAID - All Other Matters - Government Reservation Crimes Subprogram
- 253E Fraud and Related Activity - Identification Documents - Substantial Internet Connection
- 253F Fraud and Related Activity - Passport/Visa/Identity Documents - International Terrorism
- 253G Fraud and Related Activity - Passport/Visa/Identity Documents - White Collar Crime - Nonfinancial Institution (See MIOG, Part 1, 253-2.11, 253-3.8; Part 2, 34-6.3.)
- 254A Destruction of Energy Facilities
- 254D Hazardous Liquid Pipeline Safety Act (HLPSA) (See MIOG, Part 1, 254-7, 254-11.)
- 256B Hostage Taking by Domestic Terrorists
- 256C Hostage Taking - Nonterrorism Related (See MIOG, Introduction, 2-1.6.4, Part 1, 256-10; Part 2, 34-6.3.)
- 258A Credit and/or Debit Card Fraud - Loss in excess of \$25,000
- 258B Credit and/or Debit Card Fraud - Loss of \$25,000 or less
- 258C Credit and/or Debit Card Fraud - Substantial Internet Connection (See MIOG, Part 1, 258-8; Part 2, 20-3(3), 34-6.3.)
- 259A Security Clearance Investigative Program - Classified Information Procedures Act
- 259B Security Clearance Investigative Program - Foreign Intelligence Surveillance Act

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

- 259C Security Clearance Investigative Program - Joint Task Forces
- 259D Security Clearance Investigative Program - Others
- 259E Security Clearance Investigative Program - Periodic Reinvestigations/Security Clearances (See MIOG, Introduction, 2-2.4.3, Part 1, Section 259, Correspondence Guide - Field, 1-17.)
- 260A Industrial Security Program - Personnel Clearance
- 260B Industrial Security Program - Facility Clearance
- 260C Industrial Security Program - Nonclassified Personnel/Access
- 260D Industrial Security Program - Other
- 260E Industrial Security Program - Personnel Clearance - Reinvestigations
- 260F Industrial Security Program - Contract Linguist Program (See MIOG, Introduction, 2-2.4.3, Part 1, Section 260, Correspondence Guide - Field, 1-17.)
- 261A IAP - Information Assurance Program
- 261B Security Officer Matters - Security Education, Training, and Awareness
- 261C IAP - Enterprise Security Operations Center (ESOC)
- 261D Security Officer Matters - Physical Security
- 261E Security Officer Matters - Operations Security
- 261F Security Officer Matters - Emergency Plans
- 261G Security Officer Matters - Other (See MIOG, Introduction, 2-2.4.3, Part 1, 261-2; Correspondence Guide - Field, 1-17; NFIP Manual, Part 1, 1-04.)
- 263A Office of Professional Responsibility (OPR) Matters - Nondelegated Investigations (those matters investigated by FBIHQ OPR Personnel or AIIPS)
- 263B OPR Matters - Delegated Investigation Only (those matters wherein the investigation has been delegated to the field office or division)
- 263C OPR Matters - Delegated Investigation/Adjudication (those lower-level offenses wherein both the investigation and adjudication have been delegated to the field office or division)
- 263D OPR Matters - OIG Investigations (those matters being investigated by the OIG)
- 266H Act of Terrorism (AOT)-DT-Anarchist Extremists
- 266I AOT-DT-Animal Rights/Ecological Extremism
- 266J AOT-DT-Anti Abortion Extremists
- 266K AOT-DT-Black Separatist Extremists
- 266L AOT-DT-Fugitive
- 266M AOT-DT-Militia/Sovereign Citizen Extremists

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

266N AOT-DT-White Supremacist Extremists  
266O ATO-DT-Predicate Offense-Other  
267 Drug-Related Homicide (See MIOG, Part 1, 267-8; Part 2, 34-6.3.)  
268 Engineering Technical Matters - FCI Matters  
269 Engineering Technical Matters - Non-FCI Matters  
270A Cooperative Witnesses - Organized Crime  
270B Cooperative Witnesses - General Criminal  
270C Cooperative Witnesses - Domestic Terrorism  
270D Cooperative Witnesses - White-Collar Crime  
270F Cooperative Witnesses - Drugs  
270G Extraterritorial International Terrorism (IT) - Cooperative Witnesses  
270I Cooperative Witnesses - Civil Rights  
270J Cooperative Witnesses - Computer Intrusions  
270K Cooperative Witnesses - Cyber Crime Program  
270L Cooperative Witnesses - Major Theft  
270M Cooperative Witnesses - Violent Gangs (See MIOG, Part 1, 270-3.)  
271 See NFIP Manual, Part 1, 1-04 and 4-07  
272A Money Laundering - Organized Crime  
272B Money Laundering - White Collar Crime Program  
272C Money Laundering - VC Matters  
272D Money Laundering, Unknown SUA - White Collar Crime Program  
272E Money Laundering, targeting industries or facilities - White Collar Crime Program  
272F Money Laundering - Drugs (See MIOG, Part 1, 272-8.1 and 272-8.2.)  
273 Adoptive Forfeiture Matter - Americas Criminal Enterprise Program (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)  
274 Adoptive Forfeiture Matter - Transnational Criminal Enterprise Program (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)  
275 Adoptive Forfeiture Matter - White-Collar Crime (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)  
276 Adoptive Forfeiture Matter - Violent Crime (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

277 Adoptive Forfeiture Matter - Counterterrorism (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)

278 President's Intelligence Oversight Board (PIOB) Matters (See MAOP, Part 1, 1-22; NFIPM, Part 1, 1-04, 2-56, and 3-08.)

279A Weapons of Mass Destruction - Use, Possession, Transfer, Production, Transport - Domestic Terrorism

279B Weapons of Mass Destruction - Threaten or Attempt to Use, Possess, Produce or Transport - Domestic Terrorism

279D Weapons of Mass Destruction - Use, Possession, Transfer, Production, Transport - International Terrorism

279E Weapons of Mass Destruction - Threaten or Attempt to Use, Possess, Produce or Transport - International Terrorism (See MIOG, Part 1, 279-15; Part 2, 34-6.3.)

280A EEO Investigations (FBIHQ Use Only Except for TURK)

280B EEO Counseling (TURK Use Only)

280C EEO Conferences (TURK Use Only)

280D EEO Administrative

280E EEO Reasonable Accommodation Matters

280F EEO Alternative Dispute Resolution Matters (See MAOP, Part 1, 4-5.3; Part 2, 3-3.2 and 3-4.5; MIOG, Part 1, 280-1.)

281A Criminal Enterprise - LCN and Italian Organizations - Cases directed against the LCN, Sicilian Mafia, La Camorra, and 'Ndrangheta criminal organizations

281B Criminal Enterprise - Central/South American Organizations - Cases directed against Central American and South American criminal organizations

281C Criminal Enterprise - Mexican Organizations - Cases directed against Mexican criminal groups

281D Criminal Enterprise - Violent Gangs

281E Criminal Enterprise - Asian Organizations - Cases directed against Asian criminal organizations

281F Criminal Enterprise - Other Major Criminal Organizations - Cases directed against other major criminal organizations. These organizations must be well-organized, multijurisdictional in operational scope, and of national significance and influence. The characterization of these organizations must be fully documented and corroborated.

281G Criminal Enterprise - African Organizations - Cases directed against African criminal groups

281H Criminal Enterprise - Eurasian Organizations - Cases directed against Russian, Eastern European, and Eurasian criminal organizations

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

281I Criminal Enterprise - Caribbean Organizations - Cases directed against Caribbean criminal organizations

281J Criminal Enterprise - Alien Smuggling Investigations

281M Criminal Enterprise - Balkan Organizations (See MIOG, Part 1, 92-9 and 281-3.) 281N Criminal Enterprise - Middle Eastern

282A Civil Rights - Color of Law - Force and/or Violence

282B Civil Rights - Color of Law - Nonbrutality

282C Civil Rights - Color of Law - Force and/or Violence - Indian Country

282D Civil Rights - Color of Law - Nonbrutality - Indian Country (See MIOG, Part 1, 198-1.5, 282-2.1, 282-2.2, 282-4, 282-5, 282-5.2, 282-6, 282-7, 282-7.2; Part 2, 34-6.3.)

283A See NFIP Manual

283B See NFIP Manual

283C See NFIP Manual

283D See NFIP Manual

283Q See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 15.)

284A See NFIP Manual

284B See NFIP Manual

284C See NFIP Manual

284D See NFIP Manual

284E See NFIP Manual

284F See NFIP Manual

284G See NFIP Manual

284H See NFIP Manual

284I See NFIP Manual

284J See NFIP Manual

284K See NFIP Manual

284Q See NFIP Manual

284X See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 22.)

285A See NFIP Manual 285B See NFIP Manual 285C See NFIP Manual (See NFIP Manual, Part 1, 1-04 and Section 22.)

286A Freedom of Access to Clinic Entrances Act of 1994 (FACE) - Force and/or Intimidation Against Person(s)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

286B FACE - Threat of Force or Intimidation Against Person(s)  
286C FACE - Property Damage and/or Destruction Only 286E FACE - Civil Action (See MIOG, Part 1, 286-2.1, 286-2.2, 286-2.3, 286-2.4, 286-2.5, 286-4, 286-8; Part 2, 34-6.3.)  
288A Computer Intrusions - Criminal Matters  
288B Computer Intrusions - CI Matters  
288C Technical Support to White Collar Crime Program  
288D Technical Support to Violent Crime Program  
288E Technical Support to Criminal Enterprise Program  
288F Technical Support to CI Program  
288G Technical Support to Domestic Terrorism Program  
288H Technical Support to Civil Rights Program  
288I National HUMINT Collection Directive (NHCD) (See MIOG, Part 1, 288-3, 288-6, 288-8, 288-11; Part 2, 34-6.3.)  
288J Computer Intrusions - IT Matters  
288K Computer Intrusions - DT Matters  
288L Technical Support to IT Program  
289A Witness Security Program - Organized Crime  
289B Witness Security Program - General Criminal  
289C Witness Security Program - Domestic Terrorism  
289D Witness Security Program - White Collar Crime  
289F Witness Security Program - Drugs  
289G Witness Security Program - International Terrorism  
289H Witness Security Program - Non-FBI Sponsored Past or Present Participants  
290 Alien Terrorist Removal Court (ATRC)  
292 Domestic Emergency Security Team (DEST)  
293 See NFIP Manual (See NFIPM, Part 1, 1-04 and 19-12.)  
295A Theft of Trade Secrets - Non-State Sponsored  
295B Copyright Infringement - Computer Software Matters  
295C Copyright Infringement - Other Matters  
295D Trademark Infringement 295E Copyright Infringement/Signal Theft Matters (See MIOG, Part 1, 295-1.8, 295-2.13, 295-3.9, 295-4.9; Part 2, 34-6.3.)  
296 Integrity Committee Matters

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

297 Inspection Matters

298 National Sex Offender Registry (NSOR) - Violations

300A Counterterrorism (CT) Preparedness - Special Events

300B CT Preparedness - Aviation Security 300C CT Preparedness - Other

300H CT Preparedness - WMD Preparedness (See MIOG, Part 1, 300-1, 300-2, 300-3, 300-6.)

300I CT Preparedness - Deployment and Logistical Readiness

301 Missing Persons DNA Database

302A See NFIP Manual

302B See NFIP Manual

302C See NFIP Manual 302D See NFIP Manual

302Q See NFIP Manual (See NFIPM, Part 1, 1-04.)

303A See NFIP Manual

303B See NFIP Manual

303C See NFIP Manual

303D See NFIP Manual

303Q See NFIP Manual (See NFIPM, Part 1, 1-04.)

304A See NFIP Manual

304B See NFIP Manual 304C See NFIP Manual 304D See NFIP Manual 304Q See NFIP Manual  
(See NFIPM, Part 1, 1-04.)

305A Innocent Images National Initiative - Egroup/Organizations/Enterprises for Profit

305B Innocent Images National Initiative - Travelers/Enticement

305C Innocent Images National Initiative - Producers/Manufactures/Traders of CP

305D Innocent Images National Initiative - Possessors of CP

305E Innocent Images National Initiative - Training (See MIOG, Part 1, 305-4; Part 2, 34-6.3.)

306 Serial Killings (See MIOG, Part 2, 34-6.3.)

307A See NFIP Manual

307B See NFIP Manual

307C See NFIP Manual

307D See NFIP Manual

307E See NFIP Manual

307F See NFIP Manual

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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307G See NFIP Manual  
307H See NFIP Manual (See NFIPM, Part 1, 1-04.)  
308A Evidence Response Team (ERT) Administrative Matter  
308B ERT Training Received  
308C ERT Training Provided - Domestic Training  
308D ERT Training Provided - International Training  
308E ERT Crime Scene - Violent Crime  
308F ERT Crime Scene - Americas Criminal Enterprise Program  
308G ERT Crime Scene - White Collar Crime  
308H ERT Crime Scene - Domestic Terrorism  
308I ERT Crime Scene - International Terrorism  
308J ERT Crime Scene - Police Assistance  
308K ERT Crime Scene - Other  
308L ERT Crime Scene - Cyber Crime (See MIOG, Part 1, 308-4.)  
309A Human Rights Offenses - Genocide  
309B Human Rights Offenses - Torture  
309C Human Rights Offenses - War Crimes  
310A See NFIP Manual  
310B See NFIP Manual  
310C See NFIP Manual  
310D See NFIP Manual  
310Q See NFIP Manual (See NFIPM, Part 1, 1-04.)  
311A See NFIP Manual  
311B See NFIP Manual  
311C See NFIP Manual  
311D See NFIP Manual  
311E See NFIP Manual  
311F See NFIP Manual  
311G See NFIP Manual  
311H See NFIP Manual  
311I See NFIP Manual

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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311J See NFIP Manual  
311Q See NFIP Manual (See NFIPM, Part 1, 1-04.)  
312A Cyber Crime - Training Received  
312B Cyber Crime - Training Provided  
314 Infragard  
315A See NFIP Manual  
315B See NFIP Manual  
315C See NFIP Manual  
315D See NFIP Manual  
315E See NFIP Manual  
315F See NFIP Manual  
315G See NFIP Manual  
315H See NFIP Manual  
315I See NFIP Manual  
315J See NFIP Manual  
315K See NFIP Manual  
315L See NFIP Manual  
315M See NFIP Manual  
315N See NFIP Manual  
315O See NFIP Manual  
315P See NFIP Manual  
315Q See NFIP Manual  
315R See NFIP Manual  
315S See NFIP Manual  
315T See NFIP Manual (See NFIP Manual, Sections 1-04 and 19.)  
316A Internet Extortion  
316B Internet Gambling/Advertising  
316C Illegal Internet Financing/Money Laundering  
316D Internet Obscenity  
318A Corporate Fraud  
318B Prime Bank and High Yield Investment Fraud

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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318C Market Manipulation

318D Insider Trading

318E Other Security/Commodities Fraud Matters (See MIOG, Part 1, 318-1.2, 318-1.6, 318-4.2; Part 2, 34-6.3.)

319A Payroll and Pay Administration Records

319B Procurement, Supply, and Grant Records

319C Property Disposal Records

319D Budget Preparation, Presentation, and Apportionment Records

319E Accountable Officer's Accounts Records

319F Expenditure Accounting Records

319G Stores, Plant, and Cost Accounting Records

319H Travel and Transportation Records

319I Motor Vehicle Maintenance and Operations Records

319J Space and Maintenance Records

319K Communications Records

319L Printing, Binding, Duplication, and Distribution Records

319M Information Services Records

319N Housing Records

319O Administrative Management Records

319P Cartographic, Aerial Photographic, Architectural, and Engineering Records

319Q Security and Protective Services Records

319R Electronic Records

319S Audiovisual Records

319T Records Common to Most Offices within Agencies

319U Information Technology Operations and Management Records

319V Ethics Program Records

319W Policy Files

319X Organizational Records

319Y Temporary Commission Records

321A Evidence Administration and Management

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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321B ELSUR Administration and Management  
321C Special Operations Groups  
321D Bureau Aircraft Operations  
321E Foreign Language Program Records  
322 Bioterrorism Risk Assessment Matters  
323A Hazardous Material Response Team (HMRT) Administrative Matters  
323B HMRT Training Received  
323C HMRT Training Provided - Domestic Training  
323D HMRT Training Provided - International Training  
323E HMRT Operational Deployments  
323F HMRT Special Event Deployments  
323G HMRT Assistance Provided to Other Agencies  
323H HMRT Threat Assessments  
323I HMRT Other  
800A Intelligence Program Management  
800B Intelligence Training Received  
800C Intelligence Training Provided  
800D Intelligence Briefing/Liaison  
800E Human Source Coordination  
801A Intelligence Collection Management-Counterterrorism  
801B Intelligence Analysis/Production-Counterterrorism  
802A Intelligence Collection Management-Counterintelligence  
802B Intelligence Analysis/Production-Counterintelligence  
803A Intelligence Collection Management-Cyber  
803B Intelligence Analysis/Production-Cyber  
804A Intelligence Collection Management-Criminal  
804B Intelligence Analysis/Production-Criminal  
805A Intelligence Collection Management-Other DNI Requirements  
805B Intelligence Analysis/Production-Other DNI Requirements  
806 HUMINT Collection-Other DNI Foreign Intelligence Requirements

\*\* Another federal agency has the primary investigative responsibility in these classifications.

SENSITIVE

### **3-1.2 FBI Classifications and Subdivided Classifications by Program**

NATIONAL FOREIGN INTELLIGENCE PROGRAM - FOREIGN COUNTERINTELLIGENCE  
(See National Foreign Intelligence Program (NFIP) Manual, Part 1, 1-04.)

1I FCI - Training Received

1J FCI - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4; Legal  
Attache Manual, Part 1, 2-13.5.)

64A SEE NFIP MANUAL

64B SEE NFIP MANUAL

64C SEE NFIP MANUAL

64D SEE NFIP MANUAL

64E SEE NFIP MANUAL

64F SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, Section 2 and 4.)

65A SEE NFIP MANUAL

65B SEE NFIP MANUAL

65C SEE NFIP MANUAL

65D SEE NFIP MANUAL

65E SEE NFIP MANUAL

65F SEE NFIP MANUAL

65G SEE NFIP MANUAL

65H SEE NFIP MANUAL

65I SEE NFIP MANUAL

65J SEE NFIP MANUAL

65K SEE NFIP MANUAL

65L SEE NFIP MANUAL

65M SEE NFIP MANUAL

65N SEE NFIP MANUAL

65O SEE NFIP MANUAL

65P SEE NFIP MANUAL

65Q SEE NFIP MANUAL

65R SEE NFIP MANUAL

65S SEE NFIP MANUAL

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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65T SEE NFIP MANUAL

65U SEE NFIP MANUAL

65V SEE NFIP MANUAL

65W SEE NFIP MANUAL

65X SEE NFIP MANUAL

65Y SEE NFIP MANUAL

65Z SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, Section 20.)

97A SEE NFIP MANUAL

97B SEE NFIP MANUAL

97C SEE NFIP MANUAL

97D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and 4-02.)

102A SEE NFIP MANUAL

102B SEE NFIP MANUAL

102C SEE NFIP MANUAL

102D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 102.)

105A SEE NFIP MANUAL

105B SEE NFIP MANUAL

105C SEE NFIP MANUAL

105D SEE NFIP MANUAL

105E SEE NFIP MANUAL

105F SEE NFIP MANUAL

105G SEE NFIP MANUAL

105H SEE NFIP MANUAL

105I SEE NFIP MANUAL

105J SEE NFIP MANUAL

105Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and Section 6.)

105S See NFIP Manual

108A SEE NFIP MANUAL

108B SEE NFIP MANUAL

108C SEE NFIP MANUAL

108D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 108.)

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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109A SEE NFIP MANUAL

109B SEE NFIP MANUAL

109C SEE NFIP MANUAL

109D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 109.)

110A SEE NFIP MANUAL

110B SEE NFIP MANUAL

110C SEE NFIP MANUAL

110D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 110.)

111A SEE NFIP MANUAL

111B SEE NFIP MANUAL

111C SEE NFIP MANUAL

111D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 111.)

112A SEE NFIP MANUAL

112B SEE NFIP MANUAL

112C SEE NFIP MANUAL

112D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 112.)

113A SEE NFIP MANUAL

113B SEE NFIP MANUAL

113C SEE NFIP MANUAL

113D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04, and MIOG, Part 1, Section 113.)

134A SEE NFIP MANUAL

134B SEE NFIP MANUAL

134C SEE NFIP MANUAL

134H SEE NFIP MANUAL

134I SEE NFIP MANUAL

134J SEE NFIP MANUAL

134L SEE NFIP MANUAL

134M SEE NFIP MANUAL

134N SEE NFIP MANUAL

134O SEE NFIP MANUAL

134P SEE NFIP MANUAL

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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134Q SEE NFIP MANUAL

134S SEE NFIP MANUAL

134T SEE NFIP MANUAL

134U SEE NFIP MANUAL

134V SEE NFIP MANUAL

134W SEE NFIP MANUAL

134X SEE NFIP MANUAL

134Z SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 27.)

200A SEE NFIP MANUAL

200B SEE NFIP MANUAL

200C SEE NFIP MANUAL

200D SEE NFIP MANUAL

200E SEE NFIP MANUAL

200F SEE NFIP MANUAL

200G SEE NFIP MANUAL

200H SEE NFIP MANUAL

200I SEE NFIP MANUAL

200J SEE NFIP MANUAL

200M SEE NFIP MANUAL

200N SEE NFIP MANUAL

200P SEE NFIP MANUAL

200Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 7.)

202A SEE NFIP MANUAL

202B SEE NFIP MANUAL

202C SEE NFIP MANUAL

202D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 8.)

202Q See NFIP Manual

203A SEE NFIP MANUAL

203B SEE NFIP MANUAL

203C SEE NFIP MANUAL

203D SEE NFIP MANUAL

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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203Q SEE NFIP MANUAL

203X SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 23.)

212A SEE NFIP MANUAL

212B SEE NFIP MANUAL

212C SEE NFIP MANUAL

212D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and 3-08.)

220A SEE NFIP MANUAL

220B SEE NFIP MANUAL

220C SEE NFIP MANUAL

220D SEE NFIP MANUAL

220Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 13.)

221A SEE NFIP MANUAL

221B SEE NFIP MANUAL

221C SEE NFIP MANUAL

221D SEE NFIP MANUAL

221Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 12.)

222A SEE NFIP MANUAL

222B SEE NFIP MANUAL

222C SEE NFIP MANUAL

222D SEE NFIP MANUAL

222Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 14.)

223A SEE NFIP MANUAL

223B SEE NFIP MANUAL

223C SEE NFIP MANUAL

223D SEE NFIP MANUAL

223Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 9.)

225A SEE NFIP MANUAL

225B SEE NFIP MANUAL

225C SEE NFIP MANUAL

225D SEE NFIP MANUAL

225P SEE NFIP MANUAL

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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225Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 17.)  
227A SEE NFIP MANUAL  
227B SEE NFIP MANUAL  
227C SEE NFIP MANUAL  
227D SEE NFIP MANUAL  
227Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 16.)  
228A SEE NFIP MANUAL  
228B SEE NFIP MANUAL  
228C SEE NFIP MANUAL  
228D SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 10.)  
243 SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and 4-05.)  
248A SEE NFIP MANUAL  
248B SEE NFIP MANUAL  
248C SEE NFIP MANUAL  
248D SEE NFIP MANUAL  
248Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 11.)  
271 SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and 4-07.)  
283A SEE NFIP MANUAL  
283B SEE NFIP MANUAL  
283C SEE NFIP MANUAL  
283D SEE NFIP MANUAL  
283Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 15.)  
284A SEE NFIP MANUAL  
284B SEE NFIP MANUAL  
284C SEE NFIP MANUAL  
284D SEE NFIP MANUAL  
284E SEE NFIP MANUAL  
284F SEE NFIP MANUAL  
284G SEE NFIP MANUAL  
284H SEE NFIP MANUAL  
284I SEE NFIP MANUAL

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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284J SEE NFIP MANUAL

284K SEE NFIP MANUAL

284Q SEE NFIP MANUAL

284X SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 22.)

285A SEE NFIP MANUAL

285B SEE NFIP MANUAL

285C SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04 and Section 22.)

302A SEE NFIP MANUAL

302B SEE NFIP MANUAL

302C SEE NFIP MANUAL

302D SEE NFIP MANUAL

302Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04.)

303A SEE NFIP MANUAL

303B SEE NFIP MANUAL

303C SEE NFIP MANUAL

303D SEE NFIP MANUAL

303Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04.)

304A SEE NFIP MANUAL

304B SEE NFIP MANUAL

304C SEE NFIP MANUAL

304D SEE NFIP MANUAL

304Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04.)

307G SEE NFIP MANUAL

307H SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04.)

310A SEE NFIP MANUAL

310B SEE NFIP MANUAL

310C SEE NFIP MANUAL

310D SEE NFIP MANUAL

310Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04.)

311A SEE NFIP MANUAL

311B SEE NFIP MANUAL

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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311C SEE NFIP MANUAL

311D SEE NFIP MANUAL

311E SEE NFIP MANUAL

311F SEE NFIP MANUAL

311G SEE NFIP MANUAL

311H SEE NFIP MANUAL

311I SEE NFIP MANUAL

311J SEE NFIP MANUAL

311Q SEE NFIP MANUAL (See NFIP Manual, Part 1, 1-04.)

NATIONAL FOREIGN INTELLIGENCE PROGRAM - INTERNATIONAL TERRORISM (See NFIP Manual, Part 1, 1-04.)

1K International Terrorism - Training Received

1L International Terrorism - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4; Legal Attache Manual, Part 1, 2-13.5.)

117B Atomic Energy Act - International Terrorism

134D SEE NFIP MANUAL

134E SEE NFIP MANUAL

134F SEE NFIP MANUAL

134G SEE NFIP MANUAL

134K SEE NFIP MANUAL

134Y SEE NFIP MANUAL

137G Informants - Extraterritorial - International Terrorism (See MIOG, Part 1, 137-3.)

163I Foreign Police Cooperation - International Terrorism (See MIOG, Part 1, 163-6 (1) and MAOP, Part 2, 10-23.)

244A Hostage Rescue Team - International Terrorism (IT) Matters

244B Operations and Training - IT Matters

244C Swat Operations - IT Matters

244D Tactical Helicopter Program - IT Matters

253F Fraud and Related Activity - Passport/Visa/Identity Documents - International Terrorism

270G Extraterritorial International Terrorism (IT) - Cooperative Witnesses

279D Weapons of Mass Destruction - Use, Possession, Transfer, Production, Transport - International Terrorism

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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279E Weapons of Mass Destruction - Threaten or Attempt to Use, Possess, Produce or Transport - International Terrorism (See MIOG, Part 1, 279-15.)

289G Witness Security Program - International Terrorism

290 Alien Terrorism Removal Court (ATRC)

293 SEE NFIP MANUAL

307A SEE NFIP MANUAL

307B SEE NFIP MANUAL

307C SEE NFIP MANUAL

307D SEE NFIP MANUAL

307E SEE NFIP MANUAL

307F SEE NFIP MANUAL

308I Evidence Response Team (ERT) Crime Scene - International Terrorism (See MIOG, Part 1, 308-4.)

309A Human Rights Offenses - Genocide 309B Human Rights Offenses - Torture 309C Human Rights Offenses - War Crimes

315A SEE NFIP MANUAL

315B SEE NFIP MANUAL

315C SEE NFIP MANUAL

315D SEE NFIP MANUAL

315E SEE NFIP MANUAL

315F SEE NFIP MANUAL

315G SEE NFIP MANUAL

315H SEE NFIP MANUAL

315I SEE NFIP MANUAL

315J SEE NFIP MANUAL

315K SEE NFIP MANUAL

315L SEE NFIP MANUAL

315M SEE NFIP MANUAL

315N SEE NFIP MANUAL

315O SEE NFIP MANUAL

315P SEE NFIP MANUAL

315Q SEE NFIP MANUAL

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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315R SEE NFIP MANUAL

315S SEE NFIP MANUAL

315T SEE NFIP MANUAL

NATIONAL FOREIGN INTELLIGENCE PROGRAM - FBI SECURITY

67E Personnel Files/Reinvestigations of FBI Personnel (See MIOG, Part 1, 67-11, 67-11.1.1, 67-11.1.2, Section 259, 261.)

259A Security Clearance Investigative Program - Classified Information Procedures Act

259B Security Clearance Investigative Program - Foreign Intelligence Surveillance Act

259C Security Clearance Investigative Program - Joint Task Forces

259D Security Clearance Investigative Program - Others

259E Security Clearance Investigative Program - Periodic Reinvestigations/Security Clearances (See MIOG, Introduction, 2-2.4.3, Part 1, Section 259, Correspondence Guide - Field, 1-17.)

260A Industrial Security Program - Personnel Clearance

260B Industrial Security Program - Facility Clearance

260C Industrial Security Program - Nonclassified Personnel/ Access

260D Industrial Security Program - Other

260E Industrial Security Program - Personnel Clearance - Reinvestigations

260F Industrial Security Program - Contract Linguist Program (See MIOG, Introduction, 2-2.4.3, Part 1, 260-1, 260-2, 260-3, 260-4, 260-5, 260-6; Correspondence Guide - Field, 1-17.)

261A IAP - Information Assurance Program

261B Security Officer Matters - Security Education, Training, and Awareness

261C IAP - Enterprise Security Operations Center (ESOC)

261D Security Officer Matters - Physical Security

261E Security Officer Matters - Operations Security (OPSEC)

261F Security Officer Matters - Emergency Plans

261G Security Officer Matters - Other (See MIOG, Introduction, 2-2.4.3, Part 1, Section 261; Correspondence Guide - Field, 1-17; NFIP Manual, Part 1, 1-04.)

800A Intelligence Program Management

800B Intelligence Training Received

800C Intelligence Training Provided

800D Intelligence Briefing/Liaison

800E Human Source Coordination

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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801A Intelligence Collection Management-Counterterrorism  
801B Intelligence Analysis/Production-Counterterrorism  
802A Intelligence Collection Management-Counterintelligence  
802B Intelligence Analysis/Production-Counterintelligence  
803A Intelligence Collection Management-Cyber  
803B Intelligence Analysis/Production-Cyber  
804A Intelligence Collection Management-Criminal  
804B Intelligence Analysis/Production-Criminal  
805A Intelligence Collection Management-Other DNI Requirements  
805B Intelligence Analysis/Production-Other DNI Requirements  
806 HUMINT Collection-Other DNI Foreign Intelligence Requirements

**COMPUTER INTRUSION PROGRAM**

1M Computer Intrusions - Training Received  
1N Computer Intrusions - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4; Legal Attache Manual, Part 1, 2-13.5.)  
134R Computer Intrusions - SEE NFIP MANUAL  
137J Informants - Computer Intrusions (See MIOG, Part 1, 137-3.)  
163L Foreign Police Cooperation - Computer Intrusions (See MIOG, Part 1, 163-6 (1), and MAOP, Part 2, 10-23.)  
270J Cooperative Witnesses - Computer Intrusions  
288A Computer Intrusions - Criminal Matters  
288B Computer Intrusions - Counterintelligence (CI) Matters  
288C Technical Support to White Collar Crime Program  
288D Technical Support to Violent Crime Program  
288E Technical Support to Criminal Enterprise Program  
288F Technical Support to National Foreign Intelligence Program  
288G Technical Support to Domestic Terrorism Program  
288H Technical Support to Civil Rights Program  
288I National Humint Collection Directive (NHCD) (See MIOG, Part 1, 288-3, 288-6, 288-8, 288-11.)  
288F Technical Support to CI Program  
288J Computer Intrusions - IT Matters

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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288K Computer Intrusions - DT Matters 288L Technical Support to IT Program

314 Infragard

CYBER CRIME PROGRAM (CCP) - INTERNET FRAUD (IF)

92U Racketeering Enterprise Investigations - Internet Fraud (See MIOG, Part 1, 92; Part 2, 34-6.3.)

137K Informants - Cyber Crime Program (See MIOG, Part 1, 137-3.)

139C Interception of Communications - Cyber Related (See MIOG, Part 1, 139-9; Part 2, 34-6.3.)

163K Foreign Police Cooperation - Cyber Crime (See MIOG, Part 1, 163-6 (1); MAOP, Part 2, 10-23; Correspondence Guide, 1-17.)

196E Internet Fraud (See MIOG, Part 2, 20-3 (3), 34-6.3.)

270K Cooperative Witness - Cyber Crime Program

312A Cyber Crime - Training Received 312B Cyber Crime - Training Provided

CCP - IDENTITY THEFT (IT)

253E Fraud and Related Activity - Identification Documents - Substantial Internet Connection (See MIOG, Part 2, 34-6.3.)

258C Credit and/or Debit Card Fraud - Substantial Internet Connection (See MIOG, Part 1, 258-8; Part 2, 34-6.3.)

CCP - INTELLECTUAL PROPERTY RIGHTS INFRINGEMENT (IPR)

295A Theft of Trade Secrets - Non-State Sponsored

295B Copyright Infringement - Computer Software Matters

295C Copyright Infringement - Other Matters

295D Trademark Infringement

295E Copyright Infringement/Signal Theft Matters

295F Trademark and Copyright Infringement - Cyber Technology Matters (See MIOG, Part 1, 295-1.8, 295-2.13, 295-3.9, 295-4.9; Part 2, 34-6.3.)

CCP - INNOCENT IMAGES NATIONAL INITIATIVE (IINI)

305A Innocent Images National Initiative - Egroups/Organizations/Enterprises for Profit

305B Innocent Images National Initiative - Travelers/Enticement

305C Innocent Images National Initiative - Producers/Manufacturers/Traders of Child Pornography

305D Innocent Images National Initiative - Possessors of Child Pornography

305E Innocent Images National Initiative - Training (See MIOG, Part 1, 305; Part 2, 34-6.3.)

CCP – OTHER

308L ERT Crime Scene - Cyber Crime

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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316A Internet Extortion

316B Internet Gambling/Advertising

316C Illegal Internet Financing/Money Laundering

316D Internet Obscenity

DOMESTIC TERRORISM PROGRAM DOMESTIC TERRORISM OPERATIONS

2 Neutrality Matters

3 Overthrow or Destruction of the Government

14 Sedition

61 Treason; Misprision of Treason

98 Sabotage

100A Terrorism Enterprise Investigation - Domestic Terrorism

100B Terrorism Enterprise Investigation - International Terrorism

137C Informants - Domestic Terrorism (See MIOG, Part 1, 137-3.)

157 Civil Unrest (Civil Disorders and Demonstrators)

163C Foreign Police Cooperation - Domestic Terrorism Matters (See MIOG, Part 1, 163-6(1); MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

174A Actual & Attempted Bombings and Explosive Violations - Terrorism 174C All Other Cases including Threats 174D Bomb Technician Activities (See MIOG, Part 1, 174-9; Part 2, 34-6.3.)

176 Anti-Riot Laws

183C Racketeer Influenced and Corrupt Organizations - Terrorism

185 Protection of Foreign Officials and Guests

253A Fraud and Related Activity - Passport/Visa/Identity Documents - Domestic Terrorism (See MIOG, Part 1, 253-2.11; Part 2, 34-6.3.)

256B Hostage Taking by Domestic Terrorists (See MIOG, Part 1, 256-10; Part 2, 34-6.3.)

266H Act of Terrorism (AOT)-DT-Anarchist Extremists

266I AOT-DT-Animal Rights/Ecological Extremism

266J AOT-DT-Anti Abortion Extremists

266K AOT-DT-Black Separatist Extremists

266L AOT-DT-Fugitive

266M AOT-DT-Militia/Sovereign Citizen Extremists

266N AOT-DT-White Supremacist Extremists

266O ATO-DT-Predicate Offense-Other

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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270C Cooperative Witness - Domestic Terrorism

277 Adoptive Forfeiture Matter - Counterterrorism (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)

289C Witness Security Program - Domestic Terrorism

292 Domestic Emergency Security Team (DEST)

308H Evidence Response Team Crime Scene - Domestic Terrorism (See MIOG, Part 1, 308-4.)

**DOMESTIC TERRORISM PROGRAM WEAPONS OF MASS DESTRUCTION OPERATIONS**

117A Atomic Energy Act

279A Weapons of Mass Destruction - Use, Possession, Transfer, Production, Transport - Domestic Terrorism

279B Weapons of Mass Destruction - Threaten or Attempt to Use, Possess, Produce or Transport - Domestic Terrorism (See MIOG, Part 1, 279-15; Part 2, 34-6.3.)

**DOMESTIC TERRORISM PROGRAM COUNTERTERRORISM PREPAREDNESS**

1G Domestic Terrorism - Training Received

1H Domestic Terrorism - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4, 1-5.1, 300-6; Legal Attache Manual, Part 1, 2-13.5.)

244E Hostage Rescue Team - Domestic Terrorism (DT) Matters

244F Operations and Training - DT Matters

244G Swat Operations - DT Matters

244H Tactical Helicopter Program - DT Matters

300A Counterterrorism (CT) Preparedness - Special Events

300B CT Preparedness - Aviation Security 300C CT Preparedness - Other

300H CT Preparedness - WMD Preparedness (See MIOG, Part 1, 300-1, 300-2, 300-3, 300-6.)

300I CT Preparedness - Deployment and Logistical Readiness

**VIOLENT CRIME PROGRAM - CRIMES AGAINST CHILDREN**

7B Kidnapping - International Parental Kidnaping Crime Act of 1993 (IPKCA)

7C Child Abductions - No Ransom (See MIOG, Introduction, 2-1.6.4; Part 1, 7-19; Part 2, 34-6.3.)

31C White Slave Traffic Act - Sexual Exploitation of Children

31E White Slave Traffic Act - Child Prostitution (See MIOG, Part 2, 34-6.3.)

70E Crime on Government Reservation - Sexual/Physical Abuse - Minor Child (See MIOG, Part 2, 34-6.3.)

88D Unlawful Flight to Avoid Prosecution, etc. - Parental Kidnapping

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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88E Child Support Recovery Act (CSRA) Matters

145C Interstate Transportation of Obscene Matter - Broadcasting Obscene Language - Sexual Exploitation of Children (See MIOG, Introduction, 2-1.6.4; Part 1, 305; Part 2, 34-6.3.)

298 National Sex Offender Registry - Violations

VIOLENT CRIME PROGRAM - FUGITIVE

62D Domestic Police Cooperation (See MIOG, Part 1, 62-3.3(7).)

62E Fugitive Investigations for Other Federal Agencies

76 Escaped Federal Prisoner, etc. - A subject wanted for a crime of violence against the person such as murder, manslaughter, forcible rape, robbery and aggravated assault; one convicted of such a crime within the past five years or one who has been incarcerated after conviction for a crime of violence and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision; or a subject wanted for a crime involving the loss or destruction of property valued in excess of \$25,000; one being sought for criminal charges involving in excess of two ounces of heroin or cocaine, 1,000 pounds of marijuana or 10,000 dosage units of clandestinely manufactured dangerous or hallucinogenic drugs; one convicted of the above crimes within the past five years or one who has been incarcerated after conviction for such offenses and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision; or all others (See MIOG, Part 2, 34-6.3.)

88A Unlawful Flight to Avoid Prosecution, etc. - A subject wanted for a crime of violence against the person such as murder, manslaughter, forcible rape, robbery and aggravated assault; one convicted of such a crime within the past five years or one who has been incarcerated after conviction for a crime of violence and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision

88B Unlawful Flight to Avoid Prosecution, etc. - A subject wanted for a crime involving the loss or destruction of property valued in excess of \$25,000; one being sought for criminal charges involving in excess of two ounces of heroin or cocaine, 1,000 pounds of marijuana or 10,000 dosage units of clandestinely manufactured dangerous or hallucinogenic drugs; one convicted of the above crimes within the past five years or one who has been incarcerated after conviction for such offenses and escapes from custody or supervision (parole, probation) prior to completion of his/her sentence or term of supervision

88C Unlawful Flight to Avoid Prosecution, etc. - All others

253B Fraud and Related Activity in Connection with Identification Documents (FRAID) - Fugitive Subprogram (See MIOG, Part 1, 253-2.11.)

VIOLENT CRIME PROGRAM - CRIMES IN INDIAN COUNTRY

92K Racketeering Enterprise Investigations - Indian Country (See MIOG, Part 2, 34-6.3.)

198A Indian Country - Death Investigations

198B Indian Country - Embezzlement and Fraud

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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198C Indian Country - Burglary/Larceny/Theft  
198D Indian Country - Gaming  
198E Indian Country - Controlled Substance Act  
198F Indian Country - Sexual Abuse of a Child  
198G Indian Country - Assaulting or Killing of a Federal Officer (AFO/KFO)  
198H Indian Country - Domestic Violence  
198K Indian Country - Vehicular Homicide  
198L Indian Country - Assault  
198M Indian Country - Arson  
198N Indian Country - Robbery  
198O Indian Country - Motor Vehicle Theft  
198P Indian Country - Trafficking in Indian Human Remains/ Cultural Items  
198Q Indian Country - Counterfeit Indian Arts and Crafts Board Trademark  
198S Indian Country - Rape  
198T Indian Country - Training  
198U Indian Country - Physical Abuse of a Child  
198V Indian Country - All Others (See MIOG, Part 1, 198-1.5, 198-1.9, 198-2.6, 198-3.3, 198-4.8, 198-5.8, 198-6.7, 198-6.8, 198-6.9, 198-7; Part 2, 34-6.3; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

**VIOLENT CRIME PROGRAM - SPECIAL JURISDICTION MATTERS**

43 False Advertising or Misuse of Names to Indicate Federal Agency  
43 Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia  
43 Illegal Manufacture, Sale or Use of Military Cremation Urn  
43 Illegal Manufacture, Use, Possession, or Sale of Emblems or Insignia  
43 Illegal Wearing of Uniform  
43 Miscellaneous - Falsely Making or Forging Naval, Military, or Official Pass  
43 Miscellaneous - Forging or Counterfeiting Seal of Department or Agency of the United States  
43 Miscellaneous - Forging or Using Forged Certificate of Discharge from Military or Naval Service  
43 Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States  
43 Misuse of the name "Federal Home Loan Mortgage Corporation"

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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43 Unauthorized use of "Johnny Horizon" Symbol  
43 Unauthorized use of "Smokey Bear" Symbol 43 Unauthorized use of "Woodsy Owl" Symbol  
45A Crime on the High Seas (See MIOG, Part 2, 34-6.3.)  
47A Impersonation - Act of Violence  
47B Impersonation - Property Crimes in excess of \$25,000 47C Impersonation - All Others (See MIOG, Part 2, 34-6.3.)  
70A Crime on Government Reservation - Crime of Violence  
70B Crime on Government Reservation - Property Crimes over \$5,000 70C Crime on Government Reservation - All Other Property Crimes  
70D Crime on Government Reservation - Controlled Substance Act (See MIOG, Part 2, 34-6.3.)  
90A Irregularities in Federal Penal Institutions - Crime of Violence  
90B Irregularities in Federal Penal Institutions - Controlled Substance Act  
90C Irregularities in Federal Penal Institutions - All others  
253C Fraud and Related Activity in Connection with Identification Documents (FRAID) - All other FRAID Matters (See MIOG, Part 1, 253-2.11; Part 2, 34-6.3.)  
VIOLENT CRIME PROGRAM - TRANSPORTATION CRIMES  
26A Interstate Transportation of Stolen Motor Vehicle - Crimes of Violence/Carjacking  
26C Interstate Transportation of Stolen Aircraft (ITSA)  
149A Destruction of Aircraft or Motor Vehicles (DAMV)  
149B Destruction of Aircraft or Motor Vehicles (DAMV) - False Report (See MIOG, Part 2, 34-6.3.)  
160 Federal Train Wreck Statute (See MIOG, Part 2, 34-6.3.)  
164A Crime Aboard Aircraft - Confirmed aircraft hijacking  
164B Crime Aboard Aircraft - Interference and Threats  
164C Crime Aboard Aircraft - All others, including false statements or unaggravated weapon violations detected through airport security screening process (See MIOG, Part 1, 164-18; Part 2, 34-6.3.)  
254A Destruction of Energy Facilities  
254D Hazardous Liquid Pipeline Safety Act (HLPESA) (See MIOG, Part 1, 254-7, 254-11.)  
VIOLENT CRIME PROGRAM - VIOLENT INCIDENT CRIMES (See also MIOG, Introduction, 2-1.6.4.)  
7A Kidnapping (See MIOG, Part 2, 34-6.3.)

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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9A Extortion - All aggravated and/or specific threats, extortion, or ransom demands involving domestic and foreign mail or interstate communications 9B Extortion - All others, including nonaggravated and/or nonspecific mail and telephone threats 9C Extortion - Interstate Domestic Violence 9D Extortion - Interstate Violation of a Protection Order (See MIOG, Part 2, 34-6.3.)

31B White Slave Traffic Act - Cases targeted against non-LCN major organized crime groups where the criminal activity is that usually associated with organized crime, such as gambling, loansharking, etc.; and all non-LCN related law enforcement corruption matters

31D White Slave Traffic Act - All Other Cases (See MIOG, Part 2, 34-6.3.)

56A Election Laws - Threats against or personal injury to named persons, federal, state or local level - (Violation of Title 18, USC, Section 245 (b)(1)(A).)

89A Assassination, Kidnapping or Assaulting a Member of Congress

89B Assaulting, Killing or Attempting to Kill a Federal Officer

89C Assassination, Kidnapping or Assaulting an Executive Department Head or Director of CIA

89D Assassination, Kidnapping or Assaulting a Supreme Court Justice

89E Conspiracy to Impede or Injure a Federal Officer

89F Crime Against Family Members - Federal Officials (See MIOG, Part 1, 89-2.22, 89-3.20, 89-4.10, 89-5.4, 89-5.7; Part 2, 34-6.3.)

91A Bank Robbery

91B Bank Burglary, Larceny, \$10,000 and over

91C Bank Burglary, Larceny Under \$10,000

91D Bank Robbery, Burglary, Larceny Suspect Program

91F Bank Extortion - Bank extortion offenses occur when a subject demands bank funds from a bank official through the means of a threat of physical injury to himself/herself or a member of his/her family by telephone, written communication or person (See MIOG, Introduction, 2-1.6.4, Part 1, 91-34; Part 2, 34-6.3.)

145B Interstate Transportation of Obscene Matter - Broadcasting Obscene Language - Cases targeted against non-LCN major organized crime groups where the criminal activity is that usually associated with organized crime, such as gambling, loansharking, etc.; and all non-LCN law enforcement corruption matters

145D Interstate Transportation of Obscene Matter - Broadcasting Obscene Language - All other cases (See MIOG, Part 2, 34-6.3.)

163G Foreign Police Cooperation - Violent Crimes (See MIOG, Part 1, 163-6 (1) and MAOP, Part 2, 10-23.)

166C Interstate Transportation in Aid of Racketeering (Murder for Hire) - Other than organized crime

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

166D Interstate Transportation in Aid of Racketeering - Arson (non-LCN) (See MIOG, Part 2, 34-6.3.)

175A Assassination, Kidnapping or Assaulting the President or Vice President

175B Assassination, Kidnapping or Assaulting Presidential or Vice Presidential Staff Members

175C Threats Against the President; Protection of the President (See MIOG, Part 1, 175-25; Part 2, 34-6.3.)

178 Interstate Obscene or Harassing Telephone Calls (See MIOG, Part 2, 34-6.3.)

184A Police Killings - Investigation Requested 184B Police Killings - Other (See MIOG, Part 1, 184-11; Part 2, 34-6.3.)

192B Hobbs Act - Commercial Institutions 192C Hobbs Act - Armored Carrier (See MIOG, Part 1, 91-12, 192-22; Part 2, 34-6.3.)

250 Tampering with Consumer Products (See MIOG, Part 2, 34-6.3.)

252A National Center for the Analysis of Violent Crime (NCAVC) - Violent Criminal Apprehension Program

252B NCAVC - Criminal Investigative Analysis Program

252C NCAVC - Research and Development Program

252D NCAVC - Training Program

252E NCAVC - Arson and Bombing Investigative Services Program

252F Crisis Management Program

252G Crisis Negotiation Program (See MIOG, Part 1, 252-12, 252-13.)

256C Hostage Taking - Nonterrorism Related (See MIOG, Part 1, 256-10; Part 2, 34-6.3.)

306 Serial Killings (See MIOG, Part 2, 34-6.3.)

**VIOLENT CRIME PROGRAM - VICTIM/WITNESS ASSISTANCE PROGRAM**

188B Victim-Witness Assistance Program

**VIOLENT CRIME PROGRAM - OTHER MATTERS**

1U VC - Training Received 1V VC - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4; Legal Attache Manual, Part 1, 2-13.5.)

89G Attorney General's Protection Detail

137B Informants - General Criminal

137E Informants - Confidential Source (See MIOG, Part 1, 137-3.)

270B Cooperative Witnesses - General Criminal (See MIOG, Part 1, 270-3.)

272C Money Laundering - VC Matters (See MIOG, Part 1, 272-8.2.)

**SENSITIVE**



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

276 Adoptive Forfeiture Matter - Violent Crime (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)

308E ERT Crime Scene - Violent Crime (See MIOG, Part 1, 308-4.)

AMERICAS CRIMINAL ENTERPRISE PROGRAM (ACEP)

ACEP-CENTRAL/SOUTH AMERICAN (C/SA)

281B Criminal Enterprise - Central/South American Organizations (See MIOG, Part 1, 281-3.)

ACEP-MEXICAN (MEX)

281C Criminal Enterprise - Mexican Organizations (See MIOG, Part 1, 281-3.)

ACEP-MAJOR CRIMINAL (MC)

281F Criminal Enterprise - Other Major Criminal Enterprises (See MIOG, Part 1, 281-3.)

ACEP-CARIBBEAN (CAR)

281I Criminal Enterprise - Caribbean Organizations (See MIOG, Part 1, 281-3.)

ACEP-COMMUNITY OUTREACH PROGRAM (COP)

12 Drug Demand Reduction - Matters handled in furtherance of the FBI's goal to reduce the demand for illegal drugs in this country

188A Community Outreach/Crime Resistance

ACEP-OTHER MATTERS (OM)

1Q ACEP - Training Received

1R ACEP - Training Provided (See MIOG, Part 1, 1-4; MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); Legal Attache Manual, Part 1, 2-13.5.)

137F Informants - Drug (See MIOG, Part 1, 137-3.)

163F Foreign Police Cooperation - Drug (See MIOG, Part 1, 163-6 (1); MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

270F Cooperative Witness - Drug (See MIOG, Part 1, 270-3.)

272F Money Laundering - Drug (See MIOG, Part 1, 272-8.2.)

273 Adoptive Forfeiture Matters - ACEP (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)

289F Witness Security Program - Drug

289H Witness Security Program - Non-FBI Sponsored Past or Present Participants

308F ERT Crime Scene - ACEP (See MIOG, Part 1, 308-4.)

ACEP - MAJOR THEFT (MT)

15 Theft from Interstate Shipment - Crime of Violence, Loss of \$25,000 or more; weapons, explosives, and all others.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

26B Interstate Transportation of Stolen Motor Vehicle - Commercialized Theft or Chop Shops 26D  
Interstate Transportation of Stolen Motor Vehicle - All other (See MIOG, Part 2, 34-6.3.)

52A Theft of Government Property - Crime of Violence

52B Theft of Government Property - Property valued in excess of \$5,000; weapons; explosives

52C Theft of Government Property - All Others

87 Interstate Transportation of Stolen Property (ITSP)

92T Racketeering Enterprise Investigations (REI) - Major Theft (See MIOG, Part 1, 92-9; Part 2,  
34-6.3.)

137L Informants - Major Theft (See MIOG, Part 1, 137-3.)

183E Racketeering Influenced and Corrupt Organizations - Property Crimes of Violence (See  
MIOG, Part 1, 183-6; Part 2, 34-6.3.)

251A Controlled Substances - Robbery 251B Controlled Substances - Burglary (See MIOG,  
Introduction, 2-1.6.4, Part 1, 251-9.)

270L Cooperative Witnesses - Major Theft (See MIOG, Part 1, 270-3.)

ACEP - VIOLENT GANGS (VG)

4 Firearms Act

137M Informants - Violent Gangs (See MIOG, Part 1, 137-3.)

267 Drug-Related Homicides (See MIOG, Part 2, 34-6.3.)

270M Cooperative Witnesses - Violent Gangs (See MIOG, Part 1, 270-3.)

281D Criminal Enterprise - Violent Gangs

289B Witness Security Program - General Criminal

TRANSNATIONAL CRIMINAL ENTERPRISE PROGRAM (TCEP)

TCEP - ASIAN/AFRICAN CRIMINAL ENTERPRISE (A/ACE)

281E Criminal Enterprise - Asian Organizations - Cases directed against Asian criminal  
organizations

281G Criminal Enterprise - African Organizations - Cases directed against African criminal  
organizations

281J Criminal Enterprise - Alien Smuggling Investigations (See MIOG, Part 1, 92-9 and 281-3.)

TCEP - LA COSA NOSTRA/ITALIAN CRIMINAL ENTERPRISES/LABOR RACKETEERING  
(LCN/L)

143A Interstate Transportation of Gambling Devices - Cases targeted against La Cosa Nostra (LCN)  
members and/or associates where the moving force behind the activity is the LCN

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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143B Interstate Transportation of Gambling Devices - Cases targeted against non-LCN criminal enterprise type where the criminal activity is that usually associated with organized crime, such as gambling, loansharking, etc.; and all non-LCN related law enforcement corruption matters

143C Interstate Transportation of Gambling Devices - All other criminal enterprise cases (See MIOG, Part 1, 143-8.)

182A Illegal Gambling Business - LCN nexus

182B Illegal Gambling Business - No LCN nexus, allegations of violence

182C Illegal Gambling Business - No allegations of violence

183A Civil RICO - Civil investigations of criminal enterprises

183B Labor Related Racketeering - LCN nexus

183F Labor Related Racketeering - No LCN nexus (See MIOG, Part 1, 183-6; Part 2, 34-6.3.)

281A Criminal Enterprise - LCN and Italian Organizations (See MIOG, Part 1, 92-9 and 281-3.)

TCEP - EURASIAN CRIMINAL ENTERPRISES (ECE)

281H Criminal Enterprise - Eurasian Organizations

281M Criminal Enterprise - Balkan Organizations (See MIOG, Part 1, 92-9 and 281-3.)

281N Criminal Enterprise - Middle Eastern

TCEP - OTHER MATTERS (OM)

1S TCEP - Training Received 1T TCEP - Training Provided (See MIOG, Part 1, 1-4; MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); Legal Attache Manual, Part 1, 2-13.5.)

137A Informants - Organized Crime and Top Echelon (See MIOG, Part 1, 137-3.)

163J Foreign Police Cooperation - Organized Crime (See MIOG, Part 1, 163-6 (1); MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

270A Cooperative Witnesses - Organized Crime and Top Echelon (See MIOG, Part 1, 270-3.)

272A Money Laundering - Organized Crime (See MIOG, Part 1, 272-8.1 and 272-8.2.)

274 Adoptive Forfeiture Matters - TCEP (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)

289A Witness Security Program - Organized Crime

**ORGANIZED CRIME DRUG ENFORCEMENT (OCDE) PROGRAM**

**OCDE - AMERICAS CRIMINAL ENTERPRISE - RACKETEERING ENTERPRISE INVESTIGATIONS (ACE-REI)**

92B Racketeering Enterprise Investigations (REI) - Central/South American Organizations - Cases directed against Central American and South American criminal organizations

92C Racketeering Enterprise Investigations (REI) - Mexican Organizations - Cases directed against Mexican criminal groups

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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92F Racketeering Enterprise Investigations (REI) - Other Major Criminal Organizations - Cases directed against other major criminal organizations. - These organizations must be well-organized, multijurisdictional in operational scope, and of national significance and influence. The characterization of these organizations must be fully documented and corroborated.

92I Racketeering Enterprise Investigations (REI) - Caribbean Organizations - Cases directed against Caribbean criminal organizations (See MIOG, Part 1, 92-9 and 245-10; Part 2, 34-6.3.)

OCDE - AMERICAS CRIMINAL ENTERPRISE - RACKETEERING ENTERPRISE INVESTIGATIONS - GANGS (ACE-REI-G)

92D Racketeering Enterprise Investigations (REI) - Gangs Cases directed against major violent drug gangs and violent street gangs such as the Bloods, Crips and Black Gangster Disciple Nation; outlaw motorcycle gangs such as the Hells Angels, Outlaws, and Bandidos; or other significant emerging gangs whose principal criminal activities involve drug trafficking and related violence (See MIOG, Part 1, 92-9, 245-10; Part 2, 34-6.3.)

OCDE - TRANSNATIONAL CRIMINAL ENTERPRISE - RACKETEERING ENTERPRISE INVESTIGATIONS (TCE-REI)

92A Racketeering Enterprise Investigations (REI) - LCN and Italian Organizations - Cases directed against the LCN, Sicilian Mafia, La Camorra, and 'Ndrangheta criminal organizations

92E Racketeering Enterprise Investigations (REI) - Asian Organizations - Cases directed against Asian criminal organizations

92G Racketeering Enterprise Investigations (REI) - African Organizations - Cases directed against African criminal groups 9

2H Racketeering Enterprise Investigations (REI) - Eurasian Organizations - Cases directed against Russian, Eastern European, and Eurasian criminal organizations

92J Racketeering Enterprise Investigations (REI) - Alien Smuggling Investigations

92M Racketeering Enterprise Investigations (REI) - Balkan Organizations (See MIOG, Part 1, 92-9, 245-10; Part 2, 34-6.3.)

92V Racketeering Enterprise Investigations (REI) - Middle Eastern Criminal Enterprises

OCDE - AMERICAS CRIMINAL ENTERPRISE - TASK FORCE (ACE-TF)

245B Organized Crime Drug Enforcement (OCDE) Task Force - Central/South American Organizations - Cases directed against Central American and South American criminal organizations

245C Organized Crime Drug Enforcement (OCDE) Task Force - Mexican Organizations - Cases directed against Mexican criminal groups

245F Organized Crime Drug Enforcement (OCDE) Task Force - Other Major Criminal Organizations - Cases directed against other major criminal organizations. These organizations must be well-organized, multijurisdictional in operational scope, and of national significance and influence. The characterization of these organizations must be fully documented and corroborated.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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245I Organized Crime Drug Enforcement (OCDE) Task Force - Caribbean Organizations - Cases directed against Caribbean criminal organizations

245K Organized Crime Drug Enforcement (OCDE) Task Force - Money Laundering - Drugs (See MIOG, Part 1, 92-9, 245-10; Part 2, 34-6.3.)

OCDE - AMERICAS CRIMINAL ENTERPRISE - TASK FORCE - GANGS (ACE-TF-G)

245D Organized Crime Drug Enforcement (OCDE) Task Force - Gangs - Cases directed against major violent drug gangs and violent street gangs such as the Bloods, Crips and Black Gangster Disciple Nation; outlaw motorcycle gangs such as the Hells Angels, Outlaws, and Bandidos; or other significant emerging gangs whose principal criminal activities involve drug trafficking and related violence (See MIOG, Part 1, 92-9, 245-10; Part 2, 34-6.3.)

OCDE - TRANSNATIONAL CRIMINAL ENTERPRISE - TASK FORCE (TCE-TF)

245A Organized Crime Drug Enforcement (OCDE) Task Force - LCN and Italian Organizations - Cases directed against the LCN, Sicilian Mafia, La Camorra, and 'Ndrangheta criminal organizations

245E Organized Crime Drug Enforcement (OCDE) Task Force - Asian Organizations - Cases directed against Asian criminal organizations

245G Organized Crime Drug Enforcement (OCDE) Task Force - African Organizations - Cases directed against African criminal groups

245H Organized Crime Drug Enforcement (OCDE) Task Force Eurasian Organizations - Cases directed against Russian, Eastern European, and Eurasian criminal organizations

245J Organized Crime Drug Enforcement (OCDE) Task Force - Alien Smuggling Investigations

245M Organized Crime Drug Enforcement (OCDE) Task Force - Balkan Organizations (See MIOG, Part 1, 92-9, 245-10; Part 2, 34-6.3.)

245N Organized Crime Drug Enforcement (OCDE) Task Force - Middle Eastern Criminal Enterprises

CIVIL RIGHTS PROGRAM

CIVIL RIGHTS PROGRAM (CR) - COLOR OF LAW (COL)

214 Civil Rights of Institutionalized Persons Act/ Pattern or Practice of Police Misconduct

282A Civil Rights - Color of Law - Force and/or Violence

282B Civil Rights - Color of Law - Nonbrutality

282C Civil Rights - Color of Law - Force and/or Violence - Indian Country

282D Civil Rights - Color of Law - Nonbrutality - Indian Country (See MIOG, Part 1, 198-1.5, 282-2.1, 282-2.2, 282-4, 282-5, 282-5.2, 282-6, 282-7, 282-7.2; Part 2, 34-6.3.)

CIVIL RIGHTS PROGRAM (CR) - HATE CRIMES (HATE)

44A Racial Discrimination - Force and/or Violence

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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44B Racial Discrimination - No Force and/or Violence

44C Voting Rights

44D Religious Discrimination - Force and/or Violence

44E Religious Discrimination - No Force and/or Violence (See MIOG, Part 1, 44-2.1, 44-2.2, 44-2.3, 44-2.4, 44-2.5, 44-4, 44-5, 44-6, 44-7.2, 44-11; Part 2, 34-6.3.)

177A Discrimination in Housing - Force and/or Violence 177B Discrimination in Housing - No Force and/or Violence (See MIOG, Part 1, 177-3.1, 177-3.2, 177-5, 177-5.1, 177-6, 177-6.2, 177-7, 177-8, 177-8.2, 177-9; Part 2, 34-6.3.)

**CIVIL RIGHTS PROGRAM (CR) - FREEDOM OF ACCESS TO CLINICS (FACE)**

286A Freedom of Access to Clinic Entrances Act of 1994 (FACE) Force and/or Intimidation Against Persons

286B FACE - Threat of Force or Intimidation Against Persons

286C FACE - Property Damage and/or Destruction Only

286E FACE - Civil Action (See MIOG, Part 1, 286-2.1, 286-2.2, 286-2.3, 286-2.4, 286-2.5, 286-4, 286-8; Part 2, 34-6.3.)

**CIVIL RIGHTS PROGRAM (CR) – HUMAN TRAFFICKING (HT)**

50 Human Trafficking

**CIVIL RIGHTS PROGRAM (CR) - OTHER (OT)**

1E Civil Rights - Training Received

1F Civil Rights - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4; Legal Attache Manual, Part 1, 2-13.5.)

137I Informants - Civil Rights (See MIOG, Part 1, 137-3.)

270I Cooperative Witnesses - Civil Rights (See MIOG, Part 1, 270-3.)

**TRAINING PROGRAM - FEDERAL**

1A Training - Training Coordinator (See MIOG, Part 1, 1-4.)

308C Evidence Response Team Training Provided - Domestic Training (See MIOG, Part 1, 308-4.)

**TRAINING PROGRAM - STATE AND LOCAL**

1C Training - National Academy Matters/TR-S&L (See MAOP, Part 2, 3-3.2 (2).) 1D International Training and Assistance Matters (See MIOG, Part 1, 1-1, 1-2, 1-4.)

308D Evidence Response Team Training Provided - International Training (See MIOG, Part 1, 308-4.)

**WHITE COLLAR CRIME PROGRAM** (See MIOG, Introduction, 2-1.5 through 2-1.5.3; Part 2, 20-3(3).)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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**WHITE COLLAR CRIME PROGRAM - FINANCIAL INSTITUTION FRAUD**

29A Financial Institution Fraud - Loss or losses contributing to the failure of a federally insured bank  
29B Financial Institution Fraud - Loss or loss exposure of \$100,000 or more involving a federally insured bank

29C Financial Institution Fraud - Loss or loss exposure of \$25,000 to \$99,999 involving a federally insured bank

29D Financial Institution Fraud - Loss or losses contributing to the failure of a federally insured savings association

29E Financial Institution Fraud - Loss or loss exposure of \$100,000 or more involving a federally insured savings association

29F Financial Institution Fraud - Loss or loss exposure of \$25,000 to \$99,999 involving a federally insured savings association

29G Financial Institution Fraud - Loss or losses contributing to the failure of a federally insured credit union

29H Financial Institution Fraud - Loss or loss exposure of \$100,000 or more involving a federally insured credit union

29I Financial Institution Fraud - Loss or loss exposure of \$25,000 to \$99,999 involving a federally insured credit union

29J Financial Institution Fraud - Loss or loss exposure of under \$25,000 involving a federally insured financial institution and handled via Fast Track

29K Financial Institution Fraud - Loss or loss exposure of under \$25,000 involving a federally insured financial institution and not handled via Fast Track (See MIOG, Part 1, 29-7; Part 2, 34-6.3.)

29L Financial Institution Fraud - Mortgage Fraud, Non Financial Institution

29M Financial Institution Fraud - Mortgage Fraud, Government Programs

46B Fraud Against the Government - Housing and Urban Development (HUD) (See MIOG, Part 1, 46-1.14.)

92R Racketeering Enterprise Investigations (REI) - Financial Institution Fraud (See MIOG, Part 1, 92-9; Part 2, 34-6.3.)

253G Fraud and Related Activity - Passport/Visa/Identity Documents - White Collar Crime - Nonfinancial Institution (See MIOG, Part 1, 253-2.11, 253-3.8.)

**WHITE COLLAR CRIME PROGRAM - FRAUD AGAINST THE GOVERNMENT**

46A Fraud Against the Government - Department of Defense (DOD)

46C Fraud Against the Government - Small Business Administration (SBA)

46D Fraud Against the Government - Department of Labor (DOL)

46E Fraud Against the Government - Department of Transportation (DOT)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

46F Fraud Against the Government - Department of Education (DOED)

46G Fraud Against the Government - Veterans Administration (VA)

46H Fraud Against the Government - Other (See MIOG, Part 1, 46-1.14.)

WHITE COLLAR CRIME PROGRAM - BANKRUPTCY FRAUD

49 Bankruptcy Fraud (See MIOG, Part 1, 49-6; Part 2, 34-6.3.)

92P Racketeering Enterprise Investigations (REI) - Bankruptcy Fraud (See MIOG, Part 1, 92-9.)

WHITE COLLAR CRIME PROGRAM - ANTITRUST

60 Antitrust - Full and Limited FBI Investigations

WHITE COLLAR CRIME PROGRAM - TELEMARKETING FRAUD

196A Telemarketing Fraud (See MIOG, Part 1, Section 196; Part 2, 34-6.3.)

WHITE COLLAR CRIME PROGRAM - INSURANCE FRAUD

196B Insurance Fraud (See MIOG, Part 1, Section 196; Part 2, 34-6.3.)

WHITE COLLAR CRIME PROGRAM - SECURITIES/COMMODITIES FRAUD

318A Corporate Fraud

318B Prime Bank and High Yield Investment Fraud

318C Market Manipulation

318D Insider Trading

318F Other Security/Commodities Fraud Matters (See MIOG, Part 1, 318-1.2, 318-1.6, 318-4.2; Part 2, 34-6.3.)

WHITE COLLAR CRIME PROGRAM - HEALTH CARE FRAUD

92S Racketeering Enterprise Investigations (REI) - Health Care Fraud (See MIOG, Part 1, 92-9; Part 2, 34-6.3.)

209A Health Care Fraud - Government-Sponsored Program

209B Health Care Fraud - Private Insurance Program

209C Health Care Crime - Noninsurance

209D Health Care Fraud - Training

209E Health Care Fraud - Medical Privacy Law Violations (See MIOG, Part 1, 209-1, 209-6.6, 209-7; Part 2, 20-3(3), 34-6.3.)

WHITE COLLAR CRIME PROGRAM - ENVIRONMENTAL CRIME

249 Environmental Crimes - All investigations involving violations of Environmental Crimes statutes, including Environmental Crimes - Indian Country, and also the mishandling of special

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

nuclear materials and waste products which is provided for under the Atomic Energy Act (See MIOG, Part 1, 249-8; Part 2, 20-3 (3).)

**WHITE COLLAR CRIME PROGRAM - MONEY LAUNDERING**

92O Racketeering Enterprise Investigations (REI) - Money Laundering (See MIOG, Part 1, 92-9; Part 2, 34-6.3.)

272B Money Laundering - White Collar Crime Matters

272D Money Laundering - Unknown Specified Unlawful Activity

272E Money Laundering - Targeting Industries or Facilities (See MIOG, Part 1, 272-8.2.)

**WHITE COLLAR CRIME PROGRAM - INTELLECTUAL PROPERTY RIGHTS INFRINGEMENT**

295A Theft of Trade Secrets - Non-State Sponsored

295B Copyright Infringement - Computer Software Matters

295C Copyright Infringement - Other Matters

295D Trademark Infringement

295E Copyright Infringement/Signal Theft Matters (See MIOG, Part 1, Section 295; Part 2, 34-6.3.)

**WHITE COLLAR CRIME PROGRAM - PUBLIC CORRUPTION**

56C Election Laws - Violations where federal official or federal candidate(s) is known subject and all other nonracially motivated violations

58A Corruption of Federal Public Officials - Executive Branch

58B Corruption of Federal Public Officials - Judicial Branch

58C Corruption of Federal Public Officials - Legislative Branch

58D Corruption of Federal Public Officials - Federal Bribery - Other

58E Corruption of Federal Public Officials - Indian Country (See MIOG, Part 1, 58-10.)

92L Racketeering Enterprise Investigations (REI) - Public Corruption (See MIOG, Part 1, 92-9; Part 2, 34-6.3.)

139A Interception of Communications - Public Officials or Government Agencies 139B Interception of Communications - All others (See MIOG, Part 1, 139-9; Part 2, 34-6.3.)

194A Corruption of State and Local Public Officials - State Level

194B Corruption of State and Local Public Officials - Local Level

194C Corruption of State and Local Public Officials - Law Enforcement

194D Corruption of State and Local Public Officials - Law Enforcement - Drug-Related

194E Corruption of State and Local Public Officials - Indian Country

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

194F Corruption of State and Local Public Officials - Law Enforcement - Indian Country  
194G Corruption of State and Local Public Officials - Law Enforcement - Drug-Related - Indian Country (See MIOG, Part 1, 198-1.5; Part 2, 20-3.)  
205 Foreign Corrupt Practices Act of 1977  
211 Ethics in Government Act of 1978  
WHITE COLLAR CRIME PROGRAM - OTHER MATTERS (See MIOG, Part 2, 20-3(3).)  
1W White Collar Crime - Training Received  
1X White Collar Crime - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4; Legal Attache Manual, Part 1, 2-13.5.) 55 Counterfeiting \*\* (See MIOG, Part 2, 34-6.3.) 131 Admiralty Matter  
137D Informant - White Collar Crime (See MIOG, Part 1, 137-3.)  
163H Foreign Police Cooperation - White Collar Crime (See MIOG, Part 1, 163-6 (1) and MAOP, Part 2, 10-23.)  
181 Consumer Credit Protection Act  
258A Credit and/or Debit Card Fraud - Loss in excess of \$25,000 258B Credit and/or Debit Card Fraud - Loss of \$25,000 or less (See MIOG, Part 1, 258-8.)  
270D Cooperative Witnesses - White-Collar Crime  
275 Adoptive Forfeiture Matter - White-Collar Crime (See MIOG, Part 1, 273-1, 274-1, 275-1, 276-1, 277-1.)  
289D Witness Security Program - White Collar Crime 308G Evidence Response Team Crime Scene - White Collar Crime (See MIOG, Part 1, 308-4.)  
WHITE COLLAR CRIME PROGRAM - OTHER MATTERS - PUBLIC CORRUPTION/GOVERNMENT FRAUD (See MIOG, Part 2, 20-3(3).)  
51 Jury Panel Investigations  
69 Contempt of Court  
72 Obstruction of Justice  
74 Perjury  
296 Integrity Committee Matters  
WHITE COLLAR CRIME PROGRAM - OTHER WIRE AND MAIL FRAUD SCHEMES  
196D Other Wire and Mail Fraud Schemes (See MIOG, Part 1, Section 196; Part 2, 34-6.3.)  
APPLICANT PROGRAM - RECRUITMENT AND PROCESSING  
67A Special Agent Recruitment and Processing  
67C Support Applicant Recruitment and Processing

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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**APPLICANT PROGRAM - BACKGROUND INVESTIGATIONS**

67B Special Agent Applicant Investigations

67D Support Applicant Investigations

67F Other Personnel Matters

**APPLICANT PROGRAM - OTHER NONREIMBURSABLE**

73A Background Investigation - Office of the Pardon Attorney

73B Limited Inquiry - Office of the Pardon Attorney (See MIOG, Part 1, 73-1.1; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

77A Background Investigation - Presidential Appointment with Senate Confirmation - Nonreimbursable

77E Background Investigation - Department of Justice (HQ) - Nonreimbursable

77F Background Investigation - Department of Justice - (Foreign Intelligence Surveillance Court or Special Tribunal) - Nonreimbursable

77L Background Investigation - Department of Justice (5-Year Reinvestigation) 77N Limited Inquiry - White House (DOJ) - Nonreimbursable

77O Limited Inquiry - Department of Justice - Nonreimbursable 77P Limited Inquiry - Administrative Office of the United States Courts - Nonreimbursable (See MIOG, Part 1, 77-1.1; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

116E Limited Inquiry - Department of Energy/Nuclear Regulatory Commission (See MIOG, Part 1, 116-4; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

140A Security of Government Employees

140D Limited Inquiry - Security/Suitability of Government Employees (See MIOG, Part 1, 140-2, 140-3, 140-4, 140-6; MAOP, Part 2, 10-23; and Correspondence Guide - Field, 1-17.)

161A Level I-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS)

161B Level II-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS)

161C Level III-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS) 161D Level I-White House Staff

161E Level II-White House Staff Level II-White House Access Level II-National Security Council

161F Level II-White House Staff (Five-Year Reinvestigation) Level II-White House Access (Five-Year Reinvestigation) Level II-National Security Council (Five-Year Reinvestigation)

161G Level III-White House Staff Level III-White House Access

161H Level III-White House Staff (Five-Year Reinvestigation) Level III-White House Access (Five-Year Reinvestigation)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

161I Congressional Committee

161J Congressional Committee (Five-Year Reinvestigation)

161K Expanded Name Check 161L Limited Update Investigations - Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS)

161Q Limited Inquiry - White House (Non-DOJ)

161R Limited Inquiry - Congressional Committee

161S Level IV-Presidential Appointment (PA) and Presidential Appointment, Senate Confirmation (PAS) (Five-Year Investigation) (See MIOG, Part 1, 161-4, 161-5, 161-9; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

**APPLICANT PROGRAM - OTHER REIMBURSABLE**

77B Background Investigation - Administrative Office of the United States Courts (15-Year) - Reimbursable

77C Background Investigation - Administrative Office of the United States Courts (10-Year) - Reimbursable

77H Background Investigation - Department of Justice (United States Attorney's Office) - Reimbursable

77I Background Investigation - Department of Justice (Executive Office of United States Trustees or Executive Office of Immigration Review) - Reimbursable (See MIOG, Part 1, 77-1.1; MAOP, Part 2, 10-23, Correspondence Guide - Field, 1-17.)

116A Background Investigation - Department of Energy

116B Background Investigation - Department of Energy (5-Year Reinvestigation)

116C Background Investigation - Nuclear Regulatory Commission

116D Background Investigation - Nuclear Regulatory Commission (5-Year Reinvestigation) (See MIOG, Part 1, 116-4; MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

140B Suitability Background Investigation - Referral (Name of Referral Agency) (See MIOG, Part 1, 140-4, 140-6;) MAOP, Part 2, 10-23; Correspondence Guide-Field, 1-17.)

**MISCELLANEOUS PROGRAM**

1Y Firearms/Legal/Aviation/Surveillance/Other - Training Received

1Z Firearms/Legal/Aviation/Surveillance/Other - Training Provided (See MAOP, Part 2, 3-3.2 (3), 3-4.5 (5); MIOG, Part 1, 1-4; Legal Attache Manual, Part 1, 2-13.5.)

32A Identification (Fingerprint Matters) 32B Identification (Biometrics Matters)

33 Uniform Crime Reporting

35 Civil Service \*\*

62F Miscellaneous/Other

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

63B FBIHQ Use Only - TURK Not Recorded

63D FBIHQ Use Only

63E FBIHQ Use Only

66A Administrative Matters - Bureau automobile accidents

66C Administrative Matters - Night, Weekend, Holiday Supervisors and Duty Agents

66D Administrative Matters - Physical Examinations

66E Administrative Matters - Physical Fitness Program

66F Administrative Matters - Other

66K Employee Assistance Program (EAP) Activities

66L Administrative Matters - Evidence Response Team 66M Background Investigation Contract Service (BICS) Matters (See MAOP, Part 2, 3-3.2(8)(a), 3-4.5(5).)

80 Public Relations Matters

94 Research Matters

95A Laboratory Investigative Services - Crimes Against Persons (CAPS)

95B Laboratory Investigative Services - Crimes Against Property (CAPR)

95C Laboratory Investigative Services - Crimes Against Society (CASO)

95D Laboratory Investigative Services - Civil Cases (CC) (See MIOG, Part 1, 95-1; Part 2, 34-6.3.)

163A Foreign Police Cooperation - General Criminal Matters

163B Foreign Police Cooperation - Interpol

163E Foreign Police Cooperation - Bureau Files and Ident Requests (See MIOG, Part 1, 163-6(1); MAOP, Part 2, 10-23; Correspondence Guide - Field, 1-17.)

190 Freedom of Information/Privacy Acts

197A Civil Litigation, Civil Actions, Claims Against the Government or Subpoena Matters, Civil Suits and Claims which are Nonpersonnel Related (FBI Programs)

197B Personnel-Related Litigation, Title VII Civil Actions, Claims Against the Government, Equal Employment Opportunity Commission (EEOC), and Merit Systems Protection Board (MSPB) Hearings (FBI Programs)

242 Automation Matters

263A Office of Professional Responsibility (OPR) Matters - Nondelegated Investigations (those matters investigated by FBIHQ OPR Personnel or AIIPS)

263B OPR Matters - Delegated Investigation Only (those matters wherein the investigation has been delegated to the field office or division)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

263C OPR Matters - Delegated Investigation/Adjudication (those lower-level offenses wherein both the investigation and adjudication have been delegated to the field office or division)

263E OPR Matters - OIG Investigations (those matters being investigated by the OIG)

268 Engineering Technical Matters - FCI Matters

269 Engineering Technical Matters - Non-FCI Matters

278 President's Intelligence Oversight Board (PIOB) Matters (See MAOP, Part 1, 1-22; NFIP Manual Part 1, 1-04, 2-56, and 3-08.)

280A EEO Investigations (FBIHQ Use Only Except for TURK)

280B EEO Counseling (TURK Use Only)

280C EEO Conferences (TURK Use Only)

280D EEO Administrative 280E EEO Reasonable Accommodation Matters

280F EEO Alternative Dispute Resolution Matters (See MAOP, Part 1, 4-5.3; MIOG, Part 1, 280-1.)

297 Inspection Matters

301 Missing Persons DNA Database

308A Evidence Response Team (ERT) Administrative Matters

308B ERT Training Received 308K ERT Crime Scene - Other (See MIOG, Part 1, 308-4.)

319A Payroll and Pay Administration Records

319B Procurement, Supply, and Grant Records

319C Property Disposal Records

319D Budget Preparation, Presentation, and Apportionment Records

319E Accountable Officer's Accounts Records

319F Expenditure Accounting Records

319G Stores, Plant, and Cost Accounting Records

319H Travel and Transportation Records

319I Motor Vehicle Maintenance and Operations Records

319J Space and Maintenance Records

319K Communications Records

319L Printing, Binding, Duplication, and Distribution Records

319M Information Services Records

319N Housing Records

319O Administrative Management Records

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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319P Cartographic, Aerial Photographic, Architectural, and Engineering Records

319Q Security and Protective Services Records

319R Electronic Records 319S Audiovisual Records

319T Records Common to Most Offices within Agencies

319U Information Technology Operations and Management Records

319V Ethics Program Records

319W Policy Files

319X Organizational Records

319Y Temporary Commission Records

321A Evidence Administration and Management

321B ELSUR Administration and Management

321C Special Operations Groups

321D Bureau Aircraft Operations

321E Foreign Language Program Records

322 Bioterrorism Risk Assessment Matters

323A Hazardous Material Response Team (HMRT) Administrative Matters

323B HMRT Training Received

323C HMRT Training Provided - Domestic Training

323D HMRT Training Provided - International Training

323E HMRT Operational Deployments

323F HMRT Special Event Deployments

323G HMRT Assistance Provided to Other Agencies

323H HMRT Threat Assessments

323I HMRT Other

\*\* Another federal agency has the primary investigative responsibility in these classifications.

### **3-2 RESOURCE MANAGEMENT INFORMATION SYSTEM (RMIS)**

The RMIS is a vehicle to collect information from each field division pertaining to caseloads, investigative work hours and accomplishments. Caseload information is derived from the Monthly Administrative Reports (MARs), investigative work hours from the Time Utilization Recordkeeping (TURK) system, and accomplishments from the Statistical Accomplishment Reports (FD-515s). Internally, the information collected under the RMIS provides a basis for performance evaluation, manpower distribution, program management, and budget formulation.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

This information is provided outside the FBI to reviewing authorities to justify the FBI's budget, support new or revised legislation, and respond to inquiries (Department of Justice, Office of Management and Budget, Congress and the media). It is, therefore, imperative that the information submitted by the field divisions be as accurate, timely, and complete as possible.

### **3-3 TIME UTILIZATION RECORDKEEPING (TURK) SYSTEM – GENERAL INFORMATION**

(1) The TURK System records time spent by investigative personnel in accordance with FBI classifications appearing in Section 3-1 above. The TURK System is uniformly operational in all field divisions.

(2) The TURK System was designed to provide time usage pertaining to FBI investigative efforts. The TURK System provides data which measures the areas in which investigative efforts are expended, identifies trends, and provides quantitative data used in the budgetary process.

(3) Personnel who are required to submit TURK data are those listed below:

(a) Special Agents below the GS-14 grade and who are not Supervisory Special Agents. Special Agent GS-14 Chief Division Counsels and Special Agent GS-14 Associate Division Counsels are required to TURK. New Agent trainees do not TURK prior to graduation.

(b) Investigative support personnel as listed below: (See (4) below and MAOP, Part 2, 1-2.5 (4).)

1. Deleted
2. Financial Assistants/Financial Analysts
3. Investigative Specialists
4. Investigative Specialists (Aviation)
5. Language Specialists
6. Deleted
7. Deleted
8. Intelligence Analysts
9. Information Technology (IT) Specialists - Forensic Examiners
10. Surveillance Specialists

(c) Task Force Officers (TFOs) - Federal, state, or local law enforcement officers who are assigned to an FBI Task Force on a permanent basis, whether full-time or part-time, working on FBI investigative cases. TFOs from the intelligence community, i.e., CIA, should be excluded.

(4) TURK data is recorded daily on the FD-420a (Attendance Register/TURK), by those in the System identified in 3-3(3) above. The data is collected daily in percentages, i.e., the percentage of time spent on each classification (maximum of six classifications per day), itemized on the FD-420a. TURK percentages are based on actual time worked, disregarding leave time. For example, a person who works only four hours would still be required to allocate these hours by percentage to available classifications. The percentages recorded for each working day must equal 100 percent.

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

Following is a table which converts hours to percentages for those employees who use the TURK System:

IF HOURS \* THEN ONE IF HOURS \* THEN ONE WORKED TOTAL HOUR EQUALS  
WORKED TOTAL HOUR EQUALS

1 HOUR . . . 100 %	13 HOURS . . . 8 %	2 HOURS . . . 50 %	14 HOURS . . . 7 %	3 HOURS . . . 33 %
15 HOURS . . . 7 %	4 HOURS . . . 25 %	16 HOURS . . . 6 %	5 HOURS . . . 20 %	17 HOURS . . . 6 %
6 HOURS . . . 17 %	18 HOURS . . . 6 %	7 HOURS . . . 14 %	19 HOURS . . . 5 %	8 HOURS . . . 12 %
20 HOURS . . . 5 %	9 HOURS . . . 11 %	21 HOURS . . . 5 %	10 HOURS . . . 10 %	22 HOURS . . . 5 %
11 HOURS . . . 9 %	23 HOURS . . . 4 %	12 HOURS . . . 8 %	24 HOURS . . . 4 %	

\* Round the percentage, if necessary, to ensure that the time worked during the day is equal to 100 percent. (See MAOP, Part 2, 3-3.1.)

(5) TURK data is entered into the FBI's computers by field personnel through the Administrative Time Capture (ATC) System. The ATC System is a system used to record Time and Attendance (T&A) data for both the Payroll AND TURK Systems. There is a separate payroll manual entitled ADMINISTRATIVE TIME CAPTURE SYSTEM - ON-LINE USER GUIDE for ATC System data entry procedures. A separate computer terminal screen has been designed specifically for the recording of TURK data. Support personnel who enter T&A data are usually those who enter TURK data.

(6) To ensure that all TURK data has been entered for Agents and investigative support employees who TURK, field offices should verify the TURK data three days after the end of the pay period. To verify captured TURK, choose the <PF7> option from the ATC Master Menu, which will furnish various options from which to choose. The Pay Period and Year are mandatory fields to complete. The report will list the individual(s) in alphabetical order with the date(s) with missing TURK data. All missing TURK data can be rectified by entering the TURK information before FBIHQ closes the pay period. For TURK purposes, the pay period is closed 10 calendar days after the pay period ends. Once the pay period has been closed by FBIHQ, TURK data cannot be entered and/or adjusted.

(a) Deleted

(b) Deleted

(c) Deleted

(d) Deleted

(7) To enhance the credibility of the TURK system, 11 days after the end of each pay period, the Financial Analysis Unit (FAU), Budget Section, Finance Division, will review a list containing the names and dates of the Agents or investigative support personnel whose TURK data was not entered. The following circumstances may cause individuals' names to appear on the comparison (default) list.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

- (a) GRADUATION FROM QUANTICO IN THE MIDDLE OF A PAY PERIOD: Since new Agent trainees do not TURK while at Quantico, the field office to which he/she is reporting will record their TURK for only the second week.
- (b) TURK INFORMATION WAS NOT LOADED FOR DAY(S) WHEN T&A INFORMATION WAS ENTERED: The TURK system is programmed to credit time worked to the miscellaneous classification (63B) if TURK information was not entered for Agent(s) or investigative support personnel for any period of time. The hours are prorated to the programs/subprograms based on the individual's or field office's Investigative Program Indicator (IPA). See the TURK USER MANUAL, Chapter 4, Page 2 which explains how time is allocated when no TURK data is entered for day(s) worked.
- (c) CHANGE FROM A TURKING TO A NONTURKING JOB SERIES: In circumstances where an employee changes from a TURKING to non-TURKING job series, the employee may not be required to TURK if the Bureau Personnel Management System reflects the change during the middle of a pay period.
- (8) Upon reviewing the default list, the FAU will conduct a comparison for individuals reported on the past two pay period default lists. If no TURK data has been entered for an individual for three consecutive pay periods, FAU personnel will forward an e-mail to the individual requesting an explanation of why no TURK data has been entered. The individual's response will be attached/written by the most recent default list.
- (9) Field offices should be aware that up-to-date TURK data can be obtained directly from the ATC System by squad, resident agency, program, classification, or division.
- (10) The SAC will annually conduct an audit to determine the degree of accuracy, timeliness, and completeness of information that is being captured in the TURK System. The SAC will take appropriate action to remedy any deficiencies identified.

### **3-3.1 General TURK Recording Procedures – Attendance Register/TURK (FD-420a)**

The Agent or support employee will sign in and out on the FD-420a. Upon signing out, he/she will record the FBI classification(s) that were worked during the day in the "class" column and the percentage of time worked on each classification in the "TURK percent" column. The sum of the individual percentages entered for each work day must total 100 percent (see MAOP, Part 2, 1-2.5(4) & 3-3 (4)).

- (1) "Class" column - Time utilized by field investigative personnel is recorded within FBI classifications. Many FBI classifications are subdivided by alpha characters to identify more specific types of work within the numeric classification. Refer to Part 2, 3-1.1 of this manual for a complete listing of all FBI classifications. A maximum of six classifications can be entered daily. If more than six classifications were worked during the day, list only the highest priority investigative activities and include the percentage with the classification(s).
- (2) "F/R/T/A/S/B/P" column - This special designator column should be utilized to record "Foreign Intelligence Surveillance Act (FISA), Relief, Technical, Aviation, Surveillance, National Backstopping" time, and/or Field Training Agent (FTA)" time.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (a) The "F" designator should be utilized by Agents and appropriate support personnel, such as Intelligence Research Specialists and Language Specialists. The "F" designator should be indicated in the column to record time in connection with matters involving FISA-related activities.
  - (b) The "R" designator should be utilized only by approved relief supervisors. The "R" should be indicated in the column for all classifications supervised/reviewed while acting in the absence of the supervisor. Relief supervisors should not utilize the "R" designator while handling their daily assigned cases. All time spent by relief supervisors should be recorded on the FD-420a.
  - (c) The "T" indicator should be utilized only by a Technically Trained Agent. The "T" designator should be indicated in the column to record time spent by Technically Trained Agents while acting in a technical investigative capacity.
  - (d) The "A" designator should be utilized by Agents and appropriate support personnel, such as Investigative Specialist - Aviation, SSG personnel operating airborne sensor units, and field office photographers taking aerial photographs. The "A" designator should be indicated in the column to record time in connection with matters involving aviation surveillance-related activities.
  - (e) The "S" designator should be utilized by Agents assigned to Special Operation Groups (SOG) or Special Operation Modules (SOM) involved in surveillance-related activities.
  - (f) The "B" designator should be utilized by Agents and appropriate support personnel, such as those personnel assigned full time to Stagehand offices, to record time worked in connection with backstopping matters.
  - (g) The "P" designator should be utilized by Field Training Agents to record time spent training Probationary Agents.
- (3) "TURK %" column - As stated in 3-3(4), all percentages for a particular day must equal 100 percent. The percentages should include travel time on the case, dictating, preparing for or conducting interviews, testifying, conducting surveillance, lecturing police schools, etc. Lunch periods and leave (all types) are ignored when computing percentages for a day.

### **3-3.2 Special TURK Recording Procedures**

(1) Major Cases (See MAOP, Part 2, 3-3.3 (5) and MIOG, Part 2, 10-20.)

- (a) The TURK System provides for capturing time spent on any investigative matter which has one or more of the following considerations:
  - 1. The investigation or its predicate offense has or will have a serious impact on national security.
  - 2. The investigation or its predicate offense will have significant international or foreign policy implications.
  - 3. The investigation will require significant personnel, financial, or external resources.
  - 4. The investigation or its predicate offense has or is expected to garner intense national media attention, Executive Branch attention/inquiry, and/or Congressional interest or oversight.
- (b) When a case has been designated a major case, the Finance Division will assign a unique number to the case. The Major Case number, code word, and date opened will be entered in the

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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Administrative Time Capture (ATC) system. A report can be generated within the ATC system which will display all major case identifying numbers, with the code words and dates opened/closed. The major case number must be carried on the last line of the case title in all communications relating to the case.

(c) Upon designation as a Major Case, the office of origin will prepare an electronic communication (EC) with sufficient detail to identify the circumstances which initiated the investigation, contemplated short- and long-term investigative strategies, and anticipated resource requirements. The EC will be distributed to the Deputy Director, Executive Assistant Directors, Assistant Directors, Assistant Directors in Charge, and Special Agents in Charge.

(d) Utilization of the major case number enables the capturing of man hours expended on a particular matter while at the same time continuing to identify investigative time by classification, subclassification, and program.

(e) The Agent's or support employee's time is recorded on the FD-420a in accordance with the appropriate investigative classification of the major case. After recording the percentage of time worked, the major case identifying number is recorded in the column entitled "Major Case #."

(f) This recording enables capturing the time expended by investigative personnel on particular major cases while at the same time continuing to identify investigative time by FBI classifications. The data for a major case will continue to be identified with the major case identifying number until advised otherwise by the office of origin through a communication to all field offices.

(g) The ATC system will reflect the closed date for the major case which will prohibit any TURK data to be entered for the given major case number.

(2) National Academy Applicant Investigations

Time spent investigating National Academy Applicants is recorded to subclassification 1C - Training National Academy Matters. (See MAOP, Part 2, 3-1.1.)

(3) Training Received

(a) Time spent in receipt of training, whether in the field or at the FBI Academy, will be recorded to one of the following classifications: (See MAOP, Part 1, 4-5.3, Part 2, 3-1.1, 3-1.2, 3-4.5(5); MIOG, Part 1, 280-1, and Correspondence Guide- Field, 1-17.)

1C National Academy Matters 1D International Training and Assistance Matters 1E Civil Rights - Training Received 1G Domestic Terrorism - Training Received 1I FCI - Training Received 1K International Terrorism - Training Received 1M NIPCIP - Computer Intrusion - Training Received 1O NIPCIP - Infrastructure Protection - Training Received 1Q OC/DP - Drugs - Training Received 1S OC/DP - Organized Crime - Training Received 1U VCMOP - Training Received 1W WCC - Training Received 1Y Firearms/Legal/Other - Training Received 198T Indian Country - Training 280C EEO Training, Seminars and Conferences

(b) Training involving Equal Employment Opportunity (EEO) matters should be recorded under classification 280C. The classification 280C also includes time spent by SAs and appropriate support employees involved in EEO training, seminars and conferences. (See MAOP, Part 1, 4-5.3.)

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) When attending in-services or any other form of training away from the field office territory, the Agent or support employee must indicate on the FD-420a the classification and percentage (100 percent) for the dates of the training course.

(d) Full training days are EXCLUDED from the total days worked for the AVP computation period. A full training day is from 8:15 a.m. to 5:00 p.m. regardless of the length of time actually in training. AVP cannot be earned when in training even if homework or night classes are required.

(e) AVP may be earned on a training day in the field, only if an Agent is REQUIRED to work on an INVESTIGATIVE MATTER before 8:15 a.m. or after 5:00 p.m. An example of this might be a situation when an Agent is called at home to make an apprehension after spending all day at firearms training. In computing TURK percentages, training time should always be considered eight hours (8:15 a.m. to 5:00 p.m.) and the investigative time should be the actual overtime spent on the investigative matter before or after these hours. The day would NOT be counted toward the AVP computation period when eight hours are spent in training even when AVP is worked as in the aforementioned example.

(f) AVP is computed automatically when starting and ending times are entered into the ATC system. Therefore, it is not a requirement for the Agent to record AVP on the FD-420a. However, a column for AVP is included on the FD-420a which can be used by the Agent for his/her personal records.

(g) Total time accounted for on the FD-420a includes regular duty hours, AVP, and if applicable, authorized overtime. Time qualifying for AVP is governed under established policy and procedure for the payment of premium pay for AVP duty under Section 5545a of Title 5, United States Code and Part 550 of the Code of Federal Regulations.

**(4) Temporary Assignment**

(a) If an Agent or support employee is temporarily assigned to another field office in excess of two weeks, the temporary office of assignment should record the Agent's or support employee's T&A and TURK time starting with the day of arrival. Because the attendance registers are produced four weeks in advance, there may be an occasion that the attendance register does not indicate the correct office. Therefore, upon arrival, an attendance register can be produced at the temporary office by performing the following steps in the ATC System:

1. Select function #8 entitled, "Time and Attendance Reports Menu."
2. Select function #12 entitled, "Menu for Additional Time and Attendance Reports."
3. Select function #13 entitled, "Attendance Registers for Legats/Individuals."
4. Select function #2 entitled, "Individual."
5. Enter the individual's SSN, the year, and the pay period for the requested FD-420a.

(b) If an Agent or support employee spends less than two weeks in the temporary office, his/her office of permanent assignment will record the T&A and TURK data in the ATC system. The Agent or support employee may carry their FD-420a with them to the temporary office, or his/her squad supervisor may designate a contact person to prepare the FD-420a based on the information furnished by the Agent or support employee. The individual who prepares the FD-420a must note

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

in the "Remarks" block "prepared by" followed by the preparer's name. However, whatever option is used, one should ensure that it does not jeopardize or delay entry of data into the ATC system.

(c) When an Agent or support employee is TDY to FBIHQ or a Legat, the home office will be required to enter his/her T&A and TURK data. The supervisor responsible for oversight of the TDY employee should instruct the TDY employee to complete the FD-420a on a regular basis by:

1. Faxing the FD-420a to the individual responsible for data entry of the T&A and TURK data in the ATC system
2. Telephonically contacting the individual with the T&A and TURK data OR
3. E-mailing the individual with the T&A and TURK data.

(d) The TDY employee should ensure that the FD-420a is signed. The supervisor responsible for oversight of the TDY employee should also ensure that the FD-420a is reviewed and signed.

(e) The employee's home office must ensure the T&A and TURK data are entered before the close of the pay period. For TURK purposes, the pay period is closed 10 calendar days after the pay period ends. Once the pay period has been closed by FBIHQ, TURK data cannot be entered and/or adjusted.

(f) Employees who are TDY to FBIHQ/Legats should TURK to the appropriate classification(s) that depicts the type of work performed.

(g) Employees who are TDY to Quantico or attending full-time/part-time language training should TURK to classifications 1E thru 1Z, which relate to receiving or providing training to a particular program. Time TURKed to the 1Y or 1Z classifications will be prorated back to the program(s) based on the employee's or field office's IPA. (See TURK USER MANUAL, Chapter 4, Page 2.)

(h) The home office should retain the FD-420a for audit and record purposes.

(5) Undercover and Surveillance

(a) Agents or support employees working in an undercover or surveillance capacity must complete the FD-420a on a daily basis whenever it is practical to do so.

(b) When it is not practical for an Agent or support employee to complete the FD-420a, the Agent's or support employee's supervisor may designate a contact person to prepare the FD-420a based on the information furnished by the Agent or support employee. The individual who prepares the FD-420a must note in the "Remarks" block "prepared by" followed by the preparer's name. (See MAOP, Part 2, 1-2 (9).)

(6) Night Duty

Night shifts or night duty could detain an Agent or support employee an hour or two past midnight. If the period past midnight does not exceed two hours, the Agent or support employee will indicate his/her TURK data for the day with the maximum hours. A similar situation occurs when the shift begins at midnight and conditions make it necessary for an employee to report an hour or two early. Leeway of two hours on either side of midnight may be granted without requiring the employee to record information for two separate work days. Any amount of time greater than two hours will require recording time for two separate work days. (See also MAOP, Part 2, 1-2.5.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(7) Travel Time

(a) Agents or support employees traveling within their field office territory, but away from headquarters city, must complete the FD-420a (Attendance Register/TURK). The time spent commuting from the field office to a resident agency should be recorded under the classification by which the trip was necessitated. If a trip from a resident agency to a field office is for reason of a file review, the travel time expended during normal working hours should be recorded in an equitable manner to the classifications of cases assigned to the Agent or support employee. In connection with file reviews, TRAVEL TIME OUTSIDE NORMAL WORKING HOURS CANNOT BE CLAIMED AS AVP OR AUTHORIZED OVERTIME and is not chargeable for TURK purposes.

(b) The FD-420a must be prepared for travel en route to a new office of assignment, indicating OL - Other Leave in the "Remarks" block, leaving the TURK portion blank. All time, including travel time, in connection with travel to seek new residence quarters upon transfer should be charged to OL - Other Leave. Employees engaged in such househunting trips are in an administrative leave status. If an employee does not request a househunting trip, five days of administrative leave may be granted upon arrival at the new official duty station to seek permanent quarters. (Note: Employees transferring to San Juan, Puerto Rico, and other United States possessions and territories may be granted up to seven days of administrative leave to locate suitable housing.) In addition, all permanently transferred employees are entitled to five days of administrative leave in connection with relocation. All such administrative leave time should similarly be recorded as OL - Other Leave for TURK purposes. (See MAOP, Part 2, 6-2.4.3.)

(c) Agent or support employee travel time outside of regular duty hours which is not considered regular work hours, AVP, or authorized overtime should NOT be recorded on the FD-420a. An example would be time traveling on a weekend, instead of the planned Monday travel day, to visit relatives or friends at a distant city.

(d) Agent or support employee travel time which results from an event which could not be scheduled or controlled administratively, such as time spent traveling to appear as a government witness in a trial, qualifies for AVP or authorized overtime and, therefore, should be recorded on the FD-420a and included in the TURK System.

(8) Administrative Matters (See MAOP, Part 2, 3-1.1, 3-1.2, & 3-4.5(5).)

(a) Time Agents or support employees spend on Administrative Matters is recorded under the appropriate category as listed below:

66A - Administrative Matters - Bureau Automobile Accidents 66C - Administrative Matters - Night, Weekend, Holiday Supervisors and Duty Agents 66D - Administrative Matters - Physical Exams 66E - Administrative Matters - Physical Fitness Program 66F - Administrative Matters - Other (including Complaint Duty) 66G - Administrative Matters - Bureau Aircraft Accidents 66H - Administrative Matters - Bureau Aircraft Operations 66I - Administrative Matters - Special Operations Groups 66J - Administrative Matters - Off-Premise Sites 66K - Employee Assistance Program (EAP) Activities 66L - Administrative Matters - Evidence Response Team 66M - Administrative Matters - BICS Matters

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(b) With regard to classifications 66C and 66F (complaint duty), assignments are basically administrative in nature and should be charged accordingly. However, if the Agent or support employee is able to devote official time to pending matters already assigned, it would be proper to record TURK percentages to the classification of the cases worked.

(9) Review and Retention of FD-420a (Attendance Register/TURK)

(a) The FD-420a must be inspected weekly and signed by the supervisor. The supervisor should visually check the computations to ensure the total percentages equal 100 for each work day. (See MAOP, Part 2, 1-2.5(4).)

(b) FD-420a's must be maintained for a period of six years and destroyed at the end of the leave year, or when administrative needs have been met, whichever is later. (See MAOP, Part 2, 2-4.5.10.)

(10) Intelligence Program (IP) & Field Intelligence Group (FIG) Matters

(a) IP and FIG matters should TURK to the 800 series classification as appropriate. The following classifications and subclassifications are to be used to determine and accurately document the work time utilization:

800A - Intelligence Program administrative and management activities, including intelligence capability development and career service activities.

800B - Intelligence training received within the FBI or externally.

800C - All activities associated with the development or delivery of intelligence training within the FBI or externally.

800D - Provision of intelligence briefings and intelligence liaison activities.

800E - Activities performed by field office Human Source Coordinator and other employees in support of policy, procedure, training, record keeping, and other administrative aspects of confidential human sources.

801A - Intelligence requirements and collection management activities, including targeting and source validation activities, in support of DNI, FBI, or other customer counterterrorism requirements.

801B - Strategic and tactical analysis activities and intelligence production activities, including preparation of IIRs and finished intelligence reports, in support of DNI, FBI, or other customer counterterrorism requirements.

802A - Intelligence requirements and collection management activities, including targeting and source validation activities, in support of DNI, FBI, or other customer counterintelligence requirements.

802B - Strategic and tactical analysis activities and intelligence production activities, including preparation of IIRs and finished intelligence reports, in support of DNI, FBI, or other customer counterintelligence requirements.

803A - Intelligence requirements and collection management activities, including targeting and source validation activities, in support of DNI, FBI, or other customer cyber requirements.

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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803B - Strategic and tactical analysis activities and intelligence production activities, including preparation of IIRs and finished intelligence reports, in support of DNI, FBI, or other customer cyber requirements.

804A - Intelligence requirements and collection management activities, including targeting and source validation activities, in support of DNI, FBI, or other customer criminal requirements.

804B - Strategic and tactical analysis activities and intelligence production activities, including preparation of IIRs and finished intelligence reports, in support of DNI, FBI, or other customer criminal requirements.

805A - Intelligence requirements and collection management activities, including targeting and source validation activities, in support of other DNI, national requirements not directly associated with FBI investigative programs.

805B - Strategic and tactical analysis activities and intelligence production activities, including preparation of IIRs and finished intelligence reports, in support of other DNI national intelligence requirements not directly associated with FBI investigative programs.

806 - Collection of foreign intelligence responsive to collection requirements established by the DNI not directly associated with FBI investigative programs.

(b) An exception arises to the utilization of the 800 classification by IP and FIG personnel when those personnel are occupying mandated Congressionally funded reimbursable positions, such as Health Care Fraud (HCF) and Organized Crime and Drug Enforcement Task Force (OCDETF)-funded personnel. HCF funded personnel will TURK HCF matters to 209 White Collar Crime-HCF. OCDETF funded personnel will TURK OCDETF matters to 245, Americas Criminal Enterprise Program (ACEP) and Transnational Criminal Enterprise (TCEP) - OCDETF. These mandated Congressionally funded work efforts have reimbursable funded positions which are subject to audit.

### **3-3.3 Task Force Officer (TFO) Recording Procedures - Attendance/TURK Register FD-420a Form**

(1) To enable a TFO to receive an FD-420a form, personnel within the Investigative Case Management (ICM) Security Groups must enter the following information in the Law Enforcement Personnel (LEP) table within ICM:

- (a) Name of Task Force Officer
- (b) Ensure that a "Y" is indicated in the "Eligible FBI Case" field
- (c) Place a "T" in the Contractor/TFO field
- (d) Complete the non-FBI employer field
- (e) Complete the RA/Squad TURK field
- (f) Enter "F" for Federal or "N" for Nonfederal
- (g) Select Enter to process

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(2) The TFO will NOT be required to sign in and out, but should only indicate the total amount of hours/minutes worked during a given day. The TFO will record the FBI classification(s) that were worked during the day in the "class" column and the percentage of time worked on each classification in the "TURK percent" column. The sum of the individual percentages entered for each workday must total 100 percent.

(3) "Class" column - Time utilized by the TFO is recorded within FBI classifications. Many FBI classifications are subdivided by alpha characters to identify more specific type of work within the numeric classification. Refer to MAOP, Part 2, 3-1.1 of this manual for a complete listing of all FBI classifications. A maximum of six classifications can be entered daily. If more than six classifications were worked during the day, list only the highest priority investigative activities and include the percentage with the classification.

(4) "TURK %" column - As stated in 3-3.3(2), all percentages for a particular day must equal 100 percent. Lunch periods are ignored when computing percentages for a day.

(5) Major Cases - The ATC system provides for capturing time spent on investigative matters which, at their outset, are of national importance and/or indicate the potential for a massive commitment of manpower throughout the field. The TFO's time is recorded on the FD-420a in accordance with the appropriate investigative classification of the major case. After recording the percentage of time worked, the major case identifying number is recorded in the column entitled "Major Case ." Refer to MAOP, Part 2, 3-3.2 (1) (a) thru (f) for further explanation involving Major cases.

(6) The FD-420a must be signed by the TFO and FBI supervisor. The supervisor should visually check the computations to ensure the total percentages equal 100 for each workday.

(7) The FD-420a must be maintained within the field office for a period of six years and destroyed at the end of the leave year or when administrative needs have been met, whichever is later.

### **3-3.4 Discontinuation of TFO's FD-420a**

(1) To discontinue generating an FD-420a for a TFO who no longer works on an FBI task force, personnel within the ICM Security Groups must complete a two-step process to ensure that the TFO is removed from the LEP table. The following information should be entered in the LEP table within ICM.

(a) First Step:

1. Select 6 - Reference Information Menu
2. Select 1 - Law Enforcement Person
3. Select 3 - Modify Law Enforcement Person
4. Enter name of Task Force Officer
5. Complete the following three fields:
  - a. Status Code - enter SE
  - b. Status Reason - enter O

SENSITIVE

c. Status Date - enter first date of the last month

6. Select the enter key to process

(b) Second Step:

1. Select 6 - Reference Information Menu

2. Select 1 - Law Enforcement Person

3. Select 5 - Purge Law Enforcement Person

4. Enter printer destination

(2) The TFO will be deleted from the LEP table upon completion of the above steps, as long as he/she does not have any cases or leads assigned to them. If the TFO has cases or leads assigned to him/her, ensure that they are assigned to another TFO or Agent within the field office.

### **3-4 MONTHLY ADMINISTRATIVE REPORT (MAR)**

#### **3-4.1 General**

(1) The Case and Lead MARs are required to be printed by each field division and Legal Attache (Legat) and their accuracy verified.

(2) The MARs must be considered classified documents and marked "SECRET" in accordance with instructions set forth in the Manual of Investigative Operations and Guidelines (MIOG), Part 2, Section 26.

#### **3-4.2 Preparation and/or Submission**

(1) All field offices and Legats are to electronically generate the MARs each month no later than the fifth workday of the month following the month being reported.

(2) The counts required on the MARs should be as of the close of business on the last day of each month. The MARs should not be electronically generated before the close of business on the last days of the month except when required by FBIHQ.

(3) The field offices and Legats are not required to mail the MARs to FBIHQ.

#### **3-4.3 Forms**

(1) The MARs are composed of two automated forms: one Form FD-29 and multiple Forms FD-29a.

(2) The automated FD-29 and FD-29a reflect current requirements and are to be used by all field offices and Legats with FBINET. Automated Case Support (ACS) will generate the FD-29 and FD-29a upon request as a result of the appropriate commands executed from Investigative Case Management (ICM).

(3) The automated printed MARs are to be filed, after verification of their accuracy, in the appropriate office or Legat file(s).

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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### **3-4.4 FD-29 - Title (Cover) Page**

(1) The FD-29 is the first page of the MAR and should be classified "Secret." This page should contain the statement - "This report is unclassified except those pages marked secret." The "classified by" statement should also appear at the bottom of this page.

(2) Deleted

(3) The automated FD-29 will contain the locality of the field office or Legal Attache submitting the report, the name of the Assistant Director In Charge, the Special Agent In Charge and/or the Legal Attache. These items will be generated on the printed output as a result of the information entered on the MARs request screen.

### **3-4.5 FD-29a - Case Count Information**

(1) Deleted

(2) Deleted

(3) Source of Case Counts

(a) The cases/leads recorded daily in ACS form the basis of the automated MARs.

(b) Deleted

(4) Totals

(a) Each line entered on the MARs should cross total - that is, the beginning pending matters, plus the matters received, minus the matters closed must equal the matters pending at end of the period.

(b) Only classifications with investigative activity should be entered on the MARs. If a classification does not have counts in the beginning pending column, in the matters received columns or in the matters closed columns, the classification should not appear on the MARs.

(c) The case count totals for each program should be entered at the end of the program. Grand total counts for all programs should appear as the last line of the MARs.

(5) Time Utilization Recordkeeping (TURK) - The following classifications were established for TURK purposes only and should not be used for case assignment: (See MAOP, Part 1, 4-5.3; Part 2, 3-1.1, 3-1.2 & 3-3.2(3) & (8); MIOG, Part 1, 280-1.)

1C National Academy Matters 1D International Training and Assistance Matters 1E Civil Rights - Training Received 1G Domestic Terrorism - Training Received 1I FCI - Training Received 1K International Terrorism - Training Received 1M NIPCIP - Computer Intrusion - Training Received 1O NIPCIP - Infrastructure Protection - Training Received 1Q OC/DP - Drugs - Training Received 1S OC/DP - Organized Crime - Training Received 1U VCMOP - Training Received 1W WCC - Training Received 1Y Firearms/Legal/Other - Training Received 66C Administrative Matters - Night, Weekend, Holiday Supervisor and Duty Agents 66D Administrative Matters - Physical Examinations 66E Administrative Matters - Physical Fitness Program 198T Indian Country - Training 280C EEO Training, Seminars and Conferences

(6) Total Matters Pending Beginning of Period - Column 1 (FD-29a)

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(a) The matters, or cases/leads, pending at the beginning of the period for each classification entered must equal the matters pending at the end of the period on the previous month's MARs. Computer edits have been established to ensure these balances are in agreement.

(b) Multiple changes are usually made to classifications at the beginning of a fiscal year. Therefore, the computer edits are removed for the October MARs to facilitate shifting of cases to new or revised classifications from those discontinued or combined. The only edit check made on the October MARs is to ensure the grand total at the beginning of October is in agreement with the grand total at the end of September.

**(7) Matters Received During Period**

On the Case MAR, this is the total of cases/matters that were received during the period.

On the Lead MAR, this is the total of leads/matters that were received during the period. Leads are divided into Intraoffice leads and Interoffice Leads. Intraoffice leads are leads that are set from their own office. Interoffice leads are leads that are set from different offices.

(a) Deleted

(b) Deleted

(8) Grand Total During Period - This is the sum total of the matters pending at the beginning of the period, plus matters received during the period.

**(9) Case/Lead Closings**

(a) Squad Supervisors must approve all case closings or lead closings/declinations. The Squad Supervisor should note on the closing serial "C," the closing date, and the the closing type - either 4, 5 or 6.

On leads, the Squad Supervisor should note on the serial that the lead is covered or discontinued and the date.

(b) Administrative case closings are generally for cases where all leads have been exhausted and the SAC authorizes closing because, in the SAC's opinion, further investigation would not be warranted. Other administrative closings would be when the priority alpha designator changes or if the case is assigned a new file number.

(c) USA declination case closings are cases where the United States Attorney declines prosecution.

(d) Other case closings are all other type closings such as closings when final prosecution has been completed. Part 2, 2-5.2.4, of this manual covers case closings.

(e) The Supervisor must route cases/leads being closed/covered/discontinued to the support employee who maintains and records the closing/covering/discontinuing in ACS.

(f) Closed Intraoffice and Interoffice leads are leads that have been covered.

(g) Declined Intraoffice and Interoffice leads are leads that have been discontinued.

(10) Total Matters Closed During Period - This is the sum total of case/lead counts closed during the period.

**SENSITIVE**

(11) Matters Pending at End of Period - These counts are determined by adding the total matters pending at beginning of period to the total matters received during period and subtracting total matters closed during period.

### **3-4.6 Reclassifying Cases and Error Correction**

When it becomes necessary to reclassify a matter, the case should be closed and counted as an administrative closing in the existing classification and opened as a new matter received in the new classification. Errors must be corrected in the same manner so the MARs remain in balance.

### **3-4.7 Deleted**

### **3-4.8 Criminal Preliminary Inquiries**

(1) A preliminary inquiry (PI) may be opened in a criminal matter for a period of 90 days.

(2) For reporting purposes, PI cases should be counted and reported with all other cases in the appropriate classification. However, PI matters should also be shown by themselves in total (as "Total PI's") below the corresponding program totals. Of course, PI's should only be counted once in the program totals.

(3) A "Y" should be inserted in the PI field of the case record if a preliminary inquiry is opened in a criminal matter. Inserting a "Y," for yes in the PI field notifies ACS that the case is a preliminary inquiry and will report the counts of these cases not only within the appropriate classification, but also again by themselves in total (as "Total PI's") below the corresponding program totals. It should be noted that PI's are counted only once in the program totals.

### **3-4.9 Pending Inactive Matters**

Pending inactive matters should be counted with all other matters in their appropriate classification and program on the MARs.

### **3-4.10 Spin-Off Cases**

(1) As the term indicates, a spin-off case originates from an existing case. The spin-off case should have all the elements required to establish it as a separate case within its investigative classification.

(2) If an SAC decides a spin-off matter can stand on its own merit as an individual case, and wants it recorded and counted as a separate case, a new case should be opened and a new file number should be assigned. The case will then be counted as a new office of origin matter received on the MARs.

(3) The title of the spin-off case should not be dual captioned with the original case. The communication indicating the origination of a spin-off investigation should reveal in the body of the communication that the matter is a spin-off of another case, and should identify the title of the original case. Care should also be taken to ensure that the proper investigative character/violation code is assigned to the spin-off matter.

(4) Copies of spin-off case serials that are to be filed in the original case file (or vice versa), should be so indicated in the copy count section.

(5) Deleted

### **3-4.11 Control Files (See MAOP, Part 2, 2-4.1.5; Legal Attache Manual, 6-17.4 (3).)**

(1) Control files are separate files established for the purpose of administering specific phases of an investigative matter or program. The institution of a control file in an investigative matter or program is left to the discretion of the individual with the administrative responsibility for the particular investigative matter or program or by SAC authorization. A control file is an administrative tool for managing a particular investigative matter or program. For this reason, control files are not created in each and every investigative matter or program. Control files are not to be counted on the Monthly Administrative Report (MAR).

(2) Leads on occasion may be assigned out of control files. In circumstances where neither an investigation nor an inquiry is warranted, the FBI may ascertain the general scope and nature of criminal activity in a particular location or sector of the economy. Activity in these control files must be reviewed periodically. Leads out of control files are counted on the Lead MAR.

(3) In order to facilitate a periodic review, a "CASE TYPE REPORT" has been made available to all offices. It lists all control files and lead activity for each file for the most recent quarter. This report has been created for use by field office management. It provides a monitoring capability to ensure that lead activity within control files is acceptable and within the Attorney General and other FBI investigative guidelines. Control files are captured in the Automated Case Support (ACS) system by entering a "C" in the "CASE TYPE" field when opening or reopening a case. This report may be accessed through the "CASE REPORTS MENU" out of the "REPORTS MENU" of the Investigative Case Management (ICM) application, ACS. The Administrative Officer/Office Services Manager is required to produce this report on a quarterly basis and provide this report to the SAC for SAC's management review. In order to avoid impacting the response time during normal working hours, the request for this report should be scheduled after 6 p.m. and before 6 a.m. near the 15th of the month following the end of each quarter.

(4) When referring to the file number of a control file in communications, the file number must include the letter "C" as part of the case number to indicate the file is a control file. The letter "C" is considered part of the file number and must be used on all communications concerning control files. (Example: 105A-CE- C0012345)

## **3-5 STATISTICAL ACCOMPLISHMENTS (See MIOG, Part I, 192-11.1.)**

### **3-5.1 Submission (See MIOG, Part 1, 91-28 & 252-14.)**

(1) Statistical accomplishments are to be reported on the "Accomplishment Report," form number FD-515. All statistical accomplishments must be reasonable and justifiable. The case file MUST contain adequate support for the accomplishment being claimed. A brief narrative explanation is required for all recoveries over \$1,000,000, Potential Economic Loss Prevented (PELPs) over \$5,000,000, disruptions, dismantlements, and drug seizures. The explanation must be entered in the Integrated Statistical Reporting and Analysis Application (ISRAA) narrative screen. (See MAOP, Part 2, 3-5.2.6 (2)(f) and (4)(h) and 3-5.2.11 (3)(c).) The original FD-515 is required to be

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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serialized and retained in the case file within the office of origin. A duplicate copy should be retained in the control file within the field office claiming the accomplishment for auditing purposes. (See MAOP, Part 2, 3-5.2 (4).)

(2) The accomplishments described on the FD-515 should be reported and loaded in the ISRAA within 30 days from the date of occurrence. Convictions should be reported at the time the subject enters a guilty plea or is found guilty by a jury.

(a) Deleted

(b) Deleted

(c) Deleted

(3) A conviction can be credited by the office of origin to other field offices under the category of "substantial investigative assistance by FO(s)" only with the approval of the substantive desk at FBIHQ.

(4) Deleted

(5) Deleted

(6) Deleted

(7) Deleted

(8) The SAC will annually conduct an audit to determine the degree of accuracy, timeliness, and completeness of information that is being captured in the ISRAA System. The SAC will take appropriate action to remedy any deficiencies identified.

### **3-5.2 Preparation of the Accomplishment Report (FD-515) (See MIOG, Part 1, 252-14.)**

(1) One copy of the FD-515 should be prepared by the Agent claiming the accomplishment. The date the FD-515 was prepared should be indicated on the "Date Prepared" line, located on the upper right-hand corner of the FD-515. The FD-515 should be written clearly (the FD-515 does NOT require typing). Upon completion of the FD-515, it should be forwarded to the squad supervisor for approval. Upon approval, the FD-515 can be routed to:

(a) the Information Management Assistant (IMA) for serialization and, if needed, indexed and then forwarded to the appropriate person for data entry into ISRAA; or

(b) the appropriate person responsible for its data entry into the ISRAA accomplishment application and then forwarded to the IMA for serialization.

(2) It is NOT mandatory that the FD-515 be serialized before it is entered into ISRAA. Serialization of the FD-515 was made available to allow data entry personnel to enter the serial number, which would then be printed on the Accomplishment Report form and be used for cross-referencing purposes.

(3) After the accomplishment has been entered into ISRAA, the date when it was loaded and the initials of the individual that loaded the data should be indicated on the upper right-hand corner of the FD-515. A printed copy should be generated from ISRAA and attached to the FD-515 prepared by the Agent. A printed copy will:

SENSITIVE



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (a) ensure that the FD-515 has been loaded;
  - (b) ensure that the FD-515 has been loaded correctly;
  - (c) ensure that quality data is entered into ISRAA; and
  - (d) enable the field office to audit the FD-515 with the printed copy for validity.
- (4) Both the FD-515 prepared by the Agent and the printed copy, should be placed in the case file within the office of origin (OO). A duplicate copy of both should be retained in the control file within the field office claiming the accomplishment for auditing purposes. It is at the field office's discretion whether a copy is placed in the Agent's personnel folder, etc. (See MAOP, Part 2, 3- 5.1 (1).)
- (5) In the event the OO is claiming an accomplishment and has credited a lead office with providing substantial investigative assistance, a copy of the FD-515 can be forwarded to the lead office for information. In the event the lead office is claiming an accomplishment and has credited another lead office with providing substantial investigative assistance, a copy of the FD-515 can be forwarded to the lead office for information and the original must be forwarded to the OO. Each field office has the capability to review accomplishments claimed by the lead offices by using the #25 function, "Browse All for OO Cases," within the Accomplishment Application in ISRAA.
- (6) If the subject indicted or convicted is involved with an LCN, Asian Organized Crime, Italian Organized Crime, Russian/Eastern European, Caribbean or Nigerian Organized Crime Group, an additional form entitled "Supplemental Page to the Accomplishment Report (FD-515)" (FD-515a, Side 1) must be completed. The completion of Sections A-E on the FD-515a, Side 1, is mandatory, Sections F-H as appropriate. A separate FD-515a is required for each subject indicted and/or convicted. (See MAOP, Part 2, 3-5.2.4 (1) and 3-5.2.17.)
- (a) Deleted
  - (b) Deleted
  - (c) Deleted
- (7) If the subject indicted or convicted is involved with an OC/Drug Organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group, an additional form entitled "Supplemental Page to the Accomplishment Report (FD-515)" (FD-515a, Side 1) must be completed. Sections A-C (Name of subject, field office, field office file number and role of subject, i.e., leadership, member, associate and other) on the FD-515a, Side 1, only should be completed. A separate FD-515a is required for each subject indicted and/or convicted. (See MAOP, Part 2, 3-5.2.4 (1) and 3-5.2.17.)
- (a) Deleted
  - (b) Deleted
  - (c) Deleted
  - (d) Deleted

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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### 3-5.2.1 Required Information

(1) Required information on the top portion of the form is listed below:

(a) FILE NUMBER - The file number must be valid within the Automated Case Support (ACS) - Investigative Case Management (ICM) System.

(b) STAT AGENT SOCIAL SECURITY NUMBER (SSN) - The SSN must be valid within the Bureau Personnel Management System (BPMS) for that particular field office. In those situations where a statistical accomplishment is being claimed by an FBI-led task force participant who is not an FBI employee, 999-99-9999 should be listed. The BPMS should reflect 999-99-9999 as "Task Force Member." The arresting officer's name and agency should be included on the copy of the FD-515 that is maintained in the field office file.

(c) STAT AGENT NAME - The name of the Agent claiming the statistical accomplishment must be included. This will allow the squad supervisor to more easily identify the Agent claiming the accomplishment.

(d) RESIDENT AGENCY ALPHA ABBREVIATION AND SQUAD NUMBER - The RA alpha code and squad number in which the stat Agent is assigned should be indicated in the appropriate blocks. The RA/Squad code will be verified using the internal table maintained for ISRAA-Government Organization. However, if an Agent is assigned to Squad 7, but works temporarily on a case with another squad, i.e., Squad 8 and obtains an arrest, the squad number can be indicated as an 8 for that particular accomplishment.

(e) SQUAD SUPERVISOR APPROVAL - All FD-515s must be approved at the squad supervisor level. The squad supervisor must initial in the block provided before the accomplishment is entered in ISRAA.

(2) If available, the following should be included on the FD-515:

(a) TASK FORCE - If the accomplishment being claimed is the result of a task force, the task force should be indicated. This task force will be validated against a task force table maintained at each field office. The task force should not be included in the task force table until it is approved by a squad supervisor within that particular field office.

(b) ASSISTING JOINT AGENCIES - If the accomplishment being reported is the result of a joint investigation with the Drug Enforcement Administration (DEA) or with another federal, state or local law enforcement agency, the identity of this agency should be entered in the block provided. See the reverse side of the FD-515 for valid codes. Up to 10 assisting joint agencies can be indicated for a particular accomplishment. Additional joint agencies may be included by attaching a plain sheet of paper or another FD-515 for additional entries.

(c) ACCOMPLISHMENT INVOLVEMENT - "Does accomplishment involve, e.g., bankruptcy fraud, computer fraud/abuse." If drugs, bankruptcy fraud, computer fraud/abuse, etc., was observed during the course of the investigation and is subsequently charged, the appropriate blocks should be checked. However, if money laundering was involved during the course of the investigation, the money laundering block should be checked regardless of whether it is subsequently charged. (See MIOG, Part 1, 272-16.) If another field office provided substantial investigative assistance to this

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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investigation, e.g., electronic surveillance, evidence purchases, undercover operations, etc., the box for "Sub Invest Asst by FO(s)" should be checked.

(d) ASSISTING FIELD OFFICE - If another field office provided substantial investigative assistance for the accomplishment being claimed, the field office(s) two-letter abbreviation (i.e., BA for Baltimore) should be indicated on the lines marked "A, B, C, D." Four field offices can be credited as an assisting field office for a given accomplishment. For further instructions see MAOP, Part 2, 3-5.2.3(1).

(e) ASSISTING AGENTS SOCIAL SECURITY NUMBER (SSN) - If the accomplishment being reported is the result of assistance from another Agent(s) within the field office, the SSN(s) of the assisting Agent(s) should be indicated. Up to 12 assisting Agents' SSNs can be claimed for a particular accomplishment. The additional SSNs can be added by attaching another form or a plain sheet of paper for additional entries. The SSNs will be verified against the BPMS within that particular field office. Therefore, if an Agent from another field office assisted in the accomplishment, the Agent's name can be included in the narrative. A printed copy of the FD-515 may be forwarded to that particular Agent for placement in his/her personnel file.

(f) ASSISTING AGENT(S)' NAME(S) - The name(s) of the assisting Agent(s) must be included. This will allow the squad supervisor to more easily identify the Agent(s) that assisted in the accomplishment.

(g) SERIAL NUMBER OF THE FD-515 - The serial number of the FD-515 can be indicated in the block provided at the lower right-hand corner of the FD-515. It is NOT mandatory for the FD-515 to be serialized before it is entered into ISRAA. ISRAA will allow the operator to enter the serial number, which will be printed on the accomplishment form and be used for cross-referencing purposes.

### **3-5.2.2 Types of Accomplishments**

(1) There are basically 24 types of accomplishments. The types of accomplishments are listed below:

- (a) Complaint/Information/Indictment
- (b) Arrest/Locate/Summons
- (c) Hostage(s) Released/Child Located
- (d) Recovery/Restitution/Potential Economic Loss Prevented (PELP)
- (e) Civil/RICO Matters
- (f) Other Civil Matters
- (g) Administrative Sanctions
- (h) Final Judicial Process, i.e., Conviction/Sentence/Acquittal/Dismissal/Pretrial Diversion
- (i) Disruption/Dismantlement
- (j) Asset Seizure/Asset Forfeiture

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(k) Drug Seizures

(2) Each of the above accomplishments types will be discussed in detail in the following sections.

(3) As stated above, the accomplishment should be reported and loaded into ISRAA within 30 days from the date it occurred. If the accomplishment does not meet the 30-day requirement, an explanation for the delay can be recorded on the narrative screen provided in ISRAA.

(4) Because ISRAA is subject driven, only one subject can be claimed on an FD-515. However, accomplishments can be reported singularly or in multiples for the same subject. For example, a complaint can be reported by itself. If the arrest is made shortly after obtaining the complaint, the complaint and the arrest can be reported on the same FD-515. Multiple accomplishments with different dates can be entered on the same FD-515 as long as:

(a) it does not jeopardize the 30-day reporting requirement,

(b) the accomplishment dates are identified by each specific accomplishment, and

(c) the top portion of the FD-515 (joint agencies, Investigative Assistance or Technique block, and assisting Agent's SSN) relates to ALL accomplishments being claimed.

(5) Separate FD-515s must be prepared if the Titles, Sections and Counts DIFFER when claiming a complaint, information, indictment, arrest and/or conviction.

(6) When an accomplishment has been reported once, that accomplishment should never be reported a second time. The only time an accomplishment can be submitted a second time is if a modification is necessary (see 3-5.3).

### **3-5.2.3 Investigative Assistance or Techniques Used**

(1) A section of the FD-515 has been included to help evaluate the effectiveness of certain investigative assistance and techniques. If any of the 42 types of assistance or techniques listed in the upper right-hand block of the FD-515 were used in connection with the accomplishment being claimed, the case Agent will rate each one used on a scale of 1 to 4 as follows:

1 = Used, but did not help 2 = Helped, but only minimally 3 = Helped substantially 4 = Absolutely essential

When credit is being given to other field office(s) for substantial investigative assistance, the field office(s) should be identified by their two-letter abbreviation in the box for "Assisting FO(s)," and listed on lines marked "A, B, C, and D." (See MAOP, Part 2, 3-5.2.1 (2)(d).) Identify the type of "Substantial Investigative Assistance" provided by each of the identified field offices by inserting the A, B, C, etc., for the corresponding field office next to the type of assistance provided. Types of Investigative Assistance or Techniques used which have the "FO(s)" box shaded CANNOT be claimed for Substantial Investigative Assistance provided.

(2) The rating value, as determined by the case Agent, should be entered in the appropriate block. It is possible that more than one special assistance or technique contributed to the accomplishment, and in these situations, each used should be rated. It is also possible that the same assistance or technique contributed to more than one accomplishment in the same case. In these situations, the assistance or technique should be rated each time an accomplishment is claimed. For example:

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (a) Based on information received from an informant it was possible to obtain a complaint. The "Informant/Cooperative Witness Information" block should be rated on the FD-515 reporting the complaint accomplishment.
  - (b) Since the informant/cooperative witness information was the basis for the complaint, the "Informant/Cooperative Witness Information" block should also be rated when the arrest is reported (assuming the arrest is reported on a different FD-515 than the complaint).
  - (c) If the informant/cooperative witness information is instrumental in the indictment and subsequent conviction, the "Informant/Cooperative Witness Information" block should be rated when reporting each of these accomplishments.
- (3) The investigative assistance or techniques appearing on the FD-515 are discussed below:
- (a) Financial Analyst - This block should contain a rating if accounting technicians/financial analysts were used in the case and their work related to the accomplishment being claimed.
  - (b) Aircraft Assistance - This block should contain a rating if aircraft were used in connection with the accomplishment being claimed. This would include aircraft visual surveillance, photographic surveillance, ELSUR assistance, transportation of Agents, technicians, equipment, evidence, communications relay work, etc.
  - (c) Computer Assistance - This block should contain a rating if a computer assisted in the accomplishment being claimed. Computer assistance would include any work performed by the FBI's computer center (special sorts, comparisons, computations, lists, etc.), assistance from FBI computer experts, information from FBI data banks (NCIC, CLEA, etc.), or information obtained from any state or local computer system.
  - (d) Consensual Monitoring - This block should contain a rating if any form of consensual monitoring was used in connection with the accomplishment being claimed. This would include consensually listening on a telephone extension as well as body recorders.
  - (e) ELSUR - FISC - This block should contain a rating if an ELSUR authorized by the Foreign Intelligence Surveillance Court (FISC) produced the information that contributed to the accomplishment being claimed.
  - (f) ELSUR - Title III - This block should contain a rating if information received from a court-ordered Title III ELSUR relates to the accomplishment being claimed.
  - (g) Eng. Field Support - This block should contain a rating if the Operational Technology Division provided field support and such support contributed to the accomplishment being claimed.
  - (h) Eng. Tape Exams - This block should be rated if the Operational Technology Division provided assistance in the form of forensic examination of recorded evidence, such as audio enhancement of magnetic recordings.
  - (i) Legats Assistance - This block should contain a rating if Legat(s) assistance contributed to the accomplishment being claimed.
  - (j) Evidence Purchase - This block should contain a rating and/or field office identifier if purchases of evidence, e.g., drugs, stocks and bonds, etc., contributed to the accomplishment being claimed.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(k) Informant/Cooperative Witness Information - This block should contain a rating if information received from an informant/cooperative witness or an asset contributed to the accomplishment being claimed.

(l) Lab Div Exams - This block should contain a rating if an examination conducted by the FBI Laboratory related to the accomplishment being claimed.

(m) Lab Field Support - This block should contain a rating if the FBI Laboratory provided field support in the case and such support related to the accomplishment being claimed. This should include work performed by the Operational Support Section of the Laboratory.

(n) Pen Registers - This block should contain a rating if information derived from a pen register relates to the accomplishment being claimed.

(o) Photographic Coverage - This block should contain a rating if photographic coverage contributed to the accomplishment being claimed.

(p) Polygraph Assistance - This block should contain a rating if a polygraph was used in connection with the accomplishment being claimed.

(q) Search Warrants Executed - This block should contain a rating if a search warrant was executed and contributed to the accomplishment being claimed.

(r) Show Money Usage - This block should contain a rating if the use of show money contributed to the accomplishment being claimed.

(s) SOG Asst - This block should be rated each time a Special Operations Group (SOG) surveillance squad contributes, in any manner, to the accomplishment being claimed.

(t) SWAT Team Action - This block should contain a rating if action taken by the SWAT team contributed to the accomplishment being claimed.

(u) Tech. Agt. or Equip - This block should be rated if the field office's technical trained Agent or any technical equipment was used in connection with the accomplishment being claimed.

(v) Phone Toll Records - This block should contain a rating if information derived from telephone toll records relates to the accomplishment being claimed.

(w) UCO Group I - This block should be rated only if a Group I Undercover Operation (UCO) directly influenced the accomplishment being claimed.

(x) UCO Group II - This block should be rated only if a Group II UCO directly influenced the accomplishment being claimed.

(y) UCO-National Backstopping - This block should contain a rating when the resulting statistical accomplishment is from a case wherein the services of the National Backstopping System (NBS) were used.

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SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(z) NCAVC/VI-CAP - This block should be rated when the National Center for the Analysis of Violent Crime (NCAVC)/Violent Criminal Apprehension Program (VI-CAP) influenced the accomplishment being claimed. (See MIOG, Part 1, Section 252-14.)

(aa) Criminal/National Security Intelligence Assistance - This block should contain a rating when any statistical accomplishment was achieved with the assistance of: a JDIG/RDIS/CIS or other intelligence squad; the FBI/DEA United States Customs Special Division (SOD); El Paso Intelligence Center (EPIC); Financial Crime Enforcement Network (FinCEN); FBIHQ Intelligence Sections; National Drug Intelligence Center (NDIC); Defense Intelligence Agency (DIA)/Dominant Chronicle; investigations conducted within a Racketeering Enterprise Investigation (REI); any case support provided by an Intelligence Analyst and/or any referral or case support provided by an intelligence entity not previously listed.

(bb) Crisis Neg. - Fed. - This block should contain a rating for all situations where FBI crisis negotiators are deployed in cases where the Bureau has investigative jurisdiction. These incidents will include bank robberies, kidnappings, hijackings, barricaded fugitives, and other potential or actual hostage, barricade, suicide, and kidnap events.

(cc) Crisis Neg. - Local - This block should contain a rating for all other situations where FBI crisis negotiators are deployed in support of local, state, federal, or foreign agencies. Support included but is not limited to providing advice, consultations, equipment, strategy recommendations, and personality assessment.

(dd) ERT Assistance - This block should contain a rating if the Evidence Response Team (ERT) assistance was provided and contributed to the accomplishment being claimed.

(ee) Butte-ITC - This block should contain a rating for all instances where the Butte Information Technology Center (ITC) provided assistance relating to the accomplishment being claimed.

(ff) Savannah-ITC - This block should contain a rating for all instances where the Savannah ITC provided assistance relating to the accomplishment being claimed.

(gg) Pocatello-ITC - This block should contain a rating for all instances where the Pocatello ITC provided assistance relating to the accomplishment being claimed.

(hh) Ft. Monmouth-ITC - This block should contain a rating for all instances where the Ft. Monmouth ITC provided assistance relating to the accomplishment being claimed.

(ii) Foreign Language Assistance - This block should contain a rating if foreign language assistance was provided and contributed to the accomplishment being claimed.

(jj) Non-FBI Laboratory Examinations - This block should contain a rating if laboratory examinations outside the FBI were conducted and contributed to the accomplishment being claimed.

(kk) Victim-Witness Coordinator - This block should contain a rating for all instances when a Victim-Witness Coordinator assistance was provided and their work contributed to the accomplishment claimed.

(ll) IO-Wanted Flyers - This block should contain a rating for all instances when an Identification Order, Wanted Flyer or Circular Letter provided assistance and contributed to the accomplishment being claimed.

SENSITIVE

(mm) SARs - This block should contain a rating for all instances when a Suspicious Activity Report was executed and contributed to the accomplishment being claimed.

(nn) CART - This block should contain a rating for all instances when the Computer Analysis Response Team assistance was provided and their work contributed to the accomplishment claimed.

(oo) Asset Forf Prog - This block should contain a rating for all instances when the Asset Forfeiture Program provided assistance and their work contributed to the accomplishment claimed.

(pp) Forf Support Proj - This block should contain a rating for all instances when the Forfeiture Support Project provided assistance and their work contributed to the accomplishment claimed.

(qq) CXS/CTD - This block should contain a rating for all instances when the Communications Exploitation Section provided assistance and their work contributed to the accomplishment claimed.

(rr) OCDETF Fusion Center (OFC/CID) - This block should contain a rating if OCDETF Fusion Center criminal intelligence products contributed to the accomplishment claimed.

(ss) InfraGard - This block should contain a rating if information received from an InfraGard member contributed to the accomplishment being claimed.

### **3-5.2.4 Complaint/Information/Indictment (Block A)**

(1) One of the three blocks must be checked to identify if the complaint/information/indictment claimed was Federal, Local or International. The date of the complaint/information/indictment should be entered on the line by the appropriate accomplishment. If the complaint is a Civil/Rico complaint, the block must be checked. The subject's name and identifying data must be entered in block N. If the subject is involved with an LCN, Asian Organized Crime, Italian Organized Crime, Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group when claiming an indictment, a check must be indicated in block N. If the subject is involved with an OC/Drug Organization, a VCMO Program National Gang Strategy target group or a VCMO Program National Priority Initiative target group, a check must be indicated in block N. If either one of the blocks are checked, an FD-515a, Side 1 must be completed and attached to the FD-515. (See also MAOP, Part 2, 3-5.2 (6) and (7).) The U.S. Code Title, Section, and number of counts MUST be entered in block G for all federal complaints, informations, and/or indictments. (See 3-5.2.9 (1)(a).)

(2) If an indictment is returned or a complaint or information is filed as a result of a subsequent or unrelated investigation of the same subject, then a separate and new statistical accomplishment can be claimed for the subject.

(3) Statistics on "No Bills" are not to be reported.

(4) Deleted

(5) A superseding indictment should not be claimed on a subject that was previously indicted, unless the prior indictment claimed was dismissed.

(6) Multiple accomplishments (i.e., an information and an indictment) can be claimed on the same form as long as the U.S. Code violations are the same. If the violations differ, separate FD-515s must be prepared for each accomplishment.



**3-5.2.5 Locate/Arrest (Block B)**

(1) When claiming a locate or an arrest, the block must be checked indicating if the accomplishment was federal, local, or international. See (2),(3), and (4) below for claiming federal/local/international arrest. The subject priority for an arrest/locate should also be checked. Each priority is classified into three categories or priorities - A, B, or C as explained in (a), (b), and (c). The date of the locate/arrest should be entered on the line provided by the appropriate accomplishment.

(a) Priority A is for subjects wanted for crimes of violence against the person (i.e., murder, manslaughter, forcible rape, robbery, and aggravated assault), or convicted of such crimes in the past five years.

(b) Priority B is for subjects wanted for crimes involving the loss or destruction of property valued in excess of \$25,000 or convicted of such crimes in the past five years.

(c) Priority C is for all other subjects.

(2) FEDERAL ARREST - The federal arrest block should be checked when a subject, regardless of fugitive status, is arrested in a BUREAU or NON-BUREAU case by FBI Agents either acting alone or in conjunction with other law enforcement officers. The subject's name and identifying data must be entered in block N. No arrest credit is allowed if a subject of a Bureau case is arrested by another law enforcement agency without any assistance from the FBI. In those situations where no FBI Special Agents are present and the subject of an FBI investigation is arrested by non-FBI personnel who are members of an FBI-led task force, the arrest should be claimed as a federal arrest.

(3) LOCAL ARRESTS - The local arrest block should be checked when a subject of a non-Bureau case is arrested without the participation of FBI Agents IF THE FBI SIGNIFICANTLY CONTRIBUTED to the probable cause supporting the arrest warrant. If there is no open case file pertaining to the subject of the local arrest, the accomplishment should be reported to the zero file of the most appropriate classification. An explanation of the circumstances can accompany the FD-515 and be entered in the ISRAA narrative screen; however, supporting documentation must be included in the case file. The subject's name and identifying data must be entered in block N.

(4) INTERNATIONAL ARRESTS - The international block should be checked when a subject of a Bureau or non-Bureau case is arrested without the participation of FBI Agents; however, the FBI must have "significantly contributed" to the probable cause supporting the arrest warrant. The subject's name and identifying data must be entered in block N. A brief explanation of the circumstance can accompany the FD-515 and be entered in the ISRAA narrative screen; however, supporting documentation must be included in the case file. An international arrest can also be claimed wherein FBI Agents participated in the arrest on foreign soil. In all circumstances, supporting documentation must be included in the case file.

(5) SUBJECT RESISTED - This block should be checked if the arrested subject physically resisted at the time of the arrest. It is when the Agent has to use MORE THAN NORMAL physical effort when making the apprehension that the subject should be considered as physically resisting arrest.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(6) SUBJECT WAS ARMED - This block should be checked if the arrested subject was armed with any type of firearm or knife that the Agent would consider to be a dangerous weapon. Other instruments such as an ice pick, a screwdriver, a lead pipe, etc., should also be considered dangerous weapons if the subject would not normally carry the item in his or her legitimate trade or business.

(7) LOCATE - FEDERAL, LOCAL, INTERNATIONAL

(a) An accomplishment should be recorded in this category when the FBI obtains information concerning the EXACT location of a NON-BUREAU FUGITIVE and as a result of this information the fugitive is arrested by another federal, state/local or international law enforcement agency. The subject's name and identifying data must be entered in block N. A full explanation of the circumstances can accompany the FD-515.

(b) An accomplishment should be recorded when a Bureau fugitive is arrested by another law enforcement agency when the arrest was based on information received from the National Crime Information Center (NCIC) or from the FBI's Criminal Justice Information Services Division. In these situations, the field office that covers the area where the subject was apprehended should report the locate since that office would normally be responsible for interviewing and processing the subject. The subject's name and identifying data must be entered in block N. A full explanation on how arrestee was identified as a Bureau fugitive can accompany the FD-515.

(c) An accomplishment should be recorded in this category if, as a direct result of FBI investigation, a Bureau fugitive surrenders to another federal, state/local or international law enforcement agency. The subject's name and identifying data must be entered in block N. A full explanation of the circumstances can accompany the FD-515 and be entered in the ISRAA narrative screen.

(8) SUMMONS - (Block C)

(a) FEDERAL SUMMONS - This block should be checked when an FBI subject appears in response to a summons issued by a federal court. The date of the summons should be entered on the line provided. The subject's name and identifying data must be entered in block N.

(b) LOCAL SUMMONS - This block should be checked for local summons (i.e., state or local criminal summons) if the FBI significantly contributed to the probable cause supporting the issuance of the summons. If there is no open case file pertaining to the subject of the summons, the accomplishment should be reported to the zero file of the most appropriate classification. A full explanation of the circumstances should be included in the case file. The date of the local summons should be entered on the line provided. The subject's name and identifying data must be entered in block N.

**3-5.2.6 Recovery/Restitution/Potential Economic Loss Prevented (Block D)  
(Formerly 3-5.2.7)**

(1) PROPERTY TYPE - A list of 11 different property categories for recoveries appears on the reverse side of the FD-515. The stat Agent is required to classify the item, or items, recovered as one of the following property types. Two blocks have been provided for multiple item recoveries (e.g., the recovery of a truck loaded with television sets--the value of the truck would be coded to property type 4, and the value of the televisions to type 3). If there are more than two categories of

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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items recovered, an additional FD-515 or a plain sheet of paper can be attached for the third and subsequent categories.

(a) Cash (Property Type 1) - All U.S. or foreign currency or coin recovered should be classified as property type 1. Food stamps and military script recovered should also be included in this category. Rare currency or coin collections should be considered as property type 9 (Art, Antiques or Rare Collections).

(b) Stocks, Bonds or Negotiable Instruments (Property Type 2) - All stocks, bonds or negotiable instruments should be classified as property type 2. These items must have a face, par, stated or market value. Negotiable instruments would include checks, travelers' checks, money orders, letters of credit, bills of lading, certificates of deposit, promissory notes, drafts, etc.

(c) General Retail Merchandise (Property Type 3) - This is a broad category which encompasses any item, for which there is no other specific category, that has a retail value and is to be sold to the general public. A few examples of general retail merchandise would be clothing, food, liquor, cigarettes, television sets, refrigerators, washing machines, radios, china, general purpose tools, small appliances, furniture (see property type 9 for antiques), rugs and carpets, general purpose auto parts (e.g., tires, spark plugs, etc.), hardware items, lawn mowers, bicycles, sporting goods, general household items (e.g., vacuum cleaners, clocks, etc.), general purpose farm equipment and products, general purpose office equipment (e.g., typewriters, calculators, etc.), pharmaceuticals, etc.

(d) Vehicles (Property Type 4) - Any vehicle recovery should be recorded as property type 4. Vehicles would include automobiles, trucks, tractors and trailers, campers, motorcycles, mopeds, road building vehicles, farm vehicles, military vehicles, aircraft, boats, etc.

(e) Heavy Machinery or Equipment (Property Type 5) - The value of any heavy machinery or equipment recovered should be coded as property type 5. A few examples of heavy machinery or equipment might be large electric or diesel motors, generators, compressors, electronic and avionics equipment, heating and air conditioning equipment, boilers, construction machinery and equipment, farm machinery and equipment, heavy office machinery (e.g., large scale computers, large scale photocopying equipment, etc.), heavy medical machinery or equipment.

(f) Aircraft (Property Type 6) - Any aircraft recovered should be coded as property type 6. Aircraft should include any structure or machine designed to travel through the air; airplane, airship, helicopter, jet, etc.

(g) Jewelry (Property Type 7) - All jewelry recovered should be coded as property type 7. In addition to the normal items of jewelry, unset precious and semiprecious stones should be included in this category.

(h) Vessels (Property Type 8) - The recovery of any vessel should be coded as property type 8. Vessels should include small boats, yachts, ships, etc.

(i) Art, Antiques or Rare Collections (Property Type 9) - Recoveries of works of art, antiques or rare collections should be coded as property type 9. Art work would include any item that has value because of its artistic qualities. Antiques would include items that derive their value primarily from

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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their age and scarcity. Rare collections would include coin and currency collections, stamp collections, gun collections and the like.

(j) Real Property (Property Type 11) - The recovery of real property should be coded as property type 11. Real property as distinguished from personal property should include land and whatever is erected, growing on, or affixed to land.

(k) All Other Recoveries (Property Type 20) - Property type 20 should be used for the recovery of all items that cannot be classified in property types 1 through 11 as explained above.

**(2) FEDERAL/LOCAL/INTERNATIONAL RECOVERIES**

(a) Federal Recoveries - General - When stolen or illegally possessed items with intrinsic value are recovered by Agents, the "Federal" block should be checked, the date of the recovery should be indicated, the appropriate property type codes should be classified as explained in the previous section and the value of the items should be recorded in the amount blocks. A succinct statement setting forth the basis for claiming the recovery can accompany the FD-515 and be entered in the narrative screen in ISRAA; however, supporting documentation must be included in the case file.

(b) Joint Investigation Recoveries - When items are recovered during joint investigations with another law enforcement agency, the recovery can be claimed if (1) an FBI Agent actually takes part in the recovery, AND (2) the FBI has an investigative interest in the matter--meaning a case concerning the matter has been (or will be) opened.

(c) Local Recoveries - In those instances when recoveries are made exclusively by local law enforcement (state, county, or city), the recovery may be claimed by the FBI as a "Local" recovery when information which led to the recovery was developed, in its entirety, from an FBI investigation and/or source/informant information. The date of the recovery should be indicated, the "Local" block should be checked, and the appropriate property type code with the value of the item should be recorded in the blocks provided. A succinct statement setting forth the basis for claiming a local recovery can accompany the FD-515 and be entered in the narrative screen in ISRAA; however, supporting documentation must be included in the case file.

(d) International Recoveries - In those instances when recoveries are made exclusively by international law enforcement, the recovery may be claimed by the FBI as an "International" recovery when information which led to the recovery was developed, in its entirety, from an FBI investigation and/or source/informant information. The "International" block should be checked, the date of the recovery should be indicated, and the appropriate property type code with the value of the item should be recorded in the block(s) provided. A succinct statement setting forth the basis for claiming an international recovery may accompany the FD-515 and be entered in the narrative screen in ISRAA; however, supporting documentation must be included in the case file.

(e) Value of Items Recovered - An explanation of the valuation of the items recovered can accompany the FD-515 and be entered in the narrative screen in ISRAA; however, supporting documentation must be included in the case file.

1. Actual Value - New items just purchased and the value can be substantiated from price tags, invoices, or receipts. Items stolen from a merchant should be the cost of the item to the merchant (wholesale cost--not retail).

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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2. Fair Market Value - All depreciable or fluctuating items should be valued at their fair market value when the fair market value is readily obtainable. Sources of fair market might be the stock market quotation from the daily newspaper, from used car "blue" or "red" books, from dealers in comparable items, etc.

3. Deleted

(f) Property Valued at \$1,000,000 or more - A concise explanation on plain paper should accompany the FD-515. An explanatory electronic communication IS NOT required. The explanation should include the circumstance of the recovery and the basis used for valuation. The explanation must be entered in the ISRAA narrative screen. All values of \$1,000,000 or more will be evaluated and approved by the appropriate substantive division at FBIHQ. The FBIHQ program manager must ensure that the recovery claim is uniform in basis, fully justifiable and supportable. FBIHQ will approve/disapprove the recoveries by indicating an "A" for approval or "D" for disapproval in ISRAA. (See MAOP, Part 2, 3-5.1 (1).)

(g) Seized property should be recorded on the FD-515, as well as on the "Record of Seized Property" Form FD-635.

(3) RESTITUTION - FEDERAL/LOCAL/INTERNATIONAL - An accomplishment should be recorded in this category for each instance wherein restitution is imposed by the court at the time of sentencing of a subject. The subject's name and identifying data must be entered in block N. The "Federal," "Local," or "International" block should be checked; the date of the restitution should be entered; and the block checked distinguishing if the restitution was court ordered or a pretrial diversion agreement. All restitutions should be recorded as property type code 1 (cash) unless the sentence specifically states otherwise. No claim is allowed in this category reflecting indemnifications by a subject to a victim that has NOT been court ordered. Such claims may be considered as recoveries if it can be shown that such was made as a direct result of the investigation. An explanation can accompany the FD-515 and be entered in the narrative screen in ISRAA; however, supporting documentation must be included in the case file.

(4) POTENTIAL ECONOMIC LOSS PREVENTED (PELP) - FEDERAL, LOCAL, OR INTERNATIONAL - The "Federal," "Local," or "International" block should be checked, the date of the PELP, the appropriate PELP code and the amount of the loss prevented should be indicated in the block. If there are more than one PELP-type categories to be claimed, an additional FD-515 or a plain sheet of paper can be attached for the second and subsequent categories. Seven different PELP-type codes appear on the reverse side of the FD-515. The case Agent is required to classify the loss prevented in one of the following categories:

(a) Counterfeit Stocks, Bonds, Currency or Negotiable Instruments (PELP Type 22) - The face value of recovered counterfeit stocks, bonds, currency or negotiable instruments should be recorded as a PELP. If a counterfeit stock or bond has no face value, or if a counterfeit negotiable instrument is recovered in blank, the PELP cannot be claimed.

(b) Counterfeit or Pirated Sound Recordings or Motion Pictures (PELP Type 23) - The recovery of counterfeit or pirated sound recordings or motion pictures should be classified as PELP type 23. The amount claimed should be the retail price established by the seller of the counterfeit tape.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(c) Bank Theft Scheme Aborted (PELP Type 24) - If a bank theft scheme is discovered and aborted prior to its fruition by actions of the FBI, and if the amount of the scheme is known, a PELP may be claimed as PELP type 24. If the amount of theft scheme is unknown, no PELP can be claimed.

(d) Ransom, Extortion or Bribe Demand Aborted (PELP Type 25) - The amount of ransom, extortion or bribe demand aborted prior to payment by actions of the FBI, can be claimed as a PELP and should be coded type 25. The amount of the PELP should be the amount of the demand.

(e) Theft From, or Fraud Against, Government Scheme Aborted (PELP Type 26) - Any theft from, or fraud against, the government scheme discovered and aborted by the FBI before the loss is actually realized, can be claimed as PELP type 26 if the amount of the potential loss is stated or is obvious.

(f) Commercial or Industrial Theft Scheme Aborted (PELP Type 27) - Any theft scheme against a commercial or industrial firm that is aborted by the FBI prior to its fruition should be claimed as a PELP type 27 only if the value of the loss is stated.

(g) All Other Potential Economic Loss Prevented (PELP Type 30) - Any PELP that cannot be classified in the above categories should be considered PELP type 30. These claims should be described briefly on a separate sheet of paper and attached to the FD-515. The value of these PELP claims should be reasonable and fully justifiable. The basis for the valuation of the claim should be clearly stated.

(h) All PELP accomplishments claimed should have supporting documentation included in the case file. PELP claims of \$5,000,000 or more WILL NOT require an electronic communication to FBIHQ; however, a statement justifying the amount claimed must be included in the narrative screen in ISRAA to explain the circumstances of the PELP and the value claimed. (See MAOP, Part 2, 3-5.1 (1).)

(i) PELP claims of \$5,000,000 and over will be evaluated and approved by the appropriate substantive division at FBIHQ. The FBIHQ program manager must ensure that the PELP claim is uniform in basis, fully justifiable and supportable. FBIHQ will approve/disapprove the PELP by indicating an "A" for approval or "D" for disapproval in ISRAA.

### **3-5.2.7 Hostage(s) Released or Child Located (Block E) (Formerly 3-5.2.6)**

(1) HOSTAGE(S) RELEASED BY TERRORISTS - This block should be checked when the FBI played a substantial role in the release effort. The date when the hostages were released and the number of hostages released who were being held by terrorists should be entered on the appropriate lines.

(2) HOSTAGE(S) RELEASED BY OTHER - This block should be checked when the FBI played a substantial role in the release effort. The date when the hostages were released and the number of hostages released in all situations other than terrorist should be entered on the appropriate lines.

(3) CHILD LOCATED - The date when a missing or kidnapped child was located by the FBI should be entered on the appropriate line. The child's name must be entered in block N.

SENSITIVE

**3-5.2.8 Conviction - Federal/Local/International (Block F) (Formerly 3-5.2.11)**

(1) A conviction should be claimed at the time a subject enters a guilty plea or is found guilty by a jury. The Federal, Local, or International block must be checked when claiming a conviction. (See (e) below.)

(a) Every subject of an FBI investigation convicted in court should be reported in the space provided in block F. Only one conviction statistic should be reported when the conviction involves a single indictment, regardless of the number of counts. However, if a subject is charged and convicted as a result of a subsequent or unrelated investigation, a conviction statistic can be claimed for each. An explanation can be included with each FD-515 and be entered in the ISRAA narrative screen when claiming two or more convictions on the same subject.

Only one conviction statistic should be claimed for a single subject who has been charged and convicted in multiple offenses, in the course of the investigation, even though the United States Attorney's Office (USAO) might have filed separate and distinct indictments for each of these same offenses. (For example, if a single subject is charged and convicted for ten bank robberies, then one (ten-count) indictment statistic and one conviction statistic can be claimed for this subject even if the USAO has filed ten separate indictments for each of the ten counts of bank robbery.)

(b) Convictions will be credited to the field offices where the indictment was obtained. In cases involving Rule 20 of the Federal Rules of Criminal Procedure, it is normally the office of origin that obtains the indictment and that office (the office of origin) should report the conviction and not the office where the subject enters the plea. However, when reporting Rule 20 convictions, the office of origin should enter the judicial district where the subject is pleading guilty on the Judicial District line.

(c) Deleted

(d) A conviction can be reported on a business or corporation. The description code of 8B should be indicated as the "subject description code." At the time of the sentencing, the sentencing date and the letters "NS" should be indicated on the sentence type line, which will allow the data entry personnel to by-pass the "In-jail" category. The fine/restitution should be included on the appropriate line.

(e) It is permissible to claim a "Local" (state, county or local) or "International" conviction if the FBI's investigation significantly contributed to the successful local/ international prosecution. The local or international block should be checked when claiming a local/international conviction. A succinct statement setting forth the basis for claiming a local/international conviction can accompany the FD-515 and be entered in the narrative screen in ISRAA; however, supporting documentation must be included in the case file. The procedures for claiming local/international convictions will be the same as the procedures for claiming federal convictions except where so noted. The state abbreviation where the local conviction occurred should be entered on the Judicial State line. The state and district for international convictions should be left blank. (See MIOG, Part 1, 91-28.)

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(2) REPORTING CONVICTIONS ON MULTIPLE SUBJECTS - The FD-515 is designed to accommodate one conviction per subject. If there are convictions on multiple subjects on the same case, a separate FD-515 must be prepared on EACH subject.

(3) CONVICTION DATE - The date of the conviction should be entered on the conviction date line.

(4) SUBJECT'S DESCRIPTION CODE - The subject's description code should be entered only when reporting a conviction. The eight general description codes are shown on the reverse side of the FD-515. The case Agent should select the most appropriate category which best describes the subject convicted and the corresponding code should be entered on the front of the FD-515. If a subject can be classified in more than one of the categories, the case Agent must select the most appropriate category in the circumstance.

For subject description codes of 6F, 6G, or 6H, the Agency code must be included to identify which federal law enforcement agency the FBI encountered in corruption investigations that result in a conviction.

(5) FELONY OR MISDEMEANOR - The felony or misdemeanor block must be checked when claiming a conviction. If a subject is convicted of both a felony and a misdemeanor, only the felony block should be checked.

(6) PLEA OR TRIAL - Depending on the individual circumstances, the plea or trial block must be checked.

(7) JUDICIAL STATE - The official two-letter U.S. Postal Service state abbreviation should be indicated on this line. If the state has no judicial district, the district space should be left blank.

(8) JUDICIAL DISTRICT - The identity of the judicial district is required when reporting a final judicial process. The district should be abbreviated as follows:

ND - Northern District SD - Southern District ED - Eastern District WD - Western District CD - Central District MD - Middle District -- - No District

**3-5.2.9 U.S. Code Violations - Title, Section, Counts, (Block G) (Formerly 3-5.2.12)**

(1) The title, section, and counts of the U.S. Code must be included for the following accomplishments: Federal complaints, informations, indictments, arrests, and convictions.

(a) Four blocks have been provided for the title, section, and counts of the U.S. Code violations. If the complaint, information, indictment, arrest, or conviction for the subject exceeds four different violations, the Agent must determine the four most relevant in the circumstance and report those in the blocks. Any additional violations can be included in the narrative. The main section number of the U.S. Code (and, whenever applicable, the subsection letter) should be indicated in the "Section" block. (See MAOP, Part 2, 3-5.2.4.)

(b) Local and International convictions - When a local or international conviction is claimed, the title, section, and count block should be LEFT BLANK.

SENSITIVE



### **3-5.2.10 Sentence (Block H) (Formerly 3-5.2.13)**

(1) The sentencing data for every subject convicted of an FBI investigation should be reported in the space provided in block H. The date of the sentence should be entered on the sentence date line.

#### **(2) SENTENCE TYPE**

(a) The seven sentence type codes are shown on the reverse side of the FD-515. The sentence type can be ignored if the sentence only involves Time in Jail, Time Suspended, and Probation because ISRAA will automatically put the appropriate codes in the sentence type if values are indicated in the appropriate sentence term blocks.

#### **(b) Deleted**

(c) If the subject receives an undetermined sentence under the Youth Correction Act, the letters "YC" should be entered on the sentence type line.

(d) If the subject is sentenced to 99 years including life in prison, the letters "LS" should be entered on the sentence type line. The 99 years should NOT be indicated in the in- jail term, but left blank.

(e) If the subject is sentenced to capital punishment, the letters "CP" should be entered on the sentence type line.

#### **(3) SENTENCE TERM - GENERAL**

(a) All CONSECUTIVE sentences are to be added together, and the total should be entered in the appropriate block.

(b) If the sentences are to run CONCURRENTLY with each other, the LONGEST SINGLE TERM IS TO BE RECORDED. Concurrent sentences should NOT be added together.

#### **(4) SENTENCE TERM - IN-JAIL**

(a) Federal, Local and International Cases - The number of years and months the subject is sentenced to jail should be entered in these blocks. For example, if the subject is convicted and sentenced to five years with four years suspended, the In-Jail term will be ONE year. The "Months" block should be limited to 11 months. So, if a subject is sentenced to 15 months, it should be recorded as 1 year and 3 months.

(b) If a subject is sentenced to "house arrest" the number of years/months should be entered in the In-Jail blocks.

(5) SENTENCE TERM - SUSPENDED - The portion of the sentence that has been suspended should be entered in these blocks. The block for "Months" should be limited to 11 months. Therefore, if the portion suspended is 19 months, the entry should be 1 year and 7 months.

(6) SENTENCE TERM - PROBATION - The probationary and/or supervised release period should be entered in these blocks. The 11-month limitation in the "Months" block also pertains to probations. Therefore, if a subject is placed on probation for 25 months, it should be reported as 2 years and 1 month.

(7) FINES - The total amount of all fines and/or special assessment should be entered on this line.

**3-5.2.11 Disruption/Dismantlement (Block I)**

(1) Disruption - The date of the disruption should be entered on the line provided by the appropriate accomplishment. A disruption occurs and is to be reported when an affirmative law enforcement action impedes the normal and effective operation of the targeted criminal enterprise, as indicated by changes in the organizational leadership and/or changes in the methods of operation, including, for example, financing, trafficking patterns, communications or drug production. A criminal enterprise may be disrupted numerous times as a result of an investigation; however, a criminal enterprise cannot be disrupted more than once on the same day. Each disruption should be tied to an investigative event(s). For example, if ten leaders of the criminal enterprise were convicted at the SAME TIME, and this event resulted in the disruption of the criminal enterprise, only ONE disruption can be claimed. Conversely, if ten criminal enterprise leaders were convicted separately over the COURSE OF MANY MONTHS and the criminal enterprise was disrupted by each conviction, ten disruptions would be claimed. Multiple events occurring over a period of time may result in a disruption due to their cumulative impact on the criminal enterprise.

(2) Dismantlement - The date of the dismantlement should be entered on the line provided by the appropriate accomplishment. A dismantlement occurs when the targeted criminal enterprise leadership, financial base, and supply network have been destroyed such that the organization is incapable of operating and/or reconstituting itself. By definition, a criminal enterprise can only be dismantled once. However, in the case of large criminal enterprises, a number of individual identifiable cells or subgroups may be present. Each of these cells or subgroups maintains and provides a distinct function supporting the entire criminal enterprise. If properly documented in the summary detail section, multiple dismantlement statistical accomplishments can be claimed. As a general rule, the dismantlement statistical accomplishment will be claimed only at the time of sentencing of the last subject in the criminal enterprise and/or the sentencing of the primary target of the criminal enterprise, identifiable cell, or subgroup.

(a) Arrests, seizures, asset forfeitures, etc., which disrupt or dismantle a criminal enterprise, but which were conducted by other federal, state, local, or foreign law enforcement agencies, at the request of the FBI or as a result of information provided by the FBI, may be reported as an accomplishment in Block I. For example, a field division which "walls off" a drug seizure or an arrest in order to protect the identity of an informant or to avoid disclosing a Title III, may report an accomplishment in Block I, if the event disrupted or dismantled the criminal enterprise. The cumulative effect of multiple third-party actions may also be claimed if they resulted in the eventual disruption or dismantlement of the criminal enterprise. If reporting the cumulative result of separate events, the field office records the date of the most recent event which, when combined with the other events, resulted in the disruption or dismantlement.

(3) When a disruption/dismantlement is claimed, completion of FD-515a, Side 2 "Disruption or Dismantlement of an organization, Supplemental Page to the Accomplishment Report (FD-515)" is mandatory.

(a) FD-515a, Side 2 - Section C - The specific name of the criminal enterprise disrupted or dismantled must be identified on the line provided in Section C. A criminal enterprise is defined as a group of individuals (two or more) with an identified hierarchy engaged in significant criminal activity. Criminal enterprises are characterized by their polycriminal nature (drug trafficking,

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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money laundering, fraud, extortion, ponzie schemes, boiler room operations, etc.) and have extensive supporting networks. The criminal enterprise must be identified by the proper name (First/Middle/Last and alias) of the principal target and/or main subject of the organization, cell, or subgroup. The name of the organization must be consistent each time a disruption or dismantlement is statistically recorded. Variations in spelling or punctuation cause the name or title to appear as a separate organization within ISRAA. Operational case titles are not considered an acceptable means of identifying the organization.

(b) Section D describes the primary scope of the operations and influence of the criminal enterprise disrupted or dismantled. The scope of the criminal enterprise must be identified by checking one of the four blocks which are: International, National, Regional or Local.

1. Local: The targeted criminal enterprise operates within a specific city and/or community.
2. Regional: The targeted criminal enterprise operates within a specific region of the field office territory (multiple counties within more than one judicial district).
3. National: The targeted criminal enterprise operates in multiple field office territory regions.
4. International: The criminal enterprise has a confirmed connection to an organization operating outside of the continental United States which is involved in the criminal enterprise illegal activity.

(c) Section E - The ISRAA system limits each submission to 608 characters or less (including spaces). This means that the summary narrative is short and to the point. The narrative must contain sufficient predication for claiming the accomplishment from each of the outlined sections below. (See MAOP, Part 2, 3-5.1 (1).)

1. Type of Organization - Provide a succinct description of the type of criminal enterprise. Examples include: Consolidated Priority Target or linked to a Consolidated Priority Organization Target (CPOT), Regional Priority Target, Money Laundering Organization, Smuggling/Distribution Organization, Gang/Posse/Crew, Outlaw Motorcycle Group, Organized Crime Group, Narco-Terrorism, etc.
2. Law Enforcement Action Taken - Describe the type of significant law enforcement action that resulted in the statistical accomplishment. Examples include: execution of a search warrant, execution of a seizure warrant, arrests, complaints/information, indictments, and seizure of assets, property, drugs, etc.
3. Name of Subject(s) - Provide the complete name (First/Middle/Last) of the individual(s) on which the law enforcement action was taken. If adequate space is not available for all of these individuals, list those with the most important functional role within the organization.
4. Functional Role in the Organization - Provide details as to the role of each individual named in the narrative. Examples include: leader/organizer, manager/supervisor, supplier/distributor, broker, offloader, driver, smuggler, enforcer, corrupt official, corrupt public official, financial backer, money launderer, courier, boss, underboss, consigliere, lieutenant, capo, soldier, etc.
5. Related Criminal Activity - Identify the type(s) of criminal activity the organization is involved in. Examples could include: drug trafficking, alien smuggling, firearms/weapons violations, public

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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corruption, violence/murder, bank robbery, major theft, money laundering - bulk cash smuggling (air/land/sea), etc.

6. Seizure of Assets/Property/Drugs - A disruption may be claimed when a seizure of the criminal enterprise's assets causes a disruption in the criminal enterprise's overall operation. Seizures could include: currency, monetary assets, real estate, personal property, drugs, business records, etc.

7. Significance of Event - Provide details describing the significance of the law enforcement action and how that event impacts the criminal enterprise. Examples include: modifications in daily operations of the criminal enterprise, smuggling methods, trafficking patterns, sources of supply, removal of all or most of its principal leadership, the elimination of its criminal enterprises and supporting networks, seizure of its assets, the criminal enterprise is no longer capable of reforming with its original ability to conduct criminal activity, etc.

(d) Disruptions and dismantlements will be evaluated and approved by the appropriate substantive division at FBIHQ. The FBIHQ program manager must ensure that the disruption or dismantlement claimed is fully justifiable and supportable. FBIHQ will approve/disapprove the disruption or dismantlement by indicating an "A" for approval or "D" for disapproval in ISRAA.

**3-5.2.12 Civil RICO Matters or Other Civil Matters (Block J) (Formerly 3-5.2.8)**

(1) In reporting Civil RICO accomplishments, a Civil RICO complaint must be claimed on the subject prior to completing this block.

(2) The date of the Civil RICO Matter or other Civil Matter should be entered in block J. The name and identifying data must be entered in block N.

(3) The judgment emanating from the Civil RICO complaint or the Civil Matter should be entered on the judgment line using the appropriate code from the reverse side of the FD-515. Report the above data for every defendant including defendant entities.

(4) One or more judicial outcomes resulting from the various court judgments should be entered on the judicial outcome line (see reverse side of the FD-515 for the appropriate judicial outcome codes). Up to five judicial outcomes can be claimed for a particular accomplishment. The additional judicial outcomes can be entered on an additional FD-515 or on a plain sheet of paper for entries.

(5) Fines and/or restitution, prefilings settlements or any other civil remedy should be entered on the appropriate line at imposition. The amount claimed should be entered in the appropriate space on the FD-515. When a fine, restitution or prefilings settlement is claimed, ensure that the judicial outcome code of either FI for fine, PS for prefilings settlement, or RN for restitution, is included as a judicial outcome.

(6) The amount of years/months suspended should be indicated in the appropriate block.

(7) When a Civil RICO Matter is claimed, the U.S. code violations must also be included in block G.

(8) A succinct narrative page describing the FBI's investigative efforts, which significantly contributed to the successful civil remedy, should be entered. The above justification narrative

SENSITIVE

should be reviewed and approved by the appropriate substantive Supervisory Special Agent before the civil remedy is recorded in the Integrated Statistical Reporting and Analysis Application (ISRAA).

### **3-5.2.13 Administrative Sanctions (Block K) (Formerly 3-5.2.10)**

#### **(1) Administrative Sanctions - General**

(a) Every subject, individual or corporation in an FBI investigation which involves a suspension, debarment, or injunction from doing business with a federal agency or agencies should be reported in the space provided in block K. The date of the sanction should be indicated and the type of sanction should be checked. The name and identifying data must be entered in block K.

(b) Suspensions, debarments, and injunction sanctions will be credited to the field offices where the action was initiated. In cases involving Rule 20 of the Federal Rules of Criminal Procedure, it is normally the office of origin that obtains the indictment and that office should report the sanction.

(2) Subject's Description Code - The subject's description code should be entered when reporting an administrative sanction. The eight general description codes are shown on the reverse side of the FD-515. The case Agent should select the most appropriate category which best describes the subject and the corresponding code should be entered on the front of the FD-515 for each subject where a sanction has resulted.

(3) Length - The length of time for the sanction should be reported on the FD-515 and expressed by either checking the block if the sanction is permanent or in years and months in the appropriate blocks.

### **3-5.2.14 Asset Seizure/Asset Forfeiture (Block L)**

(1) Asset Seizure - The date an asset is seized for forfeiture should be indicated on the appropriate line of the FD-515. FBI policy is to initiate forfeiture proceedings within 25 days of seizure. The forfeiture procedure begins when an asset is placed into the Consolidated Asset Tracking System (CATS). The CATS form must be completed and the asset entered into CATS in order to generate a CATS asset number. This CATS number is singularly specific to that asset and is mandatory for a seizure accomplishment. A check must be placed in the block to identify whether the asset was seized for Administrative, Civil Judicial or Criminal forfeiture. The monetary value of the seized asset should not be claimed on the FD-515.

(2) Asset Forfeiture - The date an asset is declared forfeited should be indicated on the appropriate line of the FD-515. The asset is assigned a CATS number which is singularly specific to that asset at the beginning of the forfeiture process. This CATS number is mandatory for a forfeiture accomplishment. A check must be placed in the block to identify whether the forfeiture procedure was Administrative, Civil Judicial, or Criminal. The monetary value of the seized asset should not be claimed on the FD-515.

(3) Seizure and Forfeiture accomplishments claimed where a DOJ agency, other than the FBI, is processing the forfeiture must be accompanied by the CATS number singular to that asset and specific to that DOJ agency. Seizure and Forfeiture accomplishments claimed where a non-DOJ agency is processing the forfeiture must be entered into CATS as a "Referral Seizure" to generate a

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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referral CATS number for the mandatory CATS line. CATS data may be accessed within each field office through coordination with a forfeiture paralegal specialist in that office.

**3-5.2.15 Acquittal/Dismissal/Pretrial Diversion (Block M) (Formerly 3-5.2.14)**

(1) ACQUITTAL - The date of the acquittal should be indicated on the appropriate line. The subject's name and identifying data must be included in block N. If a subject is acquitted of all counts of an indictment except one and is convicted of that one count, the conviction--not the acquittal--should be reported.

(2) DISMISSAL - The date of the dismissal should be indicated on the appropriate line. The subject's name and identifying data must be included in block N. There should be no recording of dismissals in Unlawful Flight to Avoid Prosecution (UFAP) cases. The UFAP process is generally obtained by a complaint which is dismissed prior to obtaining a formal indictment or information, and, therefore, the dismissal should not be claimed. If an indictment or information is obtained and subsequently dismissed, then a dismissal should be claimed (this applies to all matters and is not limited to the Fugitive Subprogram).

(3) PRETRIAL DIVERSION - A pretrial diversion should be claimed for each subject diverted by the U.S. Attorney under this plan. A pretrial diversion accomplishment should also be claimed for juveniles who are handled under the Brooklyn Plan. If the diversionary period is terminated at any time prior to its expiration by the U.S. Attorney for breach of conditions and prosecution initiated, the results of the prosecution should be reported separately and it will NOT be necessary to submit another FD-515 to delete the previous reported pretrial diversion accomplishment. The date of the pretrial diversion should be indicated on the appropriate line. The subject's name and identifying data must be included in block N. No record is being kept of the title, section, counts, or the probationary period on pretrial diversions, and this information should NOT be reported on the FD-515.

**3-5.2.16 Drug Seizures - (Block N)**

(1) DRUG SEIZURES - The date of drugs seized as a direct result of a FBI investigation should be reported on the appropriate line of the FD-515. The gross weight estimate of the seized drugs, which includes the minimum wrapping material necessary for evidentiary or packaging purposes, should also be reported on the appropriate line.

(2) TYPE OF DRUG - The type of drug seized should be reported on the appropriate line. The following abbreviations, which appear on the back of the FD-515, should be used to indicate the type of drug:

HER Heroin MOR Morphine OPM Opium COC Cocaine MET Methamphetamine MAR Marijuana KAT Khat HSH Hashish LSD LSD MDM Methylenedioxymethamphetamine (MDMA) OTD Other drugs

(3) FEDERAL DRUG IDENTIFICATION NUMBER (FDIN) - The FDIN, if applicable, should be reported on the appropriate line.

SENSITIVE

### **3-5.2.17 Subject Information - (Block O) (Formerly 3-5.2.16)**

- (1) Block O must be completed for all accomplishments claimed except for the following eight accomplishments: Hostage(s) released, Recoveries, PELPs, Disruptions, Dismantlements, Asset Seizures, Asset Forfeitures, and Drug Seizures. The subject's name, race (see race codes on reverse side of the FD-515), sex and date of birth must be indicated in this block when claiming an accomplishment. If available, the social security number should also be indicated.
- (2) The subject information must be indexed in indices prior to claiming an accomplishment.
- (3) If the subject is involved with an LCN, Asian Organized Crime, Italian Organized Crime, Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group, the square should be checked. If this square is checked and an indictment/conviction is being claimed, an FD-515a (Side 1) must be completed. It should be noted that completion of Sections A-E is mandatory, Sections F-H as appropriate. See MAOP, Part 2, 3-5.2 (6).
- (4) If the subject is involved with an OC/Drug Organization, a VCMO Program National Gang Strategy target group or a VCMO Program National Priority Initiative target group, the square should be checked. If this square is checked and an indictment/conviction is being claimed, an FD-515a, Side 1, Sections A-C (name of subject, field office, file number and subject's role, i.e., leadership, member, associate, or other) must be completed. See MAOP, Part 2, 3-5.2 (7).
- (5) Deleted

### **3-5.3 Modified FD-515s (See MAOP, Part II, 3-5.2.2 (6) & MIOG, Part I, 252-14.)**

When it is discovered that a previously submitted FD-515 contained an error, the following steps should be followed:

- (1) A photocopy of the FD-515 containing the error should be taken.
- (2) The word "MODIFIED" should be written boldly, in red, across the top and bottom of the photocopy.
- (3) The correct information (not the increase or decrease) should be written in red next to, beneath or above the erroneous information. If there is no room next to, beneath or above the erroneous information, then an asterisk (\*) should be used footnoting the correct information.
- (4) The photocopy should be given to the appropriate person for data entry in ISRAA. The data entry personnel should date and initial the modified FD-515 in the upper right hand corner with a red pen.
- (5) The photocopy of the FD-515 with the printed copy from ISRAA should be attached to the original copy in the case file within the field office file.
- (6) A modified FD-515 should be prepared when a sentence, upon appeal, is overturned in any way within the same fiscal year.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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**3-5.4 Submission of Final Disposition Reports (R-84s) with FD-515s (See MAOP, Part 2, 4-6; MIOG, Part 2, 14-15.1.1(7).)**

In any case, where a field office takes credit on an FD- 515 for the arrest or conviction of an FBI subject in connection with violations of a federal law, the Office of Origin of the case must ensure that the Criminal Justice Information Services Division (CJIS) is advised of the final disposition or any amended disposition. This can be accomplished by forwarding a Final Disposition Form (R-84) to the CJIS Division. If the Office of Origin has determined that another field office or other criminal justice agency has already submitted the disposition to the CJIS Division, it is not necessary to forward the R-84. However, the Office of Origin must document in the investigative file the identity of the agency or lead office which submitted the R-84 and similarly note such information in the "Remarks" section of the FD-515.

SENSITIVE



SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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## SECTION 4. LEGAL MATTERS

### 4-1 RECORD OF LEGAL TRAINING

Each field office is to maintain records of all legal training provided to FBI investigative personnel during each fiscal year. The information should include the date of each training session, topic(s) covered, length of instruction, name(s) of the instructor(s) and the number of attendees at each session. Such records should reflect compliance with the 16-hour Uniform Course of Legal Instruction as well as steps taken to correct any delinquencies. These records should be maintained from inspection to inspection.

### 4-2 REPORT OF STATE LEGISLATION (See MAOP, Part II, 4-8.)

Field offices covering state capitals are to promptly advise FBIHQ, Attention: Office of the General Counsel of the enactment of any state legislation or the introduction of any bill in a state legislature that affects FBI interests. The report should be captioned "State Legislation - (name of state)." In the absence of such legislation, the Chief Division Counsel is to prepare, annually on December 31, a certification that he/she has reviewed state legislation for the preceding year, with negative results. The certification need not be submitted to FBIHQ, but is to be maintained in field office files.

### 4-3 REPORT OF LEGAL PROBLEMS (See MAOP, Part II, 4-8.)

All field offices are to prepare a semiannual report addressed to FBIHQ, Attention: Office of the General Counsel, Attention: Legal Instruction Unit, by electronic communication (EC) captioned "Significant Legal Developments – name of office" regarding the following matters:

- (1) Court action in which a court, in any criminal, civil, or military case, rules adversely to the prosecution on defendant's motion to suppress evidence obtained or offered by the FBI. Advise if adverse ruling is to be appealed.
- (2) Court action in any case in which the court rules that an FBI complaint or an arrest warrant or affidavit for a search warrant was defective. Enclose with the EC a copy of the court order or opinion and a copy of the complaint or affidavit. Advise if appeal is being taken.
- (3) Any ruling prejudicial to the prosecution, any mistrial declared or reversal of conviction which is the result of FBI action in the case. Enclose a copy of the court order or opinion. Advise if any appeal is being taken.
- (4) Any ruling or opinion in which a court criticizes, condemns, or otherwise adversely comments on an FBI practice or technique in a particular case or a general practice or procedure of the FBI, regardless of whether the court orders suppression of evidence or other sanctions for the conduct. Enclose a copy of the court order or opinion.

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(5) A legal problem of a policy nature affecting Bureau cases generally (as distinguished from a specific problem arising in a particular case) which must be resolved but cannot be resolved with the USA, magistrate, marshal, or other official at that level should be reported promptly. However, these problems are not included in the semiannual report.

(6) Any ruling, opinion, or court action which is positive in nature and may prove beneficial to investigative activities Bureau wide.

#### **4-3.1 Preparation of Report**

The semiannual report should be in the form of an EC to the Office of the General Counsel, Attention: Legal Instruction Unit, submitted by June 15 and December 15 of each year, and should be prepared by the Chief Division Counsel to ensure that all relevant ramifications are identified and explained in detail. Identify the case by title and character in the body of the EC. Submit a report promptly where court action deserves immediate notification. Refer to such reports in the following semiannual report. Where no court action, as described, has occurred during a particular period, a report does not need to be submitted.

#### **4-4 NOTIFICATION TO FBIHQ OF SIGNIFICANT CIRCUIT COURT OPINIONS**

Each office of prosecution, by close liaison with the office of the U.S. Attorney, should assure that it is promptly advised of any Circuit Court decision which has a significant impact on the operations of the FBI. Since the attorney of record (Assistant U.S. Attorney, generally) will be promptly informed of the disposition of his/her case by the appellate court, arrangements should be made for timely notification of these important decisions, either directly or through the case Agent, to the Chief Division Counsel. The Chief Division Counsel in turn should advise FBIHQ, Attention: Office of the General Counsel, of such cases. Communication of these decisions should be made by expeditious means (teletype, telephone), if deemed necessary by the Chief Division Counsel. A copy of the Circuit Court opinion should be obtained as quickly as possible and forwarded to the Office of the General Counsel, FBIHQ.

#### **4-5 PENDING CASES BEFORE UNITED STATES SUPREME COURT**

The Legal Instruction Unit, Office of the General Counsel, will follow in the "Criminal Law Reporter" and/or "United States Law Week" all FBI cases appealed to the Supreme Court, and will advise the office of origin of the disposition of such cases in the Court.

#### **4-6 SUBMISSION OF DISPOSITION FORM (R-84) TO FBIHQ (See MAOP, Part 2, 3-5.4; MIOG, Part 2, 14-15.1.1(7).)**

In any case, where a field office takes credit on an FD- 515 for the arrest or conviction of an FBI subject in connection with violations of a federal law, the Office of Origin of the case must ensure that the Criminal Justice Information Services Division (CJIS) is advised of the final disposition or any amended disposition. This can be accomplished by forwarding a Final Disposition Form (R-84)

SENSITIVE

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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to the CJIS division. If the Office of Origin has determined that another field office or other criminal justice agency has already submitted the disposition to the CJIS Division, it is not necessary to forward the R-84. However, the Office of Origin must document in the investigative file the identity of the agency or lead office which submitted the R-84 and similarly note such information in the "Remarks" section of the FD-515.

**4-7 CHIEF DIVISION COUNSEL, ASSOCIATE DIVISION COUNSEL, AND LEGAL ADVISORS (See MAOP, Part I, 3-2.21.)**

(1) Chief Division Counsel - A Chief Division Counsel (CDC) shall be selected for each field office. In those offices where the CDC position has been upgraded to a permanent GS-14 or GS-15, the selection shall be in the following manner:

(a) Vacancies shall be advertised through the Executive Development and Selection Program (EDSP);

(b) Candidates wishing to compete shall submit FD-638s to the Special Agents' Mid-Level Management Selection (SAMMS) Board and to the candidate's division head;

(c) A CDC in one field office can apply for the same position in another field office; however, these transfers ordinarily will be approved only in circumstances where a CDC in a smaller field office is applying for the CDC position in a substantially larger field office. ADCs will be permitted to compete for CDC positions in any field office, but will be permitted to transfer laterally to an ADC position in another field office only when a fully qualified candidate is not identified in the advertising field office.

(d) Following review of the FD-638s, and consultation with the division head where the vacancy is located, the General Counsel will recommend a candidate to the SAMMS Board which is responsible for final selection.

Candidates for the above-described CDC position must: be Special Agent attorneys with at least three years of investigative experience; be members of the bar; and have completed the Basic Legal Advisors' In-Service. (2) Associate Division Counsel (ADC) - Where justified by the nature, volume, and complexity of legal work, a field office is permitted one full-time GS-14 ADC, in addition to the CDC, for each 200 Special Agents represented by the Target Staffing Level of that office. Upon the recommendation of the Assistant Director in Charge (ADIC) or Special Agent in Charge (SAC), the General Counsel may approve the creation of the appropriate number of positions.

An ADIC/SAC may consider staffing the position of ADC with either an Agent or non-Agent attorney. The selection process will depend on the decision to use Agents or non-Agents. If competition is limited to Agents, selection and qualifications shall be the same as for CDCs as described above. If competition is opened to non-Agents, such applications will be considered along with the FD-638s submitted by Agent-attorneys as the result of a fieldwide posting through the EDSP.

(3) Legal Advisor - The term "Legal Advisor" shall continue to be used to describe an Agent-attorney who has completed the Basic Legal Advisors' In-Service, and is available to provide legal

SENSITIVE

instruction or legal advice/assistance to FBI or other law enforcement personnel. Selection of Agent-attorneys to attend the Basic Legal In- Service shall be at the discretion of ADIC/SAC.

#### **4-8 DUTIES OF CHIEF DIVISION COUNSEL (CDC) AND ASSOCIATE DIVISION COUNSEL (ADC) (See MAOP, Part II, 4-2, 4-3 and 4-9.)**

(1) The CDC is the chief legal officer in an FBI field office. As such, the CDC is responsible to ensure the appropriate handling of all legal programs within the office, as well as to ensure that all legal problems that arise are appropriately addressed. The primary duties of the CDC include providing legal counsel and advice to office management, supervisors and investigators on administrative and operational matters; providing or assisting in the defense of litigation filed against the FBI and its employees; monitoring and reporting legal problems or matters of interest arising in the division; conducting necessary research; providing legal training to FBI and other law enforcement personnel; and establishing and maintaining liaison with the U.S. Attorney's office, state and local prosecutors, and other government attorneys involved in law enforcement. CDCs are also responsible for other legal duties that may be assigned or specifically approved by the Office of the General Counsel.

(2) The ADC shall work under the supervision of the CDC and shall perform those duties delegated or assigned by the CDC.

#### **4-9 LEGAL ADVISORS (LA)**

The LA is to assist the CDC and/or ADC in the duties described in 4-8.

#### **4-10 APPOINTMENT OF CHIEF DIVISION COUNSEL, ASSOCIATE DIVISION COUNSEL AND LEGAL ADVISORS AS SPECIAL ASSISTANT UNITED STATES ATTORNEYS**

(1) Prior to the appointment of any Chief Division Counsel, Associate Division Counsel or Legal Advisor (LA) as a Special Assistant United States Attorney (SAUSA) by the applicable United States Attorney (USA), the affected field office, through its Chief Division Counsel, must first obtain Office of the General Counsel (OGC) approval. The requesting electronic communication should contain the following information:

(a) The name and background of the proposed appointee. This should include the appointee's EOD date, legal education, bar membership, status in the Bureau's Legal Program and present investigative caseload.

(b) Information concerning the responsibilities of the proposed SAUSA position. This should include the name of the requesting USA and those responsibilities the USA proposes be assumed by the SAUSA.

(c) The reason the USA has made this request, i.e., the burden now carried by the USA which could be relieved by appointment of an SAUSA.

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- (d) The term and expiration date of the proposed appointment.
  - (e) SAC approval. This should include the SAC's assessment of the effectiveness of the SAUSA proposal and its benefit to the FBI. It should also include an opinion concerning any impact upon that office's ability to perform its investigative functions and the ability of the proposed SAUSA to fulfill his/her assigned duties as a Special Agent.
- (2) If OGC approves the request it will include in its notification the following:
- (a) Any limitations placed upon the responsibilities of the SAUSA. The proposed appointee will also be reminded that he/she is not to broaden these responsibilities without OGC approval and of any applicable restrictions found in Title 28, Code of Federal Regulations, Section 50.15 concerning representation matters or in Rule 6(e), Federal Rules of Criminal Procedure, regarding federal grand jury matters.
  - (b) That the proposed SAUSA is not to assume the additional SAUSA functions unless and until the requesting USA has received the appropriate DOJ approval pursuant to UNITED STATES ATTORNEYS' MANUAL, Sections 1-3.540, 10-2.230 and 9-11.352, and the SAUSA has executed the required oath of office.
  - (c) That the SAUSA is to serve without any compensation other than that which he/she is presently receiving under his/her appointment as a Special Agent of the FBI.
- (3) When an appointment as an SAUSA is set to expire, an electronic communication must be sent to FBIHQ, Attention: Office of the General Counsel, advising whether the appointment will expire or be renewed. If the appointment is renewed under the same terms and conditions as previously approved, a request for continued authority should be submitted UACB. If a change in the duties, responsibilities or conditions is sought, the information identified in paragraph (1), above, must be provided.

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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**SECTION 5. PRESS – PUBLICITY** (Deleted – See *Public Affairs Manual* at [http://rmd.fbinet.fbi/ppu/manuals-desk/manuals\\_published\\_in\\_new\\_format.htm](http://rmd.fbinet.fbi/ppu/manuals-desk/manuals_published_in_new_format.htm))

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Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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## SECTION 6. PROCUREMENT, PAYMENTS, AND PROPERTY

### 6-1 TRAVEL EXPENSES - TRANSPORTATION ALLOWANCES (See MAOP, Part 2, 6-1.1.6(4), 6-3.6(7); Legal Attache Manual, Section 5.)

All routine travel, with the exception of SACs and LEGATS, must be authorized by an official occupying a higher level position than the traveler. The authorizing official should be in a position to know whether the travel best serves the needs of the agency. In general, the official who authorizes travel should also approve the travel reimbursement. Administrative Officers may authorize and approve travel of support personnel.

(1) Travel Expenses - Transportation Allowances - An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of official business. These expenses include the cost of transportation, per diem, mileage allowance for use of personally owned vehicle, auto and taxi hire, parking, telephone calls, and gas and oil for Bureau vehicles. The regulations governing the reimbursement for these expenses are found in the Federal Travel Regulations (FTRs).

(a) Federal employees with disabilities may be reimbursed for the necessary additional travel expenses incurred in the performance of official business. The SF-1012, travel voucher, must state that the additional travel expenses were incurred by an employee with a disability. The following travel expenses incurred as a direct result of an employee's disability will be reimbursed:

1. Transportation and per diem for an attendant to accompany an employee with a disability who is incapable of traveling alone and requires the assistance of an attendant. The attendant does not have to be a member of the employee's immediate family;
2. Cost of specialized transportation to, from, and/or at the temporary duty location;
3. Cost of specialized services provided by commercial carrier to accommodate the employee's disability;
4. Cost of baggage handling at lodging facilities or terminals incurred as a direct result of the employee's disability; and
5. Cost of renting and/or transporting a wheelchair.

(2) Transportation Allowances - Travel on official business shall be by the method of transportation which will result in the greatest advantage to the government, cost and other factors considered. Generally, travel by common carrier (air, rail, or bus) will be the least costly and result in the most expeditious performance of travel and should be used whenever it is reasonably available. The traveler shall use the method of transportation administratively authorized or approved by the agency as the most advantageous to the government. To that extent, all travel between designated city pairs must be made using the city-pair contract carrier. Any additional cost(s) resulting from the use of a method of transportation other than that specifically authorized, approved, or required by regulations shall be the traveler's responsibility.

(a) Employees are expected to use the most direct and expeditious routes to perform government travel. When an employee travels by an indirect route or interrupts travel by a direct route for his/her personal convenience, the extra cost associated with that travel must be borne by the employee. Travel which begins at a location other than the employee's official duty station (i.e., leave point, weekend residence) and/or travel to an intermediate location (for personal reasons), either prior to or upon completion of the TDY assignment, is considered "indirect travel." The government fare and/or contract fare may not be requested for any portion of travel which is indirect.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(3) Conference Planning and Travel - All entities sponsoring conferences (meetings, retreats, seminars, training, or other similar events which involve travel) shall exercise strict fiscal responsibility by selecting conference sites that minimize administrative and travel costs. In considering sites, government-owned or government-provided facilities should be used to the maximum extent possible and places that appear to be extravagant to the public should be avoided unless a cost analysis shows a savings to the government from the selection of that particular site. The selection of a particular conference site must be personally approved by the division head, and if travel involves regional training held outside the FBI Academy, by the Executive Assistant Director for Administration, taking into consideration the cost analysis of the alternate sites. (See MAOP, Part 2, 8-14.)

(a) At least three locations should be considered in the selection of each conference site. A cost comparison must be performed for each location considered. The cost analysis must take into consideration such factors as transportation, meals, lodging at the per diem rate, convenience of conference location (whether a car rental will be needed), availability of meeting space, equipment, materials, supplies, and light refreshments. Prior to making any arrangements with a facility, you must contact a Contracting Officer, as this employee is the only individual who can obligate the FBI to an expenditure of funds, sign agreements and/or contracts.

(b) Every effort should be made to procure lodging accommodations within the prescribed lodging rate; however, when that is not possible, the division head may authorize reimbursement of the conference lodging allowance. The conference lodging allowance is a predetermined maximum allowance that may be authorized for lodging of up to 25 percent above the prescribed lodging rate. If the conference lodging allowance is still inadequate to cover the cost of lodging, a written request must be submitted to the Travel Advance and Payment Unit, Accounting Section, Room 1270, requesting reimbursement of lodging on an actual expense basis in accordance with established policy (see MAOP, Part 2, 6-1.3(3), 6-1.5 and 6-1.5.1). Under no circumstances can the division head approve a conference allowance in excess of 25 percent above the lodging rate.

1. When the conference lodging allowance is authorized, it applies to ALL GOVERNMENT EMPLOYEES attending the conference. The FBI entity sponsoring the event (in whole or part) must ensure that all advertisements and/or communications regarding the conference include the fact that the conference lodging allowance has been authorized and the maximum amount that will be reimbursed for lodging.

2. Employees attending events sponsored by a nonfederal source, wherein the prescribed lodging rate is inadequate to cover the cost of lodging, may submit a written request to his/her approving official, requesting authorization to claim the conference lodging allowance in connection with attending the event sponsored by a nonfederal source.

3. When the conference lodging allowance is authorized, employees/attendees will be reimbursed the actual amount incurred for lodging, up to the conference lodging allowance, supported by the original lodging receipt and a copy of the communication/advertisement authorizing the conference lodging allowance for that particular conference.

(c) A conference which involves travel by 30 or more employees must also be approved by the Assistant Director (AD), Finance Division (FD). Requests should be forwarded to the Attention: Travel Advance and Payment Unit, Room 1270, for subsequent review and approval by the AD, FD. The request should include a cost analysis of each location considered and the reason(s) for the selection of that particular site.

The number of FBI employees attending conferences sponsored by other organizations must also be held to the minimum necessary to accomplish the mission of the agency. Current Department policy limits the number of attendees at conferences and meetings to two or three. This directive does not affect employees who attend field operational meetings to accomplish specific program missions.

(d) Federal funds may not be used to sponsor a conference, meeting, or training seminar in a hotel or motel not meeting the fire protection requirements. (See 6-1.3.2 (3)(a).)

**SENSITIVE**



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(e) Light Refreshments - The hosting entity may at his/her discretion provide light refreshments during breaks for employees attending conferences. The authority to provide light refreshments only extends to conferences/meetings where the majority of the employees attending the event are in a travel status. APPROPRIATED FUNDS MAY NOT BE AUTHORIZED FOR THE PURCHASE OF LIGHT REFRESHMENTS SERVED IN CONNECTION WITH CONFERENCES/MEETINGS CONDUCTED IN THE LOCAL COMMUTING AREA. The cost of providing light refreshments is an administrative cost of putting on the conference.

1. Light refreshments include, but are not limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, and muffins. Employees are not required to take a deduction in the M & IE allowance for light refreshments provided during breaks. HOWEVER, IF THESE SAME ITEMS ARE PROVIDED TO EMPLOYEES AS A CONTINENTAL BREAKFAST, AN APPROPRIATE MEAL DEDUCTION WOULD BE REQUIRED because the M & IE allowance includes an amount sufficient to cover the cost of breakfast, lunch, and dinner.

(4) Attendance at Funerals - As a general rule, agencies may authorize only that travel which is necessary to accomplish the purpose of the government effectively and economically and, generally, attending funerals is not considered necessary for these purposes. By federal statute, however, a federal law enforcement officer may attend, in an official capacity, the funeral of a fellow federal law enforcement officer killed in the line of duty (Title 5, USC, Section 6327). Component heads may designate at least one Special Agent and/or support employee to attend the funeral services. Other employees may be designated at the Component Head's discretion based on their close personal or professional association with the deceased.

(a) In addition, the Comptroller General has advised that an agency head or delegate may determine, based upon "the significance of the deceased to the agency" (B-275365 (December 17, 1996)), that attendance at a funeral by AN OFFICIAL AGENCY REPRESENTATIVE constitutes official business. The Special Agent in Charge or division head (or higher authority) with the greatest relationship to the deceased may determine that attendance at a particular funeral constitutes official business and may select the official representative, who may attend the funeral at government expense. While the Bureau may fund the travel expenses only of the official representative, Bureau policy permits "Office/Division heads or their designees to grant employees who hold a close personal or professional association with the deceased a reasonable amount of administrative leave to permit them to attend, in their personal capacity and at their own expense, the funeral of another Bureau employee or a close relative of a Bureau employee." (See Leave Policy Manual.)

(b) Employees should consult the Leave Policy Manual and/or the Accounting Section, Finance Division, with respect to attendance or participation in military funerals or other circumstances not addressed herein.

(5) Attendance at Retirement Functions - Employees may not be reimbursed for expenses to attend retirement functions or related events away from their official duty station unless they do so in an official capacity. To attend in an official capacity requires that the designated participant perform an officially recognized role in furtherance of the FBI's mission and be authorized to do so by the Director or his designee. Except in rare circumstances, only one designated participant will attend such events as the designated FBI official. All other individuals attending the function will be personally responsible for their own transportation, lodging, and meal expenses incurred to attend the event. (See MAOP, Part 2, 6-1.3.1 (5)(a) regarding local travel to attend retirement functions, anniversaries, or other similar events.)

### **6-1.1 Common Carrier Transportation Services (See MAOP, Part 2, 6-1.1.6 and 6-4.1 (4).)**

All passenger transportation services by common carrier must be procured through Omega World Travel or directly from the contract airline carriers and will require the use of the MasterCard or Government Travel Account (GTA). In addition, Legat personnel may use the Department of State (DOS) travel service provider. The utilization of the Standard Form 1169, U.S. Government Transportation Request (GTR), to procure

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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passenger transportation services (airline tickets) is limited to travel performed by Legat personnel. The GTA cannot be used to obtain airline tickets for cost-reimbursable contractors (contract employees) performing official government travel.

(1) Airline tickets for reservations made through the Travel Management Center (currently Omega World Travel) will be issued through Electronic Ticketing (E-Ticketing). Paper tickets will only be issued for travel where E-Ticketing is not available. Effective January 1, 2000, there will be a service fee for all ticketing transactions.

(a) The transaction fee charged by the DOS travel service provider should be handled on a cost-reimbursement basis.

#### **6-1.1.1 Utilization of GTRs**

(1) The utilization of GTRs to procure common carrier transportation for official travel is limited to use by Legat personnel. The Legal Attache or his/her designee is authorized to issue books of GTRs or individual transportation requests to employees performing official government travel. Space for recording the issuance of GTRs is provided on the inside cover of the GTR book. The name of the person to whom a book is issued must also be shown on the inside cover of the book. When there is a change in the Legal Attache, the successor must execute a receipt for the GTRs on hand and forward it to FBIHQ, Attention: Property Management Unit, Property Procurement and Management Section (PPMS), Finance Division (FD).

(2) When a book of GTRs is issued, an FD-254 must be executed and promptly forwarded to FBIHQ, Attention: Property Management Unit, PPMS, FD, National Place, Suite 504. The receipt must reflect the number of requests in the book, date, name and title of individual to whom the GTRs were issued, and be signed by that individual.

(a) When an employee is transferred back to the U.S. from a foreign post, any GTRs, whether a full or partial book, in his/her possession must be surrendered by the employee prior to his/her return. The Legat office should retain the GTRs for reissuance. When the full or partial book is reissued, a new FD-254 must be executed and promptly forwarded to the Property Management Unit, PPMS, FD, National Place, Suite 504.

(3) The GTR is self-explanatory and all appropriate blanks should be filled in by the traveler. Horizontal lines should be drawn through spaces not used. If the space provided on the front of the GTR is insufficient for the required information, use the reverse side of the GTR. Enter the purpose of travel in the fiscal data space on both the original and the memorandum copy. (See MAOP, Part II, 6-1.2.1(4).)

(4) GTRs are to be issued to the airline carrier. They may be issued to travel agencies only for travel within foreign countries (except Canada and Mexico), or between foreign countries, at charges not exceeding those otherwise payable to the carriers used. A GTR should only be issued for the amount of the authorized travel.

(5) When two or more persons are traveling together to the same destination, one GTR may be issued for the joint trip. The identity of all travelers, other than the issuing officer, must be indicated on the reverse side of the GTR. When a GTR is used for the transportation of dependents in connection with official transfers to/from an overseas location, the names and ages of the dependent children should be shown on the reverse side of both the original and memorandum copies of the GTRs.

(6) An employee must account for all tickets purchased with GTRs. Even if no reimbursable expenses are incurred, an itinerary of the travel for which GTRs are issued must be furnished on the employee's monthly travel voucher. GTRs issued for dependent travel should be accounted for on the travel voucher submitted by the employee.

(7) GTRs are not to be used for:

(a) The purchase of a group of one-way or books of round-trip tickets.

**SENSITIVE**

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(b) Toll roads, toll bridges, taxicabs, airport limousines, intercity transit, so-called "Drive-Ur-Self," or for hire automobile services.

(8) Deleted

**6-1.1.2 Procurement of Common Carrier Transportation (See MIOG, Part 2, 23-8.2.)**

(1) The regulations which prescribe the use of the MasterCard and Government Travel Account (GTA) are also applicable for tickets purchased using GTRs. (See MAOP, Part 2, 6-4.1, 6-4.12.2 and 6-4.12.3.) The MasterCard, GTA, or GTR (limited to use for travel by Legat personnel) is only to be used to obtain passenger service for official travel. In the event personal travel or indirect travel is made in conjunction with an official trip, the MasterCard, GTA or GTR can only be used to pay for that portion of travel which is for official business. The employee must pay the additional cost for the personal travel out of his/her own personal funds. Under no circumstances should an employee use the MasterCard, GTA, or GTR to pay for the full fare of a ticket which includes personal travel and remit the amount of the personal travel by personal check or subtract it from the SF-1012, Travel Voucher, claiming reimbursement for the travel.

(a) Deleted

(2) Government funds SHALL NOT be used to pay for a class of service other than coach-class accommodations, unless prior approval is granted authorizing the use of a higher class of service. When a class of service other than coach class is required for official travel, the employee must complete in advance of the travel an FD-724, Request/Authorization for the Use of Service Higher Than Coach. The FD-724 must indicate the circumstances requiring a higher mode of transportation. Requests for upgraded air travel should only be authorized under extenuating circumstances. Circumstances justifying the use of first class or premium class other than first-class accommodations (e.g., business class) are limited to the following: (1) No other commercial service is reasonably available within 24 hours of the employee's scheduled departure or arrival time. When this situation occurs, the traveler must provide documentary evidence of the circumstances as to why coach-class accommodations are not available; (2) Travel is necessary to accommodate an employee's disability or physical impairment and such condition is substantiated in writing by a competent medical authority; or (3) exceptional security circumstances require such travel, such as 1) travel by Agents in charge of protective details accompanying an individual authorized to use first class; or 2) travel by couriers or control officers accompanying controlled pouches or packages and no other class of service is available. (See MAOP, Part 2, 6-1.1.3.)

(a) In addition to the above circumstances, premium class other than first-class accommodations (e.g., business class), may be authorized in situations where the scheduled flight time (including stopover) between the origin and destination points exceeds 14 hours. The authority to approve airline upgrades for travel in excess of 14 hours also extends to travel on transfer. When this authority is exercised, the employee shall not be eligible for a rest stop en route or a rest period upon arrival at the temporary duty point. An aircraft with only two classes (sections) of seats is considered for purposes of official travel to have only coach-class and first-class accommodations. Therefore, if the aircraft only has two classes of seats, the employee must travel in coach-class accommodations because the higher class is considered first class.

(b) Requests by field personnel for airline upgrades should be forwarded to their SAC or Legal Attache for approval. Requests for upgraded accommodations for the SAC's or Legal Attache's travel should be forwarded to the Deputy Assistant Director (DAD), Finance Division (FD) for approval. Requests for upgraded accommodations for FBI Headquarters (FBIHQ) personnel may be approved by the Assistant Director (AD) and, in the AD's absence, the DAD. Requests for upgraded accommodations for DADs and above must be approved by an official occupying a higher level position than the requester. The approved FD-724 must be attached to the employee's SF-1012, Travel Voucher, claiming reimbursement for the travel. Additionally, all first or business class reservations must be made through Omega World Travel at FBIHQ.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) A copy of each request wherein first-class travel is authorized must be forwarded to the Travel Advance and Payment Unit, Room 1270, to satisfy GSA reporting requirements.

(3) The use of the GSA-negotiated contract carriers is mandatory for all travel between designated city-pairs. The contract carrier must be used regardless of whether the airline ticket is procured through Omega World Travel or directly through the contract carrier. Reservations shall be requested initially of the contract airline offering the lowest contract fare; if that carrier cannot provide the requested service, the carrier(s) offering the next higher contract fares, in progressive order, shall be used.

(a) Employees may not use other airline carriers based on personal preference or dissatisfaction with a particular airline. A government fare equal to or less than the amount offered by the contract carrier is not justification for using another carrier.

(4) Air travel between designated city-pairs by carriers other than the contract carriers must be approved in advance of the travel. Authorization to use a noncontract carrier must be approved in the field office by the SAC or ASAC, and at FBIHQ by a Unit Chief or above. Employees that travel between designated city-pairs by noncontract carriers without the appropriate authorization and approval will be personally responsible for any costs in excess of the applicable contract fare. A memorandum, signed by the designated authorizing official, must be attached to the voucher, setting forth the circumstances that necessitated the use of a noncontract carrier. Justification for the use of noncontract air carriers is limited to the following:

(a) Space or scheduled flights are not available in time to accomplish the purpose of travel.

(b) The scheduled flight of the contract carrier is not compatible with the organization's policies and practices regarding travel during regularly scheduled work hours.

(c) A cost comparison substantiates that: (1) a restricted or unrestricted coach fare, available to the general public, is lower than the contract fare, and other cost factors being equal; or (2) the use of a noncontract coach fare available to the general public plus the cost of such factors as ground transportation, overtime, and additional overnight lodging expenses would result in lower costs to the government than if the same cost factors were added to the contract fare.

(d) Rail service is available, and the use of such service is cost effective.

(e) Smoking is permitted on the contract flight, and the nonsmoking section of the aircraft is unacceptable to the traveler (commonly referred to as second-hand smoke).

(5) The Fly America Act, as implemented by the Comptroller General's guidelines, requires federal employees and their dependents, consultants, contractors, grantees and others performing United States government-financed foreign air travel to travel by U.S. flag air carriers.

(6) Travel via a foreign carrier will not be authorized to perform official government travel for which the services of a U.S. flag carrier are available to accomplish the same travel, regardless of the cost. The Federal Travel Regulations provide that if an employee improperly uses a foreign carrier, he/she will not be reimbursed for any transportation (airfare) cost incurred for use of the foreign carrier. In order to avoid the risk of an employee not being reimbursed for his/her travel, all requests for use of a foreign carrier must be directed to the Travel Advance and Payment Unit, Room 1270. The request should be accompanied by a statement from Omega World Travel that there is no U.S. flag carrier service available to perform the travel authorized. If travel by a foreign carrier must be authorized, it will only be authorized for the portion of the trip for which there is no U.S. flag carrier service available.

SEE MAOP, PART 2, 6-1.1.3, RE THE FREQUENT FLYER AWARDS PROGRAM.

**SENSITIVE**

**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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### **6-1.1.3 Frequent Flyer Miles and Promotional Benefits (Formerly at 6-1.1.2) (See MAOP, Part 1, 1-14.)**

(1) Frequent Flyer miles and promotional benefits and materials earned in connection with official business travel may now be retained by the employee for personal use. Any fee associated with joining a frequent traveler program must be borne by the employee and is not reimbursable from appropriated funds.

(a) Employees may not select noncontract carriers to perform official travel for the purpose of accumulating frequent flyer miles. Carriers must be selected based on the GSA contract fare for travel between designated city-pairs.

(b) IRS has advised that frequent flyer miles and promotional benefits earned in connection with official travel, but used for personal travel, will not be considered taxable income.

(2) Employees may use frequent flyer miles earned in connection with official business travel, as well as miles earned in connection with personal travel to upgrade to premium class (business or first) accommodations. However, reimbursement will be limited to the contract airfare, unless the travel meets one of the exceptions for requesting an upgrade in airline accommodations. (See MAOP, Part 2, 6-1.1.2.)

(3) While employees are under no obligation to use frequent flyer benefits for official travel, the Travel Savings Program remains available to any employee who chooses to use such benefits to obtain a free ticket for official travel. (See MAOP, Part 2, 6-1.3.4.)

(4) Complimentary airline tickets. If you are performing official travel and you voluntarily give up your seat on the airplane, you may keep whatever compensation the airline gives you for vacating your seat for personal travel. However, you may not volunteer to give up your seat if it will interfere with the performance of official duties. Also, if the delay extends your travel time during normal duty hours, you must take the appropriate annual leave. For example, if you are scheduled to arrive at the official duty station/temporary duty location at 12:00 noon, and you volunteered to give up your seat, you would be required to take annual leave beginning at 12:00 noon until the end of the workday.

(a) If you are performing official travel and the airline denies you boarding (you did not volunteer) on a flight that you have been issued an airline ticket, any compensation you receive from the airline for this inconvenience becomes the property of the government. The compensation may be used for future official business travel, but it may not be used for personal travel.

### **6-1.1.4 Unused Tickets Purchased with a GTR**

(1) Under no circumstances should a traveler apply for refunds or credits for furnished service or unused tickets or portions thereof issued in exchange for GTRs. All unused tickets must be forwarded to FBIHQ with an appropriate voucher by the fifth working day of the month following that in which expenses were incurred together with the reason for nonuse. If a travel voucher is not necessary, the unused ticket together with the Travel Request Form (FD-540) should be forwarded by correspondence to FBIHQ, Attention: Commercial Payments Unit, Room 1993.

(2) Reserved space must be canceled as soon as the employee learns that such space will not be used in order to avoid any possible assessment of cancellation charges.

### **6-1.1.5 Lost or Stolen GTR**

If a GTR is lost or stolen, the accountable employee must advise FBIHQ, Commercial Payments Unit, immediately of the circumstances surrounding the loss and furnish the identifying number(s) of the missing GTR(s). If a lost or stolen GTR has been executed, the accountable employee should immediately advise the designated carrier not to honor the GTR should it be presented. If a lost or stolen GTR is subsequently recovered, it should be marked canceled and forwarded to FBIHQ, Attention: Commercial Payments Unit. A recovered GTR should not be used under any circumstances.

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

**6-1.1.6 Omega World Travel (See MAOP, Part 2, 6-1.1 and 6-4.1.)**

(1) The Department of Justice (DOJ), to include the FBI, are in the process of implementing the governmentwide E-Travel System. The internet-based system offers end-to-end travel services from planning the trip, creating the travel authorization, making travel reservations, and preparing the travel voucher. DOJ has selected Electronic Data System (EDS) as the vendor to provide the E-Travel System. As part of this initiative, Omega World Travel will continue to be the travel agency, arranging for travel and transportation services for employees performing official business travel.

(2) Until the E-Travel System is fully implemented, FBI employees may continue to utilize Omega or make reservations directly with the contract carrier airlines. The Omega office currently residing at FBIHQ will close effective 3/31/2005. Employees can make necessary travel reservations by calling the following [redacted] telephone numbers.

b2

Pacific time zone [redacted] Mountain time zone [redacted] Central time zone [redacted]  
Eastern time zone [redacted] Facsimile [redacted] After hours number [redacted]

In an emergency Omega can be contacted seven days a week, 24 hours a day, at [redacted]

(3) All first- and/or business-class travel reservations must be made through Omega World Travel at FBIHQ. A copy of each request wherein first-class travel is authorized must be forwarded to the Travel Advance and Payment Unit, Room 1270, to satisfy GSA reporting requirements.

(4) For rules and guidelines regarding travel allowances, upgrades and related travel items, refer to Part 2, Section 6-1, of this manual.

(5) Deleted

**6-1.2 Processing of Employee Expenses Incurred in Connection With Official Business**

(1) REIMBURSEMENT FROM THE DRAFT SYSTEM - Routine monthly travel vouchers (excluding vouchers covering expenses incurred in connection with undercover operations or permanent change of station vouchers) that are within the prescribed dollar amount of the Draft System should be paid in that manner and not forwarded to FBIHQ for processing.

(2) PURPOSE OF TRAVEL REQUEST FORM (FD-540). The FD-540, "Travel Request Form," assists both field and Headquarters' management in monitoring travel expenditures. An FD-540 is required for each voucher for travel-related claims. ANY TRAVEL VOUCHER (SF-1012) THAT IS NOT ACCOMPANIED BY AN APPROPRIATELY EXECUTED FD-540 WILL BE RETURNED TO THE EMPLOYEE FOR IMMEDIATE HANDLING. THIS PROCEDURE APPLIES TO ALL TRAVEL VOUCHERS REIMBURSED FROM THE THIRD PARTY DRAFT OR THOSE SENT DIRECTLY TO FBIHQ FOR PROCESSING.

(3) FD-540. The authorizing official must sign the FD-540 with his/her complete Bureau name; initials will not suffice. The authorizing official must be an official occupying a higher level position than the traveler. In general, the authorizing official who signs the FD-540 should also sign the SF-1012, travel voucher, approving the travel reimbursement.

(a) The FD-540 for an extended temporary duty (TDY) assignment will automatically expire after 90 days at the TDY location. The 90-day period begins at 12:01 a.m. following the day of arrival at the TDY location. Should the assignment continue for more than 90 days, another FD-540 must be completed, and justification furnished as to the circumstances requiring the continuance of the TDY assignment. The FD-540 must also indicate a realistic expectation date as to when the assignment will be completed. At such time the assignment is expected to exceed one year, the authorizing official must notify Travel Advance and Payment Unit, FD, with the identity of the employee who is on an indefinite TDY assignment. From this point forward,

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

the travel vouchers in connection with the assignment may no longer be processed by the Draft System, but must be forwarded to FBIHQ for processing so that income tax withholding can be initiated.

(b) Written justification must be submitted by electronic communication or teletype prior to the conclusion of the initial 90-day period to the Transfer Unit, Administrative Services Division.

(c) The FD-540 is a triplicate form with the following copy designation: (1) Pink copy serves as a "justification memo" to be placed in substantive case file thereby eliminating the need for the traveler to prepare another statement of justification; (2) White copy with actual expenses indicated is to be submitted with the SF-1012 (travel voucher); and (3) Yellow copy, a duplicate of the white copy, is to be filed in the Travel Control File for the division.

(4) NONTRAVEL EXPENSE REIMBURSEMENT. Nontravel expenses may be paid through the submission of an SF-1012 (travel voucher); however, such expenses should be limited. An FD-540 is required for nontravel expenses submitted for reimbursement on an SF-1012, cluding those miscellaneous expenses detailed on the FD-534. The FD-534 form consolidates appropriate daily miscellaneous expenses which are incurred in connection with official business when it is not feasible to obtain receipts.

(5) REFER TO THE "TRAVEL CONTROL SYSTEM ON-LINE USER GUIDE" FOR ASSISTANCE CONCERNING THE FD-540.

(6) AUTHORIZING OFFICIALS. Each field office or division must maintain a listing of the names and titles of the authorizing officials authorized to approve travel vouchers. The list must be made available to the voucher person(s) or draft approval officer(s) responsible for reviewing travel vouchers for your entity.

### **6-1.2.1 Preparation and Submission of Travel Vouchers**

An employee may claim reimbursement for expenses incurred in connection with the performance of official business or routine travel expenses (nontransfer related) by preparing an original travel voucher, SF-1012. Employees seeking reimbursement for transfer- related expenses must prepare an original SF-1012 and ONE COPY of the SF-1012-A, memorandum copy. If there are no available copies of the SF-1012-A, a xerox of the original SF-1012 will suffice. However, a xerox copy of the SF-1012-A will not suffice as an original SF-1012. For routine travel expenses, the original SF-1012 and the FD-540 (white copy) are to be forwarded to the division Draft Office or the Travel Advance and Payment Unit (TAPU) for processing and issuance of payment. With regard to transfer-related vouchers, the original SF- 1012, and one copy of the SF-1012-A are to be forwarded to the TAPU, Room 1396, for processing and issuance of payment. To assist employees in the preparation and submission of a travel voucher, the following guidelines are being set forth:

(1) The original SF-1012 must be signed in ink by the employee and his/her approving official; initials will not suffice. All claims for reimbursement of routine travel expenses, with the exception of the Director, SACs, and LEGATS must be approved (signed) by an authorizing official occupying a higher-level position than the traveler. The approving official must sign the voucher with his/her complete Bureau name.

(2) Vouchers may be typewritten or legibly handwritten in ink. Handwritten vouchers submitted in pencil are not acceptable.

(3) The FD-540 number and the date the travel was authorized must be shown in block number seven on the SF-1012.

(4) All travel vouchers must include the "PURPOSE OF TRAVEL."

To ensure uniformity in the way that travel purposes are identified on the travel vouchers, the following categories should be used to define the purpose of travel.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

- (a) Investigative/Operational/Managerial Travel is defined as travel directly supporting investigations. Examples include travel on a subpoena, travel to conduct an interview, or to perform an investigative or managerial function associated with investigations.
- (b) Quantico Training Travel is defined as travel associated with trips to and from Quantico where training is received. This includes not only FBI employees, but police officers traveling to and from the National Academy or other training at Quantico. "Police Training" should be indicated as purpose of travel when the GTA is used to obtain airline tickets for police officers.
- (c) External Training Travel is travel to sites where commercial or other vendor instruction of FBI employees is conducted. This includes all training which requires submission of a Government Employee's Training Act (GETA) form.
- (d) Meeting/Conference/Speech Travel includes travel for the purpose of attending a meeting, conference, convention, seminar, symposium, or for making a speech or presentation, delivering a paper or otherwise taking part in a seminar program.
- (e) Relocation Travel includes all travel in connection with homefinding trips, travel to the new duty station, and temporary quarters.
- (f) Entitlement Travel is travel for which an employee (or dependents) is eligible for in connection with serving at a duty station outside CONUS, i.e., tour renewal travel (for the purpose of taking leave between tours of duty) and educational travel. Tour renewal travel may not be authorized until the employee has completed the agreed upon period of service at the overseas location and has entered into a written agreement to complete another period prior to departing the overseas post.
- (g) Emergency Travel is travel to return an employee from a TDY assignment at government expense to his/her official duty station or alternate location where the employee would normally have traveled to take care of an emergency situation had the FBI not directed the employee to travel away from his/her official duty station to perform official business.
- (h) Other Travel includes all travel not defined by one of the listed categories above. Although stated as "other travel," the travel voucher should indicate the specific purpose of travel. (See MAOP, Part 2, 6-1.1.1.)
- (5) An employee shall submit his/her travel voucher for reimbursement consideration within the following time limitations:
- (a) EMPLOYEE MAINTAINING AN ADVANCE OF FUNDS. An employee maintaining an advance of funds must submit his/her travel voucher within five workdays of completing the trip to liquidate the advance. If the employee is in a continuous travel status, he/she may voucher once every 30 days, or more frequent, if deemed necessary.
- (b) EMPLOYEE WITHOUT AN ADVANCE OF FUNDS. An employee without an advance of funds must submit his/her travel voucher within five workdays of completing the trip. If successive trips are anticipated during the same month, the claims may be included in a single travel voucher and submitted within five workdays of completing the final trip.
- (c) STATUTE OF LIMITATIONS FOR SUBMISSION OF CLAIMS. In accordance with Title 31, USC, Section 3702, the statute of limitations for submitting a claim for reimbursement of travel expenses is six years. All claims submitted must be in accordance with the regulations that were in effect at the time the travel was performed.
- (d) DELINQUENT VOUCHERS in excess of 60 days old from the date the travel concluded must be accompanied by a cover memorandum furnishing complete justification for the delinquency.

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(6) If an employee has an outstanding advance of funds balance, Section 8 of the SF-1012 (travel voucher) should be completed to indicate the balance outstanding; amount to be applied; and the remaining balance.

(7) Section 9 of the SF-1012, travel voucher, should be completed and signed by the traveler when money is received from a Petty Cash Fund.

(8) Section 12 on the SF-1012 requires the listing of all GTRs incidental to the voucher period including tickets obtained from teleticketing offices, and tickets obtained through the use of the Government Transportation Account (GTA).

(9) Cash payments (i.e., individual meal expenses and taxi fares) in excess of \$75 must be supported by receipts. (See MAOP, Part 2, 6-1.2.3(3).)

(10) Copies of GTRs and/or passenger coupon(s) of tickets received from teleticketing offices, original receipts of cash payments and other documents supporting claims must be placed in an envelope bearing the name of the employee, month and year for which the documentation is submitted, and stapled to the reverse side of the original SF-1012.

(a) All claims for reimbursement of airfare (including E-Ticketing) must be supported by the passenger receipt. The employee should obtain the passenger receipt, at the airline ticket counter or boarding gate when checking in at the airport.

(11) Form FD-534 is to be utilized to consolidate appropriate daily miscellaneous expenses which are incurred in connection with official business when it is not feasible to obtain receipts. The FD-534 is to be prepared in duplicate, setting forth daily itemized expenses and the grand total of such expenses for the monthly period. The original FD-534 is to be attached to the monthly SF-1012.

(12) A complete itinerary of the travel as performed, including date(s) of arrival(s) and departure(s), and location of travel must be set forth on the SF-1012, Travel Voucher.

(13) Lodging paid by Government Purchase Order must be identified on the voucher. The Government Purchase Order number and daily cost of the lodging must be indicated on the travel voucher.

**6-1.2.2 Use of Privately Owned Vehicles (POVs)(See MAOP, Part 1, 12-3.2.)**

(1) POVs - When an employee renders service to the government by using his/her POV or airplane in the conduct of official business within or outside their designated posts of duty or places of service and such use is authorized or approved as advantageous to the government or as an authorized or approved exercise of the employee's preference, payment shall be made on a mileage basis as shown below, not to exceed the constructive cost of coach-class accommodations for one passenger aboard a common carrier.

(a) For use of a privately owned motorcycle - 30.5 cents per mile.

(b) For use of a POV - 40.5 cents per mile, if no government vehicle is authorized, or 28.5 cents per mile when a government vehicle is authorized and for personal reasons you choose to utilize your POV.

NOTE: Reimbursement for use of POV is limited to the constructive cost of travel via common carrier.

Past year's automobile rates are as follows:

Travel on/after 1/1/04 through 2/3/05 \$0.375 cents. Travel on/after 1/1/03 through 12/31/04 \$0.36 cents.

(c) For use of a privately owned airplane 1.07 cents per mile.

(2) Approval for the use of a POV on official business (including travel to Quantico) in a field office must be obtained from the SAC or, in his/her absence, the ASAC. At FBIHQ, approval must be obtained from the Section Chief or, in his/her absence, the Unit Chief. In support of a POV claim, the title and identity of the approving official must be indicated on the voucher.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(3) In addition to the mileage allowance, a traveler may claim reimbursement for parking fees; ferry fees; bridge, road and tunnel fees; and airplane parking, landing and tie-down fees.

(4) In lieu of using a taxicab, a POV may be used for travel from either the employee's home or office to a terminal or from the terminal to either the employee's home or office and reimbursement at the rate of 40.5 cents per mile may be claimed.

(5) Deleted

(6) The fee for parking an automobile at a common carrier terminal or other parking area while the traveler is away from his/her official duty station shall be allowed only to the extent that the fee plus the roundtrip mileage allowance does not exceed the estimated cost of a taxicab to and from the terminal. A comparative statement indicating that mileage and parking is less than the cost of two taxi fares is required on the voucher.

(7) Travel to a temporary duty assignment within a 50-mile radius of either the employee's residence or office is considered local travel. Reimbursement for local travel expenses must be made on an SF-1012, Travel Voucher. The expenses that may be claimed for local travel include a mileage allowance for the use of a privately owned vehicle (POV) and other miscellaneous costs associated with the use of the POV, i.e., tolls and parking; cost of public transportation or taxicab fare when public transportation is not available. The employee will be reimbursed for local travel expenses, less the amount of his/her daily commuting expense. The employee must note on the SF- 1012 that his/her claim for reimbursement of local travel is limited to the additional out-of-pocket expenses.

### **6-1.2.3 Miscellaneous Expenses**

(1) AUTOMOBILE RENTAL - Approval for the use of a rental vehicle in performance of official business at a field office must be obtained from the SAC or, in his/her absence, the ASAC. At FBIHQ, approval must be obtained from the Section Chief or, in his/her absence, the Unit Chief. This authority may be redelegated at the discretion of the SAC or Section Chief. In the field, the authority may be redelegated to the ASAC, Administrative Officer, or Squad Supervisor and at FBIHQ, the authority may be redelegated to the Unit Chief. Rentals of vehicles for 30 days or less and at a cost of \$1,000 or less may be approved by the authority responsible for approving the travel. Rentals of vehicles for 30 days or less per assignment but at a cost of more than \$1,000 must be approved by personnel having delegation of procurement authority, in addition to the approving official. Rentals for more than 30 days per assignment and at a cost of more than \$1,000 must be approved by the Procurement Unit, Property Procurement and Management Section. The reason for the rental vehicle must be set forth on the FD-540, Travel Request Form, along with the approving official's signature, authorizing the use of a rental vehicle.

(a) Deleted

(b) Deleted

A traveler shall pay for the use of a commercially rented vehicle utilizing his/her government issued travel charge card. Payment may be made with funds obtained through a travel advance, with personal cash, check, etc., or with his/her own personal/government credit card. The traveler shall submit the original paid bill (xerox copies are unacceptable) with the voucher. NO REIMBURSEMENT CAN BE MADE FOR COLLISION DAMAGE WAIVER FEE OR AUTOMOBILE INSURANCE WITHIN CONUS. Should the rental car become involved in an accident while being driven outside the scope of the employee's duties, the employee is personally liable for damages suffered by passengers, third parties, and the vehicle itself. In order to avoid increased liability to the government during regular working hours, the rental vehicle should NOT be used to transport individuals having no direct relationship with the official business. (See MAOP, Part 1, 1-3.1, 12-2.5.1.)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(2) TAXICABS - Reimbursement shall be allowed for the usual taxicab and airport limousine fares, plus tip, between a common carrier or other terminal and either the employee's home or place of business at the official duty station or place of business or lodging at a temporary duty point, or between the airport and airport limousine terminal. However, available courtesy transportation service furnished by hotels/motels should be used by employees to the maximum extent possible as a first service of transportation between place of lodging at the temporary duty point and common carrier terminal. At temporary duty points, public transportation should be used, when available, to commute to and from work and for obtaining meals. Claims for taxi fares other than to and from the common carrier terminals must be fully justified on the SF-1012, Travel Voucher. Reimbursement shall be allowed for tips when courtesy transportation service is used. Claims for taxicab fares exceeding \$25, including tip for travel between employee's home and office and a common carrier terminal must be justified to show a more economical mode of travel could not have been used. In addition, all claims for taxi cab fares in excess of \$75 must be supported by a receipt.

(3) MISCELLANEOUS COSTS - These reimbursable costs are local and long distance phone calls (the points of the long distance phone calls must be given); traveler's checks; money orders; certified checks; conversion of currency; fees in connection with the issuance of passports; visa fees; costs of photographs for passports and visas; costs of certificates of birth, health and identity, and of affidavits and charges for inoculation which cannot be obtained through a federal dispensary; and excess baggage. Original receipts for cash expenditures in excess of \$75 are required and must be attached to the voucher. (See MAOP, Part 2, 6-1.2.1 (9).)

(4) REGISTRATION FEES - Participants in Bureau-sponsored or co-sponsored events are not to be assessed registration fees. FBI employees who are required to pay registration fees for participation in non-Bureau-sponsored conferences and training sessions may claim reimbursement on their monthly expense voucher (SF-1012) by: (1) enclosing an original receipt; (2) identifying the event's sponsor(s) on the voucher; and (3) identifying on the voucher what is covered by the registration fee. If an employee is receiving reimbursement for meals and incidental expenses (M & IE) allowance and a meal is included in a registration fee paid by the employee, the employee must take an appropriate deduction from the M & IE rate as set forth in Paragraph 6-1.3(1)(e) of this manual. The cost of registration fees should be charged to the Miscellaneous Other Services Account.

(5) MEMBERSHIP FEES - Fees of this type are reimbursable under the following conditions: (1) purchased in the name of the Bureau rather than the name of the individual; (2) purchase of membership must be beneficial and contribute substantially to the Bureau's overall mission; and (3) membership must be transferable.

(6) DUES - Expenses incurred for dues for individual FBI employees regardless of any benefits that may accrue to the Bureau are not reimbursable. Incidental fees for obtaining permits or licenses necessary to perform the duties of a position are generally personal in nature and, therefore, not reimbursable from appropriated funds.

(7) PERSONAL TELEPHONE CALLS - Employees on a TDY assignment for more than one night may make a brief call (no more than five minutes in duration) each day to his or her residence and be reimbursed for the cost of the personal calls. The following guidelines are applicable in connection with the reimbursement of personal telephone calls: (a) the employee must be on official travel and stay overnight at least one night; (b) the telephone call must be to the employee's residence (or to the location of his/her spouse or family member if not at the employee's home); (c) the call must be brief and approving officials should review the duration of the calls to ensure that the call duration is reasonable; (d) the cost claimed does not exceed an average of \$5 per call for calls in the Continental United States (CONUS); or \$5 per call between islands of a United States territory or between foreign countries; or an average of \$7.50 per call to or from a destination within CONUS to a nonforeign location; or an average of \$10 per call for calls to or from a destination within CONUS to a foreign country. The maximum amount an employee shall be reimbursed will apply without regard to the number of calls, dates of calls, or duration of the calls. For example, if an employee is away

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

from home for four nights and decides to make only one call in comparison to one call each night, he/she may be reimbursed for the actual cost of the call, up to \$20 (\$5 x 4 nights), the length of the TDY assignment.

1. All calls for which reimbursement is claimed must be itemized on the SF-1012, Travel Voucher, indicating dates, points, and actual cost of each call. If the total dollar amount of the calls exceeds the established rate multiplied by the number of nights away from home, reimbursement will be limited to the lesser amount.
2. If the traveler can substantiate that the call lasted five minutes or less, but cost more than the established amount, the employee may be reimbursed for the actual cost of the call. In these instances, the employee must provide documentation (receipt) to support his/her claim.
3. Employees traveling on government business may also be reimbursed for a reasonable number of brief personal calls home when the employee is delayed due to official business or transportation delay, and calls to notify employee's family of schedule changes. These calls are not counted as one of the personal calls permitted in (d) above.

(8) **PARKING CITATIONS** - Employees are personally liable for all citations issued for parking ordinances and traffic violations while operating any vehicle for official purposes, either government or privately owned. These citations include parking in fire zones or other restricted areas, double parking, nonpayment of parking meter fees, etc.

(9) **ROOM TAX** - For travel within the United States, including U.S. territories and possessions, the room tax is reimbursable as a miscellaneous expense (see MAOP, Part 2, 6-1.6.3). However, the amount which will be reimbursed is limited to the amount of room taxes on the prescribed lodging rate. In connection with foreign travel, the room tax continues to be included in the M & IE allowance.

(a) There are a limited number of states and localities that voluntarily exempt federal travelers from paying room taxes when traveling on official business. (See MAOP, Part 2, 6-1.3.2 (4).) When traveling to these locations, employees are expected to complete the tax exempt certificate and provide the establishment with the necessary documentation in order to be exempt from paying the applicable taxes. A list of the locations offering tax exempt status can be found on the FBI Network by selecting the Employee Self Query (ESQ) application from your FBINET Activity Table. Under the ESQ Menu, there is a Travel Information Main Menu, with options to access the directory of locations offering tax exempt status.

(10) **LAUNDRY/DRY CLEANING** - The cost of laundry, cleaning, and pressing of clothing is generally included in the M & IE allowance. However, for travel performed in the United States in excess of five days, the cost of laundry and dry cleaning may be claimed as a miscellaneous expense. The clothes must be laundered and/or cleaned at the temporary duty (TDY) location and the amount must be reasonable, based on the circumstances of the travel assignment. Reimbursement will not be authorized for clothes that are laundered and/or cleaned on the first or last day of the TDY assignment, or for such expenses incurred after the employee returns to his/her official duty station. Laundry and dry-cleaning expenses incurred in connection with foreign travel is included in the applicable M & IE allowance prescribed for that locality. Claims in excess of \$75 must be supported by the original receipt.

### **6-1.3 Per Diem Allowances**

(1) Effective December 1, 1995, reimbursement for all official TDY travel shall be computed using a flat rate system, consistent with how the meal and incidental expense (M & IE) allowance was reimbursed under the lodging-plus per diem system. Under the flat rate system, better known as "flatlining," the employee shall be reimbursed the prescribed federal per diem rate for the TDY locality for lodging and M & IE, without the benefit of a receipt to support the cost of lodging. The standard CONUS rate shall apply to all TDY locations within CONUS not specifically listed in the prescribed maximum per diem rates for CONUS listed in the

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

"Employee Self Query" function of the Bureau Personnel Management System (BPMS). Should the approving official have any doubts regarding the travel, he/she may request that the employee furnish documentation to substantiate his/her travel claims. Documentation may be in the form of a lodging receipt showing "Check in and out" dates, a copy of the passenger boarding pass indicating departure and arrival dates, or any other form of documentation substantiating that the travel took place as claimed.

(a) For each calendar day that the employee is in a travel status and lodging is required, the employee shall be reimbursed the prescribed federal lodging rate for the TDY locality or stopover point where lodging is obtained plus the applicable M & IE rate. If more than one TDY locality is involved, the per diem allowance will be calculated using the highest of the M & IE rates. The M & IE rate payable for the first and last days of travel is three-fourths of the applicable M & IE rate prescribed for the TDY locality. The employee shall be reimbursed the full M & IE rate for each full calendar day he/she is in a travel status. In instances where lodging is obtained after midnight, it should be claimed for the preceding day. The applicable lodging rate for the preceding day will be determined as if the employee had obtained lodging prior to 12 midnight. The date that official travel starts and stops must be shown on the travel voucher. (See MAOP, Part 2, 6-1.5.)

1. When lodging is provided free of charge by the government, or paid for by a Government Purchase Order, the employee SHALL NOT be reimbursed a lodging allowance. His/Her reimbursement will be limited to the applicable M & IE rate for the TDY locality.

2. When lodging is provided by friends or relatives, the employee's reimbursement will be limited to the M & IE rate for the TDY locality unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the SF- 1012, Travel Voucher, as supporting documentation. Such costs may include maid service, bed rental, or documentation of an increased cost in utilities. If the costs incurred are determined to be reasonable, they will be allowed as lodging expenses. (See MAOP, Part 2, 6-1.3.1, 6-1.3.2, 6-2.4.3, 6-2.5.3, and 6-2.6.3.)

3. If an employee stays in government quarters, his/her reimbursement will be limited to the fee or service charge for the use of such quarters. The flat rate SHALL NOT be authorized for lodging accommodations at government quarters. However, employees may claim the difference between the service charge and the prescribed lodging rate as a lodging savings under the Travel Savings Program. (See MAOP, Part 2, 6-1.3.2 (7) and 6-1.3.4 (2).)

(b) If lodging accommodations are not available at the temporary duty location and the employee must obtain lodging in an adjacent locality where the prescribed maximum per diem is higher, the agency may make an administrative determination to approve reimbursement subject to the maximum per diem rate applicable for the locality where lodging was obtained. The employee must furnish information as to the reason that necessitated him/her to obtain lodging outside the TDY location; personal preference or mere convenience will not suffice.

(c) When travel is direct between duty points which are separated by several time zones and at least one duty point is outside CONUS, a rest period not in excess of 24 hours may be authorized or approved when air travel between the duty points is by less than business class accommodations and the scheduled flight time exceeds 14 hours by a direct or usually traveled route. The 14-hour rule does not include commuting time to and from the airport or the recommended two- to three-hour "check-in" time for international flights. The rest stop may be at any intermediate point, including points within CONUS, provided the point is midway in the journey or as near to midway as requirements for the use of U.S. flag carrier permit. The per diem rate will be the rate applicable for the stopover location.

1. In instances where an employee elects to remain at the stopover location in excess of 24 hours, the authorized stopover will be negated, and the cost of lodging and meals will become an out-of-pocket expense.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(d) For the day travel ends, the per diem allowable shall be three-fourths of the M & IE rate applicable to the preceding calendar day. The M & IE rate for the preceding day will be the M & IE rate for the last temporary duty point, except when lodging is required at an intervening en route stopover point.

(e) The M & IE rate shall be allocated as shown below when making necessary deductions from the per diem for meals furnished to the employee without charge by the federal government:

	M & IE Rates					
	\$30	\$34	\$38	\$42	\$46	\$50
Breakfast	\$ 6	\$ 7	\$ 8	\$ 9	\$ 9	\$10
Lunch	\$ 6	\$ 7	\$ 8	\$ 9	\$11	\$12
Dinner	\$16	\$18	\$20	\$22	\$24	\$26
Incidentals	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2

(See MAOP, Part 2, 6-1.2.3 (4).)

(2) Per diem shall not be allowed when the travel period is 12 hours or less. This rule applies to the total travel period between duty points for relocation purposes within CONUS and not to individual daily increments.

(a) Deleted

(b) When the travel period is more than 12 hours but less than 24 hours, (single day trips), the approving official shall closely review all claims for payment of an M & IE allowance. The employee must incur additional expenses over and above the expenses he/she would have incurred had he/she remained at his/her duty station. If the employee is entitled to claim per diem under this provision, the employee shall be reimbursed three-fourths of the applicable M & IE rate for the TDY locality. If more than one TDY locality is involved, the per diem allowance will be calculated using the highest of the M & IE rates. If lodging is required, the rules for travel of 24 hours or more shall apply.

(3) Conference Lodging Allowance - The conference lodging allowance is a predetermined maximum allowance that may be authorized as reimbursement for lodging of up to 25 percent above the prescribed lodging rate for employees attending conferences. The conference lodging allowance should only be authorized when absolutely necessary to obtain the desired facility at the most advantageous location. The authority to authorize the conference lodging allowance is delegated to the division head. When the conference lodging allowance is authorized, it will apply to all government employees authorized to attend the conference. If the conference lodging allowance is still inadequate to cover the cost of lodging (in excess of 25 percent above the prescribed lodging rate), a written request must be submitted to the Travel Advance and Payment Unit, Accounting Section, Room 1270, requesting reimbursement of lodging on an actual expense basis in accordance with established policy (see MAOP, Part 2, 6-1(3), 6-1.5, and 6-1.5.1).

(4) Extended Temporary Duty - The amount reimbursed to employees for lodging shall automatically be reduced for all TDY assignments in excess of 30 days, with the exception of TDY assignment for undercover operations. The employee shall be reimbursed the applicable M & IE rate for the entire period of the TDY assignment. Long-term rentals such as rooms, apartments, condominiums, or other reasonable accommodations should be used to lodge employees on extended TDY instead of the convenient and/or

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

expensive hotel. The lodging rate shall be reduced as set forth below and is reimbursable regardless of the accommodations, except accommodations provided by friends or relatives or free of charge by the government. The employee shall be reimbursed the reduced rate without the benefit of a lodging receipt.

(a) For TDY assignments of 30 days or less, the employee shall be reimbursed the maximum prescribed lodging rate for the TDY locality.

(b) For TDY assignments in excess of 30 days (to a single location), but less than 120 days, the employee shall be reimbursed the prescribed lodging rate for the TDY locality for the first 30 days. Thereafter, the employee shall be reimbursed 75 percent of the prescribed lodging rate.

(c) For TDY assignments in excess of 120 days, the employee shall be reimbursed in accordance with paragraph (b) above until the 120th day. Thereafter, the employee shall be reimbursed 50 percent of the prescribed lodging rate for the TDY locality.

(d) When long-term accommodations cannot be secured within the established rates, a written request must be submitted to the Travel Advance and Payment Unit, Room 1270, requesting authority to obtain lodging in excess of the authorized rate. Requests must set forth the reason(s) that lodging cannot be obtained within the authorized rate, attempts that were made to locate reasonable accommodations, and the approximate cost of available long-term lodging for the TDY locality. When actual expenses for lodging are approved, they will be applicable for the entire TDY assignment, including the first 30 days.

1. All requests wherein reimbursement of lodging has been approved in excess of the authorized rate must be supported by a lodging receipt.

(e) Return trips home - The Federal Travel Regulations provide for employees who are required to perform extended period of TDY to be authorized periodic return travel to their official duty station or place of abode. Although the regulations do not specify or limit the frequency of return travel, it provides for the authorizing official to make prudent use of the weekend return authority. Thus, employees on extended TDY for more than 30 days may be authorized weekend return travel to their official duty station after each 30-day period, provided the assignment would continue for at least two more weeks. To authorize return travel home on a more frequent basis, a written request must be submitted to the Accounting Section, Finance Division, setting forth the circumstances surrounding the TDY assignments which warrants a deviation from the established policy.

1. Weekend return travel should be performed outside the employee's regular duty hours or during period of authorized leave. Authorized leave includes scheduled and approved annual or sick leave, or compensatory time off. Administrative leave may not be authorized for weekend return travel.

2. Weekend return travel may only be authorized to the employee's place of abode, unless travel to an alternate location has been approved by the Accounting Section. Under this authority, place of abode is defined as the place from which the employee commuted daily to/from the official duty station. Requests to travel to alternate locations will only be reviewed and approved in extenuating circumstances.

3. Payment of a per diem allowance shall cease for any time period the employee is away from the TDY location. Per diem for travel days should be prorated accordingly.

(5) Property Management Services - Employees authorized a temporary change in station in connection with a long-term TDY assignment may be reimbursed for Property Management Services. Property Management Services are programs provided by private companies for a fee, which help an employee to manage his/her residence at the old duty station as a rental property while on an extended TDY assignment. These services typically include, but are not limited to, obtaining a tenant, negotiating the lease, inspecting the property regularly, enforcing lease terms, collecting the rent, paying the mortgage, etc. Property Management Services do not include reimbursement for the cost of maintenance/repair work performed on the residence, negative cash flow as a result of insufficient rental income, legal or other related expenses that may be

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

required to enforce the terms of the lease or Property Management agreement, etc. (See MAOP, Part 2, 6-2.13 and Legal Attache Manual, Part 1, 5-4.12.)

(a) Employees may only be authorized Property Management Services for the residence at the old duty station from which they commuted to and from work on a daily basis. The title to the residence must be in the name of the employee and/or a member of the immediate family.

(b) Reimbursement for Property Management Services is taxable income, subject to the applicable income tax withholdings.

(6) Taxation of Extended TDY Reimbursements - The Internal Revenue Code has been amended to eliminate the tax liability attached to the travel reimbursement paid to federal employees traveling on behalf of the U.S. in an extended TDY status to investigate or provide support services for the investigation of a federal crime. Travel assignments to a single location in excess of one year or with no realistic expectation date that is not to investigate or provide support services for an investigation of a federal crime, i.e., training, to manage a training program, or to perform administrative duties, is still considered taxable income, subject to the applicable income tax withholdings. (See paragraph (d) regarding reimbursement of the additional income tax liability.)

(a) The event which causes the travel reimbursement (if the purpose of the travel is not to investigate or provide support services for the investigation of a federal crime) to be treated as taxable income occurs at the point of time when the employee has a reasonable expectation that the TDY assignment is not likely to be completed within one year. If it is initially anticipated that the travel assignment will be less than one year, and the assignment is subsequently extended so that it exceeds one year, the travel reimbursement is treated as taxable income beginning with the date when the travel expectation changed. If it is anticipated at the time the travel is authorized that the assignment will last a year or more, all travel reimbursement paid in connection with the assignment is taxable income. Intermittent return trips to the employee's official duty station for weekend visits or vacation do not constitute a break in the extended TDY assignment for income tax purposes.

(b) If you have an employee involved in such an assignment, it is extremely important that you notify the Travel Advance and Payment Unit (TAPU), FD, of the identity of the employee who is on an indefinite assignment, so that income tax withholding can be initiated on the travel reimbursement. Once the travel reimbursement becomes taxable income, all travel vouchers submitted in connection with the assignment must be forwarded to the TAPU for processing and withholding of applicable taxes. Failure to notify TAPU of the identity of such individuals will result in unfortunate tax consequences for the employee.

(c) Employees on extended TDY for training purposes, to manage a training program, or to perform administrative duties will be reimbursed for the additional federal, state, and local income taxes incurred as a result of the travel reimbursement being included in total wages and reported on the W-2. There is no reimbursement for the additional FICA and medicare deductions that must be withheld from the travel reimbursement.

(d) Income Tax Reimbursement Allowance (ITRA). Reimbursement for the additional income tax liability is a two-step process. The federal income tax liability will be reimbursed at the time the employee submits the initial travel voucher. The travel voucher will be grossed-up in the same manner that relocation vouchers are to cover the federal income tax liability. Compensation for the additional income tax liability must be claimed through submission of an SF-1012, Travel Voucher, in the calendar year following the year the expenses are reported as income on the W-2. (See MAOP, Part 2, 6-2.9.2.)

1. The following statement must be shown on each SF-1012, Travel voucher, for which an ITRA is claimed. "Purpose: To claim the Income Tax Reimbursement Allowance (ITRA) for tax year \_\_\_\_\_ in connection with my extended TDY assignment to City/State, for the period \_\_\_\_\_. " The SF-1012, Travel

**SENSITIVE**



**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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Voucher, supported by copies of W-2s or 1099s for the employee and spouse, if applicable, should be forwarded to the Travel Advance and Payment Unit, Room 1270, for calculation of the ITRA payment.

2. The ITRA payment is taxable income and will be included in total wages in the calendar year that the payment is made.

### **6-1.3.1 Exceptions to Per Diem Entitlements**

(1) Deleted

(2) PER DIEM AT FBI ACADEMY, QUANTICO, VIRGINIA - National Academy and New Agent Counselors shall not be authorized a per diem allowance while in attendance at the FBI Academy. Attendees that are housed outside the Academy facilities will be reimbursed the prescribed lodging rate established by the General Services Administration for TDY travel to Quantico, Virginia, provided lodging is not paid for by a Government Purchase Order. Attendees lodged at commercial facilities will be required to consume their meals at the Academy.

(3) FIREARMS INSTRUCTION, CONFERENCES, SEMINARS AND TRAINING - No per diem shall be authorized when an employee who is required to attend firearms instruction, conferences, seminars, etc., at a place other than his/her place of duty and returns to his/her residence on a daily basis (24-hour period).

(4) GEOGRAPHICAL RESTRICTIONS - A per diem allowance shall not be authorized for travel performed within a 50-mile radius of either the employee's residence or official duty station. Employees attending conferences or meetings within a 50-mile radius of either their duty station or residence are expected to return to their residence on a daily basis. Although exceptions to the 50-mile rule are rarely authorized, such requests will be reviewed and approved on a case-by-case basis by the Accounting Section, Finance Division.

(5) MEALS AT THE OFFICIAL DUTY STATION - Employees may not be paid a per diem allowance or furnished free meals at their official duty station, regardless of any unusual working conditions. Employees may be reimbursed for meals when the meal cost is included in the registration fee for attendance at conferences or training sessions. You are reminded that employees attending a Bureau sponsored or co-sponsored event shall NOT be assessed registration fees.

(a) The SAC or, in his/her absence, the Assistant Special Agent in Charge; the Legal Attache or, in his/her absence, the Assistant Legal Attache; and Section Chiefs and above at FBIHQ may be reimbursed for the cost of attending significant events such as retirements, anniversaries, transfers, and other similar events where the attendance of the FBI is appropriate and desirable honoring high- ranking federal, state, or local law enforcement officials and civic and community leaders who have made significant contributions to the FBI's overall mission. The cost of attending significant events sponsored by these same organizations that do not necessarily honor an individual also qualify for reimbursement. The cost will be limited to \$100 per event. Exceptions must be approved in advance by the Deputy Assistant Director, Finance Division. (See MAOP, Part 2, 6-1.)

(b) Members of the Special Detail Unit may be reimbursed for the cost of certain meal expenses incurred when providing security detail to the Attorney General, Director, and other designated officials (as determined and approved by the Director or his designee) within their official duty station. Special Agents performing similar duties when the Attorney General, Director, or other designated officials are visiting their duty station may also be reimbursed for necessary meal expenses incurred in performing security detail. All claims for reimbursement of meal expenses must be approved in accordance with the following guidelines.

1. Meal expenses should only be authorized for the number of employees required to ensure adequate protection of the Attorney General, Director, or other approved designated officials.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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2. All requests for reimbursement of meal expenses must be accompanied by a copy of the "Operative" order, an explanation as to the circumstances necessitating the meal purchase, the name of the individuals eating the meal, the total amount of the transaction, and the original receipt. Copies of receipts are unacceptable.

3. The request must contain the SAC's personal signature before reimbursement may be authorized. Initials will not suffice. This authority may not be redelegated.

4. The claims must be reasonable. Employees are expected to exercise prudence with making meal selections. The purchase of alcoholic beverages is prohibited. The gratuity will be limited to 15 percent.

5. The meal expense must occur at the same restaurant/cafe in which the Attorney General, Director, or other designated officials consumed their meal. Claims for reimbursement of meal expenses from carry-out or take-out restaurants may not be approved.

(6) **LODGING WITH FRIENDS AND RELATIVES** - When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the SF-1012, Travel Voucher, as supporting documentation. Such costs may include maid service, bed rental, or documentation of an increased cost in utilities. If the costs incurred are determined to be reasonable, they will be allowed as lodging expenses. **COSTS BASED ON ROOM RATES FOR COMPARABLE COMMERCIAL LODGING OR "TOKEN AMOUNTS" WILL NOT BE CONSIDERED REASONABLE BY THE BUREAU.** See MAOP, Part 2, 6-1.3.4, regarding the Travel Savings Awards Program and the payment of an incentive award to employees who achieve lodging savings for the Bureau. (See MAOP, Part 2, 6-1.3, 6-1.3.2, 6-2.4.3, and 6-2.6.3.)

### **6-1.3.2 Lodging Requirements (See MAOP, Part 2, 6-2(4) & 6-3.7(2).)**

An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. When lodging is required, employees should make every effort to obtain accommodations that are within the maximum prescribed lodging rate for the TDY locality. The maximum prescribed lodging rate will be the extent of an employee's reimbursement for lodging expenses, unless the conference lodging allowance or reimbursement of lodging on an actual expense basis was approved (see MAOP, Part 2, 6-1.5). **EFFECTIVE DECEMBER 1, 1995, LODGING RECEIPTS ARE NO LONGER REQUIRED IN SUPPORT OF LODGING EXPENSES.**

If reimbursement of lodging is claimed under the flat rate reimbursement system, lodging receipts are not required. However, if the conference lodging allowance or actual lodging expenses have been authorized, the lodging claim must be supported by the original lodging receipt. (See MAOP, Part 2, 6-1(3) and 6-1.5.)

(1) All employees traveling on official business must use their MasterCard to pay for all travel expenses, i.e., airline tickets, lodging, rental cars, and other travel-related expenses to the extent the card is accepted. This will allow the government to maximize the amount of the "sponsor refund" from the MasterCard contract.

(2) Room reservations must be canceled as soon as travel plans change. Since cancellation times vary with establishment, cancellation must be made within the time frame dictated by the establishment. The individual calling to cancel the reservation must clearly identify himself or herself to the agent or clerk, obtaining the agent's name and a cancellation number. A written record of the cancellation number, date, and time of the call should be kept to ensure traveler is not subsequently billed for canceled reservation. A forfeited room deposit will only be reimbursed when the record clearly shows the employee exercised reasonable prudence in minimizing travel cost after the assignment was canceled.

(3) The Hotel and Motel Fire Safety Act of 1990 was designed to save lives and protect property by encouraging and eventually mandating that federal employees traveling on official business stay in accommodations that meet the requirements of the fire prevention and control guidelines. The law mandates

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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that at least 90 percent of all overnight travel must be spent in hotels and motels meeting the fire safety guidelines.

(a) To assist employees in locating approved accommodations, a master list of properties in compliance with the Hotel and Motel Fire Safety Act have been installed on-line on the FBI Network. The hotel information as well as current per diem rates are available on-line on the FBI Network by selecting the Employee Self Query (ESQ) application from your FBINET Activity Table. Under the ESQ Menu, there is a Travel Information Main Menu, with options to access the hotel directory or the per diem and mileage rates. (See MAOP, Part 2, 6-1 (3)(d), 6-1.5.2, 6-2.4.3, and 6-2.5.3.)

(4) U.S. TAX EXEMPTION CERTIFICATE - An employee traveling on official business is liable for state/local taxes incurred in connection with room rental except where specific state or local statutes exempt room rentals to federal employees from tax. The number of locations that offer specific exemptions to individual federal employees for hotel taxes is quite small. The use of the government travel charge card MasterCard does not alter these rules, unless the local tax authority has specifically established an exemption for federal employees using this form of payment. The locations identified that have exempted federal employees on official government business from paying hotel/motel tax if a properly executed exemption certificate and satisfactory credentials (FBI credentials, government credit card, or copy of FD-540) are presented to the hotel/motel clerk at the time of registration are as follows: the cities of Concord, Long Beach, Los Angeles, Millbrae, Monterey County, Orange County, Oxnard, San Bruno, San Francisco, San Jose, Seaside, and Ventura, California; Oklahoma City and Tulsa, Oklahoma; Portland and Washington County, Oregon; and the states of Delaware, Florida, New York, Pennsylvania, Texas, Missouri, and New Hampshire. (See MAOP, Part 2, 6-1.2.3 (9).)

(a) The immunity from paying state and local lodging taxes only extends to direct contractual obligations created on the part of the government to rent rooms, such as through the utilization of a Government Purchase Order. Except as indicated above, the immunity does not extend to individual federal employees traveling on official business who are required to obtain lodging accommodations.

(5) LODGING PROVIDED BY GOVERNMENT - When lodging is provided free of charge by the government or paid for by a government purchase order, the employee SHALL NOT be reimbursed a lodging allowance. Reimbursement will be limited to the applicable M & IE allowance prescribed for the TDY locality

(6) LODGING WITH FRIENDS AND RELATIVES - When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the SF-1012, Travel Voucher, as supporting documentation. Such costs may include maid service, bed rental, or documentation of an increased cost in utilities. If the costs incurred are determined to be reasonable, they will be allowed as lodging expenses. COSTS BASED ON ROOM RATES FOR COMPARABLE COMMERCIAL LODGING OR "TOKEN AMOUNTS" WILL NOT BE CONSIDERED REASONABLE BY THE BUREAU. See MAOP, Part 2, 6-1.3.4, regarding the Travel Savings Awards Program and the payment of an incentive award to employees who achieve lodging savings for the Bureau. (See MAOP, Part 2, 6-1.3, 6-1.3.1, 6-2.4.3, and 6-2.6.3.)

(7) LODGING AT GOVERNMENT QUARTERS - If an employee stays in government quarters, his/her reimbursement will be limited to the fee or service charge for the use of such quarters. The flat rate SHALL NOT be authorized for lodging accommodations obtained at government quarters. However, employees may claim the difference between the service charge and the prescribed lodging rate for the TDY locality as a lodging savings under the Travel Savings Program. (See MAOP, Part 2, 6-1.3 (1)(a)3. and 6-1.3.4 (2)).

### **6-1.3.3 Prescribed Maximum Per Diem Rates for CONUS**

NOTE: Per diem rates are available through the "Employee Self Query" function of the Bureau Personnel Management System (BPMS).

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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#### **6-1.3.4 Travel Savings Awards Program (See MAOP, Part 2, 6-1.1.3, 6-1.3.1, and 6-1.3.2.)**

The Travel Savings Awards Program (TSAP) is a discretionary cash incentive awards program that rewards employees for achieving savings on official business travel. The TSAP is a two-part program which rewards employees for establishing frequent flyer accounts and using the credits to obtain free coach class airline tickets for future official business travel, and for obtaining lodging accommodations for less than the prescribed lodging rate. Employees who save the government money, either through the redemption of frequent flyer credits or staying with friends or relatives while performing official government travel, are eligible to receive a cash award equal to 50 percent of the travel savings, not to exceed \$2,000 per year.

(1) FREQUENT FLYER SAVINGS. Under this program, employees who obtain or assist in obtaining a free coach class airline ticket for official government travel through the redemption of frequent flyer credits are eligible to receive a cash award equal to 50 percent of the travel savings. The amount of the travel savings is based on the city-pair contract fare at the time of travel. If there is no contract fare, the lowest available unrestricted coach fare will be used as the basis for granting the award. Employees may not select specific airlines with respect to performing official government travel for the purpose of enhancing the award amount. To do so would be in violation of the financial conflict of interest provisions of Title 18, USC, Section 208. The employee's selection of airlines to perform official business travel must be in accordance with the Federal Travel Regulations and the government airlines contract provisions which have awarded specific routes to individual airlines.

(a) Deleted

(b) When frequent flyer credits are redeemed for a free coach class ticket, a statement to that effect should be indicated on the SF-1012, Travel Voucher, claiming reimbursement for other travel-related expenses in connection with that trip.

(2) LODGING SAVINGS. While lodging costs incurred when staying with friends or relatives are not reimbursable as a per diem allowance, the employee is eligible to receive a cash award equal to 50 percent of the savings under the TSAP. Employees who voluntarily obtain lodging accommodations in government quarters are also eligible to receive a cash award equal to 50 percent of the lodging savings, less the cost of any fee or service charge for the quarters. The TSAP does not extend to lodging accommodations obtained incidental to a permanent change of station, i.e., homefinding, temporary quarters. The program is also not applicable in those instances where lodging has been prearranged by the government, including prearranged use of government quarters or where the employee is commuting to and from the TDY location from a secondary residence. (See MAOP, Part 2, 6-1.3 (1)(a)3. and 6-1.3.2 (7).)

(a) When lodging is provided by friends or relatives or voluntarily obtained in government quarters, a statement to that effect should be indicated on the SF-1012, Travel Voucher, claiming reimbursement for other travel-related expenses in connection with that trip.

(3) Participation in the TSAP is discretionary. However, those employees electing to participate in the program must complete an FD-867, Travel Savings Form, whenever frequent flyer credits are redeemed for a free coach class airline ticket or lodging savings is obtained. The completed FD-867 must be signed by the employee and his/her approving official. Upon completion of the trip, the original FD-867(s), together with a copy of the passenger receipt or boarding pass for frequent flyer savings or copy of travel voucher for lodging savings, should be forwarded to the Travel Advance and Payment Unit, Room 1270, for processing and issuance of the cash award.

(4) LIMITATION. The maximum annual amount that may be authorized under the TSAP is \$2,000. This includes frequent flyer as well as lodging savings. As with any cash award, these awards are subject to the applicable income tax withholdings and will be included on the employee Wage and Tax Statement (W-2) for the applicable calendar year.

SENSITIVE

#### **6-1.4 Deleted**

#### **6-1.5 Reimbursement of Actual Lodging Expenses (See MAOP, Part II, 6-1.3 and 6-1.3.2.)**

With the implementation of a flat rate reimbursement system, request for reimbursement of lodging on an actual expense basis will be administered in accordance with the spirit and intent of the law. Reimbursement of lodging on an actual expense basis will only be approved in those circumstances where the lodging costs are unusually high due to special or unusual circumstances. For the most part, requests for actual lodging expense reimbursement which involve routine travel or that of a small dollar amount shall not be approved. Because of the employee's ability to control the cost of meals and incidental expenses, the M & IE rate will generally be limited to the prescribed rate for the TDY locality. All claims wherein lodging has been approved on an actual expense basis must be supported by the original lodging receipt and a copy of the written communication approving such reimbursement. If the lodging receipt is not furnished in support of the claim, the employee shall be reimbursed the prescribed lodging rate for the TDY locality under the flat rate reimbursement system.

##### **6-1.5.1 Conditions Warranting Authorization of Actual Expenses**

Travel on an actual lodging expense basis may be authorized for travel assignments within and outside of CONUS when the applicable maximum rate is insufficient due to special or unusual circumstances. The maximum per diem rate, although generally adequate, may be insufficient because of special duties or because lodging costs have escalated temporarily during special events. Examples of situations that may warrant approval of travel on an actual and necessary lodging expense basis are set forth, but are not limited to the following:

- (1) The employee attends a meeting, conference or training session away from the official duty station where lodging and meals are prearranged (such as the hotel where the meeting, conference or training session is being held) and the lodging costs incurred, because of these prearranged accommodations, absorb all or practically all of the applicable maximum per diem allowance. (See MAOP, Part 2, 6-1 (3)(b) and 6-1.3 (3).)
- (2) Travel is in an area where lodging costs have escalated for short periods of time during special functions or events, such as missile launching periods, international or national sporting events, world's fair, conventions or natural disasters.
- (3) Based on situations described above affordable lodging cannot be obtained within a reasonable commuting distance of the temporary duty assignment and transportation cost of commuting to and from the less expensive lodging facility would consume most or all of the savings achieved.
- (4) The employee because of special duties is required to incur unusually high expenses in the conduct of official business, such as to procure superior or extraordinary accommodations including suites or other such quarters.
- (5) The employee incurs unusually high expenses incident to his/her assignment to accompany another employee in a situation as described in (4) above.
- (6) In some instances, even though lodging and/or meals are provided by the agency, an employee may be required to incur unanticipated costs for occasional lodging and/or meals. Under these circumstances reimbursement of appropriate expenses, determined to be necessary and justified by the circumstances involved, may be approved.

### **6-1.5.2 Authorization and Approval**

All requests for reimbursement of actual lodging expenses must be submitted in writing to the Special Agent in Charge (SAC) or the Legal Attache, and in his/her absence to the Assistant SAC or Assistant Legal Attache, and at FBIHQ, to the Section Chief or above, setting forth the circumstances necessitating reimbursement of lodging on an actual expense basis. Each request must include the name and address of three establishments that were contacted to obtain lodging accommodations and the results of those contacts. After the request has been reviewed and approved by the division head, it should be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit, Room 1270, for subsequent review and approval. The approving official at FBIHQ will indicate "approved" or "denied" on the request and return the request to the division head for proper disposition. If the request was approved, a copy of the communication must be attached to the SF-1012, Travel Voucher, claiming reimbursement for the travel. NOTE: If the communication approving actual expense reimbursement or the lodging receipt is not attached to the travel voucher, the employee's reimbursement shall be limited to the prescribed lodging rate for the TDY locality. Requests for actual lodging expense reimbursement MUST include:

- (1) What special or unusual circumstances, other than the fact of normal travel, exist at the location of the temporary duty assignment. Approval may be granted for an employee to use the actual expense reimbursement method after the completion of the assignment. However, insufficient or inappropriate justification to approve the request will result in the additional expense being borne by the employee. Therefore, it is incumbent that employees exercise the same care in incurring expenses on official business that a reasonable and prudent person would exercise if traveling on personal business and expending personal funds.
- (2) Reason(s), other than mere convenience, that the traveler must stay at the requested hotel.
- (3) Whether the accommodations meet the requirements of the Hotel and Motel Fire Safety Act (HMFSA). (See MAOP, Part 2, 6-1.3.2(3)(a).) If the accommodations are not in compliance with the HMFSA, complete justification must be furnished as to the circumstances requiring the employee to stay at the requested hotel.
- (4) Advantages to the government in allowing the traveler to stay at the requested location.
- (5) Address of the temporary work site and its proximity to the requested accommodations.
- (6) The rate, excluding taxes, for the requested accommodations.

### **6-1.5.3 Limitations Within CONUS**

The maximum amount that may be authorized for lodging for travel within CONUS shall not exceed 150 percent of the applicable lodging amount (rounded to the next highest dollar) as prescribed in appendix A of the FTRs. This is the maximum amount by law and under no circumstances may an employee be reimbursed a lodging amount in excess of the 150 percent rate. For example, if actual lodging expense reimbursement was approved for travel to Washington, D.C., the designated authorizing official could approve a lodging rate of up to \$227 per night (\$151 X 150%). Because of the employee's ability to control the cost of meals and incidental expenses, the M & IE is limited to the rate prescribed for the TDY location of \$51 per day. Therefore, the maximum an employee could be reimbursed for his/her travel to Washington, D.C. is \$278 per day, (\$227 for lodging and \$51 for M & IE, prorated accordingly).

### **6-1.5.4 Limitations Outside CONUS**

When reimbursement of actual lodging expenses is approved for travel to nonforeign and foreign areas, the maximum lodging amount shall not exceed the amounts prescribed by the Departments of Defense and State, of either 150 percent of the applicable per diem rate (rounded to the next highest dollar) or \$50 plus the per diem rate, whichever is greater. For example, if the lodging rate for the locality is \$125 -- 150% of the rate would be \$188 (\$125 X 150%), whereas \$125 plus \$50 only equals \$175, therefore, the greater amount

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

of \$188 could be allowed for lodging. Again, because of the employee's ability to control the cost of meals and incidental expenses, the claim for M & IE is limited to the rate prescribed for the temporary duty location.

(1) Deleted

(2) Deleted

#### **6-1.5.5 Deleted**

### **6-1.6 Payment of Subsistence and Transportation Expenses For Threatened Employees (See MIOG, Part 1, 89-2.12.)**

Payment of subsistence and certain transportation expenses may be authorized for threatened individuals, including family members, whose lives are placed in jeopardy as a result of the employee's assigned duties and are moved to temporary living accommodations at or away from the official duty station within or outside CONUS as a protective measure. Generally a maximum of 120 days is allowed, after which, if the threat has not abated, permanent relocation should be considered. All expenses must be paid covertly by the field office to which the employee is currently assigned.

#### **6-1.6.1 Eligible Individuals**

Employees detailed into an investigative or similar capacity are eligible for this allowance. Members of employees' immediate families are also eligible. When a situation occurs that appears to be life-threatening, the first responsibility of the Bureau is to take any appropriate action necessary to protect the eligible individual(s).

#### **6-1.6.2 Conditions and Limitations**

Subsistence payments may begin as soon as the Bureau assesses the degree and seriousness of the threat. Subsistence payments may be allowed for the period even if the Bureau ultimately determines that the threat is not serious and the threatened individual had been directed to move immediately into temporary accommodations while the degree of seriousness was being assessed. Normally subsistence payments for a maximum of 60 days is allowed, after which, if the threat has not abated, consideration will be given to whether permanent relocation of the employee and/or family member would be advantageous. At 30-day intervals, a reevaluation of the temporary relocation situation must be made to decide whether any further extension of the time period is appropriate. If the duration of the threat is expected to exceed 120 days, contact should be made with the Transfer Unit for consideration of the appropriateness of a permanent transfer.

#### **6-1.6.3 Allowable Subsistence Payments**

Payments under the above circumstances are intended to cover expenses that are incurred and necessary, and in direct support of the effort to remove the employee and/or family member from the existing threat. All expenses must be supported by original receipts and/or expense certifications. Subsistence payments under this part generally will be limited to the cost of lodging. For lodging costs incurred after January 1, 1999, for travel within the United States, the room taxes are reimbursable as a miscellaneous expense (see MAOP, Part 2, 6-1.2.3 (9)). Costs of food, laundry and cleaning of clothing are expenses incurred in day-to-day living. Such expenses should be considered the responsibility of the employee and normally will not be reimbursed. However, if temporary living accommodations do not contain cooking and/or laundry facilities or other extenuating circumstances are present, certain expenses may be allowed to the extent determined appropriate.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(1) Approval may be authorized for the actual amount of allowable expenses incurred in each 30-day period up to a maximum amount based on the daily limitations multiplied by 30 (or the actual number of days if fewer than 30).

(2) DAILY LIMITATIONS - The maximum amount of subsistence payments for each 30-day period (or fraction thereof) will be based on limitations as set forth below. If subsistence payments are authorized for lodging cost only, the daily limitation shall be reduced appropriately. The daily limitation shall be the amount prescribed for the location of the temporary living accommodations. For example, if a threatened employee and his/her immediate family are only authorized subsistence for lodging in Washington, D. C., then the maximum daily reimbursement limitations are described as set forth below: (See MAOP, Part 2, 6-2.5.3 & 6-2.6.4.)

**MAXIMUM DAILY REIMBURSEMENT LIMITATIONS (EXAMPLE)**

Employee or spouse unaccompanied by employee \$151.00

Accompanying spouse (3/4 or .75 of employee's daily rate) \$113.25

Each family member 12 years or older (3/4 or .75 of employee/unaccompanied spouse rate) \$113.25

Each family member under 12 years of age (1/2 or .50 of employee/unaccompanied spouse rate) \$75.50

The actual expenses will be compared to the maximum allowable for that period and the employee will be reimbursed the lesser amount.

**6-1.6.4 Itemization and Receipts**

The actual expenses shall be itemized in a manner which will permit a review of the amounts spent daily for (1) lodging, (2) meals and (3) other allowable items if authorized. Original receipts shall be required for lodging and any individual meal claim or expense in excess of \$75.

**6-1.6.5 Transportation**

Payment of transportation expenses when a situation requires the employee and/or members of the immediate family to be temporarily relocated to a place away from the employee's official duty station may be authorized. Transportation shall be in accordance with regulations prescribed in Chapter 301 of the FTRs.

**6-1.6.6 Authorization**

Due to the unique nature of these situations, all confidential vouchers should be accompanied by an SAC-approved EC setting forth the justification, the procedures initiated to assess the threat, and the projected duration of the temporary protection arrangement. To ensure proper review of the claims and make a decision as to how long such payments should continue based on the specific nature and potential duration of the life-threatening situation and the alternate costs of a change of an official duty station, these confidential vouchers must be submitted to the Confidential Services Unit, Accounting Section, Finance Division, Room 1394, FBIHQ, for review and approval by the Assistant Director of the Finance Division.

**6-1.6.7 Vouchering**

See MAOP, Part 2, 6-1.6.6.

**6-1.6.8 Administrative Leave**

Administrative leave may be authorized in (up to) 30-day increments. Contact must be made by the SAC with the Bureau Leave Office, Personnel Assistance Section, Administrative Services Division.

**SENSITIVE**



#### **6-1.6.9 Annual Expenditure Report**

FBIHQ is responsible for preparing an annual expenditure report to the Office of the Comptroller, Justice Management Division, regarding expenses paid for threatened employees (in accordance with DOJ Supplement to FTR 301-14.9). All names of threatened employees and/or family members, as well as the city and state(s) where the incident(s) occurred, will be omitted from this report.

#### **6-1.7 Standards of Conduct Concerning Reimbursement for Travel and Subsistence Expenses from Sources Other Than the Federal Government and Spousal Travel Reimbursement**

Since Bureau policy is to reimburse employees for generally all official travel and related expenses from FBI appropriated funds, only in limited situations will an employee be authorized to accept travel reimbursement from a nonfederal source. Under NO circumstances shall an employee engage in any travel that will be paid for by a nonfederal source without prior FBIHQ approval. REQUESTS WILL NOT BE CONSIDERED AFTER THE FACT.

(1) Although implementing regulations (Title 31, USC, Section 1353) permit the FBI to accept travel reimbursement for an employee's accompanying spouse when the spouse's presence at the event is determined to be in the interest of the agency, the Department of Justice has determined, as a matter of policy, that such reimbursement WILL NOT be accepted. Therefore, no requests will be considered for the acceptance of travel reimbursement from a nonfederal source for spousal travel.

##### **6-1.7.1 Eligible Individuals**

Under limited circumstances, an employee may be authorized to accept payment from nonfederal sources for certain travel and related expenses associated with his/her attendance at a conference, speaking engagement, or symposium where he/she will be a featured speaker or participant. The nature of the event must relate to the employee's duties. Reimbursement may not be accepted for travel to carry out the agency's statutory and regulatory functions, such as investigations, inspections, audits, site visits, training, etc.

##### **6-1.7.2 Conditions and Limitations**

- (1) Employees may not solicit travel reimbursement from nonfederal sources.
- (2) If the circumstances appear that the nonfederal source's intent is to influence the employee or agency in future endeavors or to reward the employee for his/her past performance, the offer must be declined.
- (3) Travel reimbursement may not be accepted from conflicting nonfederal sources. A conflicting source is any person who, or entity other than the U.S. government which, has an interest that may be substantially affected by the performance or nonperformance of the employee's duties.

##### **6-1.7.3 Authorization (See MAOP, Part 1, 1-13.3 and 1-14.)**

(1) Due to the sensitive nature of this subject, under no circumstances shall an employee engage in any travel that will be paid for by a nonfederal source without prior FBIHQ approval. All requests must be submitted in writing to the division head for review and approval prior to forwarding the request to FBIHQ for subsequent review and approvals. To ensure compliance with these regulations, the FD-934 form is available as a macro in WordPerfect to assist employees requesting the acceptance of travel reimbursement from a nonfederal source and to satisfy the semiannual reporting requirement with the Office of Government Ethics (OGE). The division head shall review the circumstances surrounding the offer and make a determination as to:

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

- (a) The importance of the travel to the agency;
  - (b) Whether the request is in advance of the actual travel;
  - (c) The request is for attendance at a conference, speaking engagement, or symposium where the employee will be a featured speaker or participant;
  - (d) Whether the nature of the event "relates" to the employee's duties;
  - (e) Whether payment is from a nonfederal source (any person or entity other than the U.S. government, to include any individual, private or commercial entity, nonprofit organizations or associations, and state, local, or foreign government that is not a conflicting source);
  - (f) Whether the travel would cause a reasonable person with knowledge of all the relevant facts to question the integrity of the FBI's program or operation; and
  - (g) Whether the employee has worked on any matter in the last six months that would affect the interest of the organization paying the expenses.
- (2) After the request has been reviewed and approved by the division head, it should be forwarded to FBIHQ, Attention: Accounting Section, Finance Division, Room 6037, for subsequent review and approval by the Finance Division and a conflict-of-interest analysis by the Deputy Designated Agency Ethics Official. After the request has been approved by the appropriate FBIHQ officials, it will be returned to the division for proper disposition.
- (a) Immediately following completion of the trip, the requester must provide the actual amounts of the benefits provided. This information should be forwarded to FBIHQ, Attention: Accounting Section, Room 6037, to facilitate the reporting to the OGE.
  - (b) A copy of the approved FD-934 should also be attached to the SF-1012, Travel Voucher, claiming reimbursement for other travel-related expenses associated with the travel.

**6-1.7.4 Payment Guidelines (See MAOP, Part 1, 1-13.3 and 1-14.)**

Once the request has been approved, the employee is authorized to accept the reimbursement on behalf of the FBI. Because such reimbursement is accepted on behalf of the FBI, the employee is not required to report the payment as a gift on any confidential or public financial disclosure report. (1) All accommodations and benefits offered to the employee must be comparable to those offered to or purchased by other attendees.

- (a) First class transportation accommodations may only be accepted in accordance with FBI policy AND only if provided to all other attendees.

(2) Payment for travel must be accomplished as follows:

- (a) Payment in Kind - This is the preferred method of payment. Under this method of payment, the nonfederal source provides the traveler with an airline ticket for his/her transportation, pays the hotel directly for lodging expenses, and if applicable pays/waives the cost of the conference or registration fee.

1. Although the benefits are provided in kind, the employee must ascertain the actual cost of each benefit provided. Should the registration or conference fee be waived, the value of the service must also be furnished.

2. Reimbursement for meals and incidental expenses, including other allowable expenses should be claimed on an SF-1012, Travel Voucher, and submitted for reimbursement through the Draft System. A copy of the FD-934 approving the acceptance of travel reimbursement from a nonfederal source must be attached to the SF-1012.

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(b) Payments other than in kind - Under this method, the initial travel must be funded from the field office/division travel budget. Upon completion of the travel the nonfederal source reimburses the FBI by check or similar instrument for the cost of the employee's transportation, lodging, meals and/or registration fee. Upon receipt of the reimbursement check at FBIHQ, your account will be credited for the travel expenses. Each field office/division will be responsible for any necessary follow-up action to ensure proper compensation for the travel.

### **6-1.8 Temporary Duty at Location of New Duty Station Subsequent to Notification of a Permanent Change of Station**

Generally, if an employee has received a definite notice of a permanent change of station prior to reporting for duty at the new duty station, he/she is not entitled to per diem after they arrive at the new duty post. Only in very rare instances will authority be granted to allow travel to the location of the designated new duty station as a temporary duty assignment subsequent to notification of a permanent change of station. Travel requests should be forwarded to the Assistant Director, Finance Division, Attention: Section Chief, Accounting Section, for review PRIOR to the anticipated travel date containing the following information: 1) nature of the assignment; 2) duties requested to perform; 3) duration of the assignment; and 4) anticipated date of return to the old duty station to perform "substantial duty." Requests will not be considered after the fact.

### **6-1.9 Fees and Expenses of Government Employee Witnesses**

In most instances, the travel of a government employee witness will be reimbursed from appropriated funds. The following information should assist you in determining the proper source of funding for such travel expenses. If an employee is summoned to testify regarding facts and information he/she acquires in the course of his or her assigned duties, or where the proceeding is predicated upon a law the FBI is required to administer, the travel expenses are charged to appropriated funds. If the case does not involve the activity of the FBI, the employee shall be reimbursed for his/her travel expenses from appropriated funds, and reimbursement will be sought from the Department of Justice appropriation for Fees and Expenses of Witnesses.

(1) An employee summoned to testify or produce official records on behalf of a party other than the United States is also entitled to reimbursement of travel expenses, except to the extent reimbursed by the court, authority, or party which caused the employee to be summoned. In this particular situation, the employee shall be reimbursed from appropriated funds for the additional travel expenses that were not paid by the party that caused him or her to be summoned. Reimbursement for the additional travel expenses will be sought from the Department of Justice appropriation for Fees and Expenses of Witnesses.

(2) Any requests for reimbursement of travel expenses from the Department of Justice appropriation for Fees and Expenses of Witnesses should be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit, Accounting Section, Room 1270. The request must be supported by a written explanation as to the circumstances necessitating the travel, and a copy of the travel voucher for which reimbursement of travel expenses is requested.

### **6-1.10 Emergency Travel**

(1) When an employee is incapacitated by illness or injury or informed of an emergency situation which necessitates discontinuance or interruption of the temporary duty assignment, the employee may be authorized travel and transportation expenses to return to his/her official duty station or other approved location, based on the exigencies of the personal situation. The Travel Advance and Payment Unit (TAPU), Accounting Section (AS), Finance Division (FD), must be immediately notified of any situation necessitating emergency travel. In the event the employee or his/her approving official is unable to contact the TAPU, the

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

approving official should notify the AS at (202) 324-3440. Situations that may necessitate emergency travel include, but are not limited to the following:

(a) Incapacitating illness or injury (not due to the employee's misconduct) that renders the employee incapable of continuing the travel assignment. The illness or injury may occur while at or en route to or from the temporary duty location.

1. An employee who interrupts the temporary duty assignment because of an incapacitating illness or injury and takes leave of any kind will continue to be reimbursed the applicable per diem allowance (for expenses incurred) for the temporary duty locality. The per diem allowance may be authorized for a reasonable period of time (generally 14 days) while the employee is being treated for the illness or injury at the temporary duty location.

2. Per diem shall not be authorized while an employee is confined to a medical facility within the proximity of his/her official duty station or if the employee is reimbursed for the hospitalization under any federal statute, including hospitalization in a Department of Veterans Affairs Medical Center or military hospital. If the hospitalization (at the temporary duty location) is paid for under the Federal Employees Health Benefits Program (Title 5, USC, Sections 8901-8913), the employee would be eligible for reimbursement of a per diem allowance.

(b) Serious illness, injury, or death of a family member. Serious illness or injury means a grave, critical, or potentially life-threatening illness or injury (i.e., automobile accident or other accident where the extent of the injury cannot be immediately determined but is thought to be critical based on the best assessment of the situation); or other less serious illness or injury of a family member in which the employee's absence would result in great personal hardship for the immediate family.

1. Family members are those individuals defined in Chapter 302-1.4(f) of the Federal Travel Regulations. This definition may be expanded on a case-by-case basis to include other family members, dependent upon the extent of the emergency and the employee's relationship to the individual involved in the emergency situation. Requests to expand the definition of a family member must be reviewed and approved by the TAPU, AS, FD.

(c) Catastrophic occurrence or impending disaster, such as fire, flood, or act of God (tornado, hurricane, earthquake or other natural catastrophe) which directly affects the employee's home.

### **6-1.11 Death-Related Expenses**

(1) When an employee dies while in a travel status or while permanently assigned outside the Continental United States (CONUS), reimbursement may be authorized for the cost of transporting the remains of the employee to his/her place of actual residence, official duty station, or place of interment. Travel expenses for up to two individuals may be authorized to escort the remains of an employee, who died while in a travel status in the U.S. or assigned duty outside the U.S., back to the deceased's home or official duty station. Division heads should select the individuals (employee and/or family members) to perform this travel. The travel expenses that will be reimbursed are limited to those expenses what would be reimbursed in connection with official travel. All claims will be reimbursed on an actual cost basis, supported by the original receipt. If an employee dies of injuries sustained while performing official duty, death related expenses are payable under the Federal Employees' Compensation Act, Title 5, USC, Section 8134. For further information contact the Department of Labor, Federal Employees' Compensation Division, 200 Constitution Avenue, NW, Washington, D.C. 20210. (See MAOP, Part 1, Section 15.)

(2) For employees stationed outside CONUS, payment may also be authorized to transport the remains of an immediate family member (as defined in paragraph 302-1.4(f) of the Federal Travel Regulations) back to the employee's place of actual residence. Transportation expenses may also be authorized if the family member dies en route to the official duty station outside of CONUS.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(a) The remains may be transported to an alternate destination; however, reimbursement for such expenses is limited to the constructive cost of transporting the remains to the actual residence. Burial expenses are not reimbursable.

(3) Allowable costs for the preparation and transportation of an employee's remains include, but are not limited to:

(a) Preparation of remains (necessary expenses to comply with local laws and laws at the port of entry in the United States).

(b) Cost of embalming or cremation.

(c) Necessary clothing.

(d) Casket or container suitable for shipment to place of burial.

(e) Transportation of remains by common carrier, including ferry fare, bridge tolls, and similar charges.

1. Removal to and from the common carrier.

2. Movement from place of death to a mortuary and/or cemetery.

(f) Shipping permits.

(g) Outside case for shipment and sealing of the case if necessary.

(4) The cost of return transportation of the immediate family and the baggage and household goods of the decedent and his/her immediate family shall be authorized when an employee dies while stationed outside CONUS, or while in transit to or from that place.

(a) Allowable transportation costs shall not exceed the costs of returning the immediate family and the baggage and household goods to the employee's place of actual residence. Transportation to an alternate location may be approved; however, reimbursement shall not exceed the constructive cost of transportation to the decedent's place of actual residence. Request for travel and transportation to an alternate destination must be approved by the AS, FD.

1. Travel of the immediate family and shipment of household goods must begin within one year from the date of the employee's death. A one-year extension may be granted, if requested, by the family prior to the expiration of the one-year limit. The request must be approved by the AS, FD.

(b) Relocation Allowances - If the employee dies while in transit or soon after reporting to the new duty station, payment of applicable relocation expenses will continue for the employee's immediate family, provided the family members were included on the employee's travel orders. The family members will be reimbursed the same relocation expenses that the employee would have been eligible to receive.

#### **6-1.12 Tour Renewal Agreement Travel (See Legal Attache Manual, Part 1, 4-4.2.)**

Tour renewal travel may be authorized to employees who have satisfactorily completed an agreed-upon period of service outside the Continental United States (O'CONUS) and have signed a new service agreement to serve another tour of duty of not less than 12 months upon their return from the United States for the purpose of taking leave between the tours. Tour renewal agreement travel cannot be authorized until all conditions have been met. Service in excess of that required under an earlier agreement cannot be applied to reduce the period of time required to be served in connection with the new service agreement. The time period for the new service agreement does not begin until the employee returns to the O'CONUS assignment.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(1) Except for assignment to Alaska or Hawaii, tour renewal agreement travel may be authorized after completion of each service agreement, provided the employee has signed a new service agreement to return to the O'CONUS assignment for another tour of duty.

For assignments to Alaska or Hawaii (mainland). Tour renewal agreement travel is limited to two round trips beginning within five years of the date the employee reported to the office of assignment. Employees who were serving in a tour of duty to Alaska or Hawaii on September 8, 1982, and have continued to do, are eligible for tour renewal agreement travel after completion of each new service agreement.

(2) Employees and dependents are eligible for travel and transportation expenses to their actual place of residence in the U.S. when transferred to the O'CONUS assignment. Reimbursement of travel expenses will only be authorized to one destination in the U.S.

(a) Employees may travel to an alternate location in the U.S.; however, the employee's reimbursement for such travel will be limited to what the government would have paid for travel and transportation from the employee's office of assignment to his/her actual place of residence.

(b) Tour renewal agreement travel may not be authorized for travel to an overseas location (foreign travel), unless the employee's actual place of residence is located within that country.

(c) Reimbursement of applicable travel and transportation expenses will be in accordance with the Federal Travel Regulations.

(3) Except for assignments to Alaska and Hawaii, the travel time allowed in connection with tour renewal agreement travel includes the time necessary to travel from the office of assignment to the employee's actual place of residence on the day of departure and from the employee's actual place of residence to the office of assignment on the day of return. Travel time is limited to the time required for travel by common carrier using the most direct route. Employees assigned to Alaska and Hawaii are not entitled to any travel time. The employee would be in a leave status from the time he/she departed the office of assignment until the time he/she returned.

(a) Reimbursement of a per diem allowance can only be authorized for the employee, provided travel time is in excess of 12 hours. Employees assigned to Alaska and Hawaii are not entitled to a per diem payment, regardless of travel time.

(4) Violation of new service agreement. If the employee fails to complete the agreed-upon period of service in connection with the new service agreement for reasons unacceptable to the agency, the employee will be required to reimburse the government for all transportation and per diem paid in connection with tour renewal agreement travel.

## **6-2 RELOCATION ALLOWANCES AND BENEFITS (See Legal Attache Manual, Section 5-4.)**

(1) Pursuant to the provisions of Public Law 89-516, the Federal Travel Regulations (FTRs), and FBI policy, a summary of the allowances and benefits provided when an employee has been officially transferred follows. These regulations do not provide for total reimbursement, but substantially all or part of the expenses a prudent person might expect to incur. Therefore, employees should exercise extreme care when incurring such expenses. FOR COMPLETE INFORMATION CONCERNING THESE ALLOWANCES AND BENEFITS, SEE THE FTRS. Supplementals to the FTRs and decisions handed down by the Comptroller General can affect the disposition of any allowance or benefit set forth in this manual. For assistance in claiming reimbursement for relocation expenses, refer to the "Employee Transfer Voucher Preparation Guide."

(2) WRITTEN AGREEMENT - No allowance shall be paid to or on behalf of an employee or employee's family in connection with the transfer until the employee signs a written agreement, a 3-34B, to remain in the service of the government for one year following the effective date of the transfer. The effective date of a

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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transfer is the date the employee reports for duty at the new official station. The employee shall be held to the dollar limitations for relocation expenses in effect at the time he/she effects his/her transfer. If the agreement is violated for personal reasons within the control of the employee, all expenses paid to the employee or on the employee's behalf are to be refunded to the government.

(3) **AUTHORIZATION/APPROVING OFFICIAL** - All vouchers submitted incidental to a change of an official duty station must be signed by an approving official. The authority for approving transfer-related vouchers has been established as follows:

(a) In a field division, the approving official is the SAC or the ASAC; and at FBIHQ, a Unit Chief or above.

(4) **DOCUMENTATION** - ALL lodging claims must be supported by an original receipt from the establishment. Expenses for lodging claims which are not documented with an original receipt will be suspended and returned to the employee. It is the responsibility of the employee to obtain and submit original lodging receipts. Lost or stolen receipts must be replaced by the employee with duplicate original receipts obtained from the lodging establishment. Reproduction of receipts is not acceptable. Original receipts for cash expenditures in excess of \$75 are required and must be attached along with the original lodging receipts to the original travel voucher (SF-1012). Original receipts for all laundry, dry cleaning, car rental, airfare, etc., must be furnished regardless of the dollar amount. For a complete list of the expenses for which a receipt is required, regardless of the amount, refer to paragraph 301-11.3(c) of the FTRs. (NOTE: A certification is acceptable for reasonable amounts expended for coin-operated laundry.)

Blank receipt forms containing handwritten information regarding money expended for items such as rent, lodging, and/or services are not considered sufficient documentation unless the name and address of the establishment are stamped on the face of the receipt. Every effort should be made to obtain preprinted receipts stamped with the establishment's name, address, and logo. (See MAOP, Part 2, 6-1.3.2 & 6-3.7(2).)

(5) **ELIGIBILITY/ENTITLEMENTS** - According to eligibility and situation the following is a brief synopsis listing the available entitlements for a transferred employee subject to conditions established by the Bureau for employment or transfer: (NOTE: A detailed description of these entitlements can be located in the appropriate section of MAOP or the FTRs.)

(a) **Employee's Entitlements With a Cost Transfer WITHIN THE UNITED STATES, INCLUDING ALASKA, HAWAII, AND THE DISTRICT OF COLUMBIA**

(b) **NEW EMPLOYEES - PRIOR GOVERNMENT SERVICE WITHOUT A BREAK IN SERVICE - TRANSFERRED WITHIN THE UNITED STATES**

1. Homefinding Trip - for employee and spouse
2. Travel to New Duty Station - mileage and per diem for employee and family
3. Temporary Quarters
4. Miscellaneous Expense Allowance
5. Real Estate - sale and purchase
6. Relocation Income Tax (RIT) Allowance
7. Shipment and Storage of Household Goods
8. Shipment of privately owned vehicles (POVs) (based upon cost comparison), if authorized (See 6-2.2.5.)
9. Property Management Services

(NOTE: Employees of uniformed military services do not qualify for these entitlements. See Item (c), NEW AGENT PERSONNEL, for their entitlements.) (See MAOP, Part 2, 6-2.1.1(2).)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) NEW AGENT PERSONNEL - NO GOVERNMENT SERVICE/HAS BREAK IN SERVICE - ENTITLEMENTS ON TRANSFER

1. Travel to New Duty Station - mileage and per diem for Agent
2. Travel to New Duty Station - mileage for family
3. Shipment and Storage of Household Goods
4. Shipment of POVs (based upon cost comparison), if authorized (See 6-2.2.5.)

NOTE: Upon effecting transfer to second office of assignment, the employee will be entitled to all benefits as any other employee with a cost transfer.

(d) EMPLOYEE'S ENTITLEMENTS WITH A COST TRANSFER TO SAN JUAN AND RESIDENT AGENCIES OUTSIDE THE STATE OF HAWAII, I.E., AGANA, GUAM, SAIPAN, AND NORTHERN MARIANA

1. Travel to New Duty Station - per diem, mileage and/or airfare for employee and family
2. Temporary Quarters
3. Miscellaneous Expense Allowance
4. Real Estate - sale and purchase
5. Shipment and Storage of Household Goods
6. Nontemporary Storage
7. Shipment of one POV, if authorized (See 6-2.2.5.)
8. RIT Allowance
9. Homefinding trip for employee and spouse
10. Property Management Services

(e) EMPLOYEE'S ENTITLEMENTS WHEN TRANSFERRED FROM THE U.S. TO LEGATS

1. Travel to New Duty Station - employee and family
2. Predeparture Subsistence Expense - up to 10 days in U.S. prior to leaving for Legat
3. Temporary Quarters Subsistence Allowance - after the employee's and/or family members' arrival at the post of duty until government-leased quarters are occupied
4. Miscellaneous Expense Allowance
5. Shipment and Storage of Household Goods
6. Nontemporary Storage
7. One POV can be shipped, if authorized (See 6-2.2.5.)
8. RIT Allowance
9. Property Management Services (See 6-2.13.)

(f) EMPLOYEE'S ENTITLEMENTS WHEN TRANSFERRED FROM LEGATS TO THE U.S.

1. Travel to New Duty Station - employee and family
2. Temporary Quarters

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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3. Temporary Quarters Subsistence Allowance - up to 30 days at the foreign post and 30 days' supplemental post allowance if needed.

4. Miscellaneous Expense Allowance

5. Real Estate - An employee is generally required to serve at least one tour of duty in a foreign area and retain a residence in a nonforeign area with the expectation of returning to his/her former duty station in the nonforeign area. However, there are occasions when an employee completes a tour of duty in a foreign area and he/she is subsequently transferred to a different duty station than the one from which he/she was transferred when assigned to the foreign post. When this type of transfer is authorized, allowable real estate expenses (sale and/or purchase) are reimbursed to the employee. This allowance is only applicable to returning employees who reported to a different duty station within the U.S. on or after February 19, 1988. Reimbursement will only be allowed under the following conditions:

a. The sale of the residence (or the settlement of an unexpired lease) occurs at the official station from which the employee was transferred when he/she was assigned to a post of duty located in a foreign area. NOTE: SETTLEMENT ON THE SALE OF THE RESIDENCE MUST OCCUR AFTER THE EMPLOYEE EFFECTS HIS/HER TRANSFER FROM THE FOREIGN POST TO A DIFFERENT DUTY STATION WITHIN THE U.S.

b. The purchase of a residence occurs at a different duty station in the U.S. than the one from which he/she was transferred when assigned to the foreign post of duty.

6. Shipment and Storage of Household Goods

7. Deleted

8. One POV can be shipped, if authorized (See 6-2.2.5.)

9. RIT Allowance

10. Property Management Services (See 6-2.13.)

## **6-2.1 Relocation Services**

### **6-2.1.1 Authorization/Eligibility**

(1) FBI employees transferred at cost to the Government from one official duty station to another within CONUS, Alaska, Hawaii, Puerto Rico, the Virgin Islands or Guam with an effective transfer date of 11/14/83 or later are eligible for relocation services.

(2) New employees with no prior Government service or with a break in Government service are not eligible for this benefit. Also, employees entering on duty with the FBI from one of the uniformed military services do not qualify for this benefit.

(3) Employees transferred prior to 11/14/83 are eligible for direct reimbursement of relocation expenses according to the regulations and monetary reimbursement in effect at the time of transfer.

### **6-2.1.2 Conditions**

The "FBI Employee Relocation Handbook" provides detailed information describing the FBI's relocation policy and services, as well as eligibility, time limits and reimbursable expenses. This handbook describes the list of relocation services and expense reimbursement for employees relocating at the direction of the agency. A copy of this handbook will be forwarded to all employees being transferred shortly after notification (receipt of transfer letter agreement). A copy of this handbook will be distributed to every FBI Agent candidate while attending New Agent's Class.

**SENSITIVE**

### **6-2.1.3 Relocation Services Procedures**

The following procedures are in effect to utilize the relocation services:

- (1) Upon receipt of the signed transfer agreement, 3-34B, the Relocation Management Office, Fleet Management and Transportation Services Unit (FMTSU), will immediately notify a relocation management firm of the transferee's eligibility.
- (2) Within two (2) working days, a counselor from the relocation firm will contact the transferee to explain and initiate services selected by the transferee. The counselor will also send the transferee descriptive information on the services selected.
- (3) Relocation firms cannot begin services without official authorization from the FMTSU. Transferees should NOT contact the relocation firm directly, prior to authorization.
- (4) Use of the Relocation Program is voluntary. Whenever a transferee decides to sell his/her home incident to an official transfer, he/she must begin to market the home immediately upon receipt of transfer orders.

### **6-2.1.4 Relocation Program Services**

The following is a list of available relocation services and mandates for their use. A more detailed description, explaining available services, entitlements and procedures for using these services can be located in the "FBI Employee Relocation Handbook."

- (1) Guaranteed Homesale - The relocation company will make a guaranteed offer to purchase the transferee's home based on the average of two independent relocation appraisals. Should the initial two appraisals not be within 5 percent of the higher of the two appraisals, a third appraisal will be ordered. The guaranteed offer will then be based on the average of the two highest appraisals out of the three appraisals obtained.
  - (a) Once the transferee has received a guaranteed offer from the relocation company, he/she has 60 days to accept or reject that offer. However, during the first 30 days of that 60-day acceptance period, the guaranteed offer cannot be accepted unless an acceptable outside offer is obtained. Any waiver from the policy mandating transferees to accept a guaranteed offer only after the first 30 days of the 60-day acceptance period must be obtained by submitting a written request to the Section Chief, Property Procurement and Management Section, Finance Division, for approval.
  - (b) Equity will be disbursed within five (5) working days before the transferee vacates his/her home or within five (5) working days after the relocation company receives the transferee's "Offer to Purchase Agreement" for a residence at the transferee's new duty station, whichever is earlier. Also, after receiving an offer by the relocation company, and at any time during the 60-day acceptance period, you may request up to an 80 percent equity advance from the relocation company to help in purchasing a new home at your new duty station.
- (2) Marketing (Homeselling) Assistance Program (MAP) - This is a preappraisal program providing professional assistance in marketing a home. The intent of MAP is to assist the transferee in obtaining the highest possible price for his/her home.
  - (a) The MAP will provide transferees with professional assistance in helping select an outside real estate listing broker and develop an effective marketing and negotiating strategy for the home.
  - (b) When a transferee desires to participate in the Guaranteed Home Purchase aspect of the Relocation Program, it will be mandatory for him/her to utilize the MAP. Any exemption from participation in the MAP must be obtained from the Section Chief, Property Procurement and Management Section.
- (3) Homefinding Service - As part of the service, the transferee will be introduced to real estate brokers in the best position to help locate a home at the new duty station.

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(4) Mortgage Financing Assistance - Transferees are provided information and counseling on mortgage financing alternatives.

(5) Direct Billing of Closing Costs - The FBI's relocation contract affords all eligible transferees who are purchasing a home at their new duty station and obtaining mortgage financing through one of the relocation companies' mortgage lenders to have their allowable closing costs paid by the relocation company at the time of settlement. Allowable closing costs on the purchase are those costs allowable under the FTR. For complete details and eligibility requirements, please contact the Fleet Management and Transportation Services Unit, FBIHQ.

(6) Rental Homefinding Assistance - Transferees will be referred to a reputable and proven rental agency in the new community. Note: If it is normal in the new location for rental agencies to charge a fee, the transferee will be so advised. If the transferee elects to use their services, the transferee will be responsible for paying this fee.

(7) Spouse Employment Counseling - This is an optional service, and the transferee is responsible for paying the fee.

## **6-2.2 Household Goods**

### **6-2.2.1 Shipment and Storage of Household Goods (See MAOP, Part I, 11-14.6.)**

The FBI's Relocation Management Office, RTSU, will arrange for the packing, shipment, delivery and storage of up to 18,000 pounds of the employee's household goods and personal effects. In most cases, the shipment will be made by Government Bill of Lading (GBL). The Relocation Management Office will select the carrier, arrange for the service, prepare the GBL, and assist the employee in filing any loss and damage claims. The actual cost of packing, unpacking, shipping, delivery and storing of employee's goods will be paid directly to the carrier by the FBI.

(1) If the shipment exceeds the 18,000 pound limitation, the entire shipment will be shipped by GBL and the FBI will bill the employee for the cost of shipping excess weight and insurance.

(2) Household goods and personal effects are all the personal property associated with your home and all personal possessions, including two- or three-wheel vehicles owned and used by the employee and/or his/her immediate family. The following items cannot be shipped at FBI expense:

- (a) Any article considered to be illegal for shipment under Federal and State Laws (i.e., ammunition)
- (b) Property for sale or disposal
- (c) POVs on moves within CONUS
- (d) Boats, campers, mobile home trailers and farm vehicles, etc. (See MAOP, Part II, 6-2.2.7.)
- (e) Live animals
- (f) Hazardous articles

(3) If the Relocation Management Office determines the employee's household goods cannot be shipped by GBL, the "Commuted Rate System" will be used. The employee will be asked to make all arrangements for the shipment, including selection of the van line (or other method of shipment) and payment of the actual cost. The employee must furnish a signed weight certificate (empty and full weights of his/her shipment), rental contracts, and commercial bills of lading showing payment was made. The employee will be reimbursed according to the commuted rate schedule (for rates contact Relocation Management Office).

(4) Notification of Damage or Loss to Household Goods (HHGs) - When HHGs of an employee are delivered to their residence, the HHG Carrier (usually the moving van operator) is required to furnish the employee

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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with DD Forms 1840 and 1840R, Joint Statement of Loss or Damage at Delivery. This is a five-page, two-sided, pink form. The van operator MUST obtain the employee's signature on DD Form 1840. This signifies that the employee has received three pages of the forms and that the van operator has explained the employee's responsibility for inspecting and making notification of any damage or loss to HHGs within the required time frame. The reverse side, DD Form 1840R, is to be utilized by the employee to make notification of any loss or damage noted after the van operator has departed the residence. (See Legal Attache Manual, 5-9.)

(a) The instructions on the DD Form 1840R, Notice of Loss or Damage, require the forms (2 of 3) be delivered (mailed) to the local claims office (Relocation Management Office, FBIHQ, Washington, D. C. 20535) not later than 70 days from date of delivery. DD Form 1840 and 1840R are NOT CLAIM FORMS, they only serve to put the HHG Carrier on notice of employee's intent to file a claim.

(b) If the van operator does not furnish DD Form 1840 and 1840R to the employee at time of delivery of HHGs, the employee should immediately notify Relocation Management Office FBIHQ, concerning the failure to provide these forms. FTS [REDACTED] Commercial - [REDACTED] or Toll Free [REDACTED]

b2

#### **6-2.2.2 Temporary Storage of Household Goods (HHGs) (See MAOP, Part I, 11-14.6.)**

The time allowed for temporary storage of HHGs shall not exceed a period of 90 days. Upon written request, the initial 90-day period may be extended an additional period not to exceed 90 days for a total of 180 days under certain conditions, provided justification is acceptable to the agency. Justification for an additional storage period may include but is not limited to the following:

- (1) An intervening temporary duty or long-term training assignment;
- (2) Nonavailability of suitable housing;
- (3) Awaiting completion of residence under construction;
- (4) Serious illness of employee or illness or death of a dependent; or
- (5) Strikes, acts of God, or other circumstances beyond the control of the employee.

All written requests for additional storage time beyond the initial 90-day period must be forwarded to the Assistant Director, Finance Division, Attention: Relocation Management Office, for appropriate consideration. Such requests should be made by the employee prior to incurring the expense.

#### **6-2.2.3 Shipments Outside the Conterminous United States (See MAOP, Part I, 11-14.6.)**

Employees being transferred to, from and between Anchorage, Honolulu, San Juan, and Legal Attache offices will furnish Relocation Management Office, with the following information 30 to 45 days prior to anticipated date of move:

- (1) Household Goods:
  - (a) Origin address
  - (b) Origin telephone number, both office and residence
  - (c) Desired moving date
  - (d) Destination
  - (e) Estimated weight of goods to be shipped (see listing attached)
- (2) Unaccompanied/Accompanied Baggage - Estimated weight of baggage to be shipped. Prior Bureau authority required, written request should be submitted to Relocation Management Office.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(3) POVs

(a) Make

(b) Model (state whether two- or four-door, station wagon or van)

(c) Year of manufacture (In order to be eligible to have a POV shipped to, from and between overseas posts of duty the employee must comply with the requirements of paragraph 302-10.2 of the FTRs.)

#### **6-2.2.4 Storage of Household Goods (HHGs) in Lieu of Transportation**

Storage of an employee's HHGs at Government expense in lieu of transportation to and from duty stations outside CONUS and Alaska may be allowed under certain circumstances. Prior approval must be obtained from the Relocation Management Office.

#### **6-2.2.5 Shipment of a Privately Owned Vehicle (POV)**

(1) Shipment of a POV to, from and between official posts of duty outside the conterminous United States (CONUS) may be allowed, at Government expense, in certain instances in which it is in the best interest of the Government for the employee to have the use of POV at the duty station. The transportation of POVs at Government expense is limited to vehicles of U.S manufacture unless: (a) the head of the agency or his/her signee determines that only vehicles of foreign manufacture may be used effectively at the official station concerned; (b) the POV to be transported was purchased by the employee before he/she was aware that he/she would be assigned to duty at an official station to which the transportation of a POV would be authorized; or (c) for other reasons and, taking into consideration the current balance-of-payments situation, it is determined that the employee should be allowed to ship a vehicle of foreign manufacture. (FTRs, paragraph 302-10.2(c)(6).) Office of Liaison and International Affairs and the SACs of the Anchorage, Honolulu, and San Juan Divisions concur that a POV is necessary at the overseas assignment. Therefore, if the employee meets the requirements of paragraph 302-10 of the Federal Travel Regulations, he/she is authorized to ship one POV to, from or between overseas assignments.

(2) The POV to be authorized for return shipment must be the same POV shipped from CONUS to the overseas post of duty, unless the employee qualifies for an emergency replacement of a POV as indicated in Section 6-2.2.6, Emergency Replacement of POV.

#### **6-2.2.6 Emergency Replacement of POV**

An emergency replacement vehicle may be transported at Government expense to an employee's post of duty if:

(1) the employee had a POV at an official station outside the CONUS and it was determined to be in the Government's interest for him/her to have the vehicle;

(2) the vehicle is stolen, or seriously damaged or destroyed, or has deteriorated due to severe conditions at the post of duty, or requires emergency replacement for other reasons beyond the employee's control; and

(3) the head of the agency or his/her designee determines in advance of authorization that a replacement vehicle is necessary and in the interest of the Government.

Not more than one such emergency replacement may be authorized for an employee during any 4-year period during which the employee was stationed permanently and continuously at one or more posts of duty outside the CONUS where use of a POV by the employee was determined to be in the interest of the Government.

**SENSITIVE**

### **6-2.2.7 Transportation of House Trailer or Mobile Dwelling**

An employee who is entitled to transportation of HHGs and personal effects in accordance with provisions of the FTRs shall, in lieu of such transportation, be entitled to the carrier's charge for actual cost of transporting a house trailer for use as a residence. The allowance for the transportation of a house trailer only applies when such a trailer is transported between and within any of CONUS, including Alaska. The rate to the employee is 11 cents per mile when the house trailer is transported by means other than a commercial hauler. This payment is in addition to payment of the mileage allowance for transportation of POV.

## **6-2.3 Government Shipments (Other Than Household Goods and Personal Effects)**

### **6-2.3.1 Modes of Shipment**

(1) Small package shipments (up to 150 pounds).

(2) Government shipments not requiring expedited service are to be made, if possible, by parcel post. See Part 2, 2-2.2.7 of MAOP for details of weight and size limits on parcel post.

(3) Government shipments, requiring expedited service (overnight delivery). The General Services Administration (GSA) has awarded a multiple-award contract to various companies to provide express small package delivery service to all Executive Branch agencies. FBIHQ normally enters into a blanket purchase agreement (BPA) for the service based on best value to the FBI and all divisions are notified annually via a communication of the order numbers and the company or companies having the BPAs. It should be noted that special arrangements can be made under these GSA contracts for the shipping of hazardous materials. (See MAOP, Part 2, 6- 2.3.2.)

(4) Government shipments, not requiring expedited service, which cannot be shipped by parcel post should be shipped by a general freight carrier.

(a) Items to be shipped by general freight carrier must be boxed and properly labeled for shipment.

(b) Shipments of less than truckload (LTL) lots may be shipped direct by FBIHQ and field division shipping offices. The shipping office should make direct contact with a general freight carrier to arrange for pickup and delivery of the shipment.

(c) Shipments weighing more than 10,000 pounds or requiring truckload (TL) shipment, field division shipping offices must contact Relocation Management Office, RTSU, for assistance in obtaining rate and routing information.

### **6-2.3.2 Use of Government Bills of Lading (GBL)**

The use of a GBL for general freight and express shipment, other than specified in 6-2.3.1 (3) above, will be as follows: a GBL, SF-1103, will be used to effect shipments costing in excess of \$100. If it can be determined in advance of shipment that the cost will be \$100 or less, a GBL should not be used and payment (prepaid) should be made at time of pickup at origin through the use of the field division's Draft System or Imprest Fund Account. (See MAOP, Part II, 6-2.3.5.)

### **6-2.3.3 Disposition of Government Bill of Lading**

Before turning a shipment over to the carrier the GBL number must be placed on the outer wrapping of all outgoing packages and the following disposition made of the original GBLs and copies:

(1) White (original) Form SF-1103; one pink copy (shipping order) Form SF-1104; one white copy (freight waybill, original) Form SF-1105; and one white copy (carrier's copy) Form SF-1106 must be given to the carrier at the shipping point.

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- (2) One blue copy Form SF-1103b should be sent to the consignee.
- (3) One yellow copy Form SF-1103a should be sent to the Commercial Payments Unit, Accounting Section, FBIHQ. Field divisions should indicate the estimated cost of the shipment on this copy prior to forwarding it to the Commercial Payments Unit.
- (4) One yellow copy SF-1103a should be retained by the shipper.

#### **6-2.3.4 Distribution of Airbill Copies**

All copies except the shipper's copy are retained by the company or freight carrier.

- (1) The original copy should be retained at the origin company or freight carrier station.
- (2) The shipper's copy should be given to the origin shipper. The origin shipper should make a photocopy of the document to retain in the origin files. The shipper's copy should be forwarded to the Commercial Payments Unit, no later than the next day following the date of pickup. (NOTE: It is important that this copy be sent to the Commercial Payments Unit so it can be matched with the company or freight carrier billing.)
- (3) The consignee copy will arrive with the package.
- (4) The accounting copy, destination station copy, and point of destination (POD) copy will be retained by the company or freight carrier.

NOTE: DO NOT request the company or freight carrier to attach duplicate airbill copies to each invoice, as a service charge of \$5.00 will be assessed. The GSA Office of Transportation Audits (BW) has determined that the company or freight carrier invoices without underlying airbills meet the payment requirements specified in 41 CFR 101-41.304.2(d)(2).

#### **6-2.3.5 Payment for Transportation Charges**

Where it is determined in advance of the shipment that the total cost will be \$2,500 or less, transportation charges must be paid via the government purchase card and not the draft system. All payments in excess of \$2,500 must have a preaudit performed prior to payment and must be forwarded to the Property Management Unit (PMU), PPMS, Finance Division.

#### **6-2.3.6 Receipt of Shipment by Consignee**

When a shipment is received by the consignee, the blue copy, Form SF-1103b, must be placed in an administrative file entitled "Incoming Shipments" in sequential order as to GBL number. The delivering carrier is responsible for presenting the original SF-1103 for receipt of payment. In the event the original SF-1103 is lost, the carrier can be paid on presentation of SF-1105, freightway bill, original.

#### **6-2.3.7 Shipments of Excess Property**

For shipments of excess property from/between field division and FBIHQ where the use of a HHGs carrier is required, Relocation Management Office, RTSU, must be contacted for assistance in arranging for the shipment.

#### **6-2.3.8 Claims for Goods Lost or Damaged**

- (1) Claims for goods lost or damaged must be made by the consignee in those cases in which the FBI is assuming the transportation charges. The consignee should:
  - (a) Make a proper notation on the delivery receipt identifying the loss or damage.
  - (b) Notify at once the delivering carrier, or the carrier's agent at destination.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

Claims must include the value of goods lost or damaged and the amount of the transportation charges on same. Instructions to the consignee on these matters are set forth on the reverse of the SF-1103b.

(2) When shipment is free on board (FOB) destination, the shipper should be notified of any loss or damage in shipment. A copy of the freight bill on which the shortage or damage has been noted by the carrier or an inspection report made by the carrier should be furnished to the shipper. Material should be held pending advice from the shipper.

(3) Claims for goods lost or damaged, when shipped under GBLs, wherein the charges are assumed by GSA are the responsibility of GSA and that agency will file the claim with the delivering carrier. GSA should be notified of damages or discrepancies in the shipment from GSA supply depots by means of SF-361, in duplicate.

### **6-2.3.9 Shipment of Firearms (See MAOP, Part 2, 2-2.2.1, 2-2.2.2(1), 2-2.2.13; and MIOG, Part 2, 12-5 (5), 13-6.7 (29).)**

Before being prepared for mailing or shipping, firearms are to be inspected by a Special Agent. Loaded firearms may NOT be mailed/shipped under any circumstances. Unloaded firearms may be mailed/shipped via Federal Express (FedEx) or USPS Registered mail if they do not exceed weight limits for first-class/priority mail. See Part 2, Section 2-2.2.4, of this manual for first class/priority mail weight limits. Live ammunition is defined as a "Dangerous Good" by the United States Department of Transportation and the International Air Transportation Association Regulations. Bureau offices must comply with all federal, state, and local laws governing packing, marking and labeling whenever shipping live ammunition. Live ammunition must not be forwarded through the USPS. (See Part 2, 2-2.2.1 (10) and MIOG, Part 2, 13-12.4.2.)

## **6-2.4 Homefinding**

### **6-2.4.1 Authorization**

The SAC or FBIHQ division head who has administrative control over the transferred employee is responsible for authorizing a homefinding trip. A trip for this purpose is authorized only when the circumstances indicate it is actually needed and to minimize or avoid undue expenses for temporary quarters. The identity and title of the person authorizing the homefinding trip must be indicated on the voucher requesting reimbursement of those expenses incurred in connection with this trip. FBI employees permanently transferred at cost to, from, and between the United States, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, and the United States territories and possessions are eligible for reimbursement of a homefinding trip, provided the map distance between the old and new duty station is at least 75 miles. This homefinding trip entitlement does not apply to new appointees and employees transferred to a foreign post.

### **6-2.4.2 Regulations**

Regulations provide for the payment of travel and transportation expenses for the employee and spouse traveling together or the employee or spouse traveling individually for one round trip (each) between the old and new duty stations for the purpose of seeking a permanent residence. If separate round trips are taken, the overall cost to the Government shall be limited to the cost of one round trip for the employee and the spouse traveling together. The employee taking a homefinding trip must accomplish such a trip prior to reporting to the new duty station. The spouse must accomplish such a trip prior to relocating to the new duty station.

**SENSITIVE**



**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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### **6-2.4.3 Allowances**

(1) Maximum time allowed for a homefinding trip is ten consecutive calendar days. (See MAOP, Part 1, 11-1.4; Part 2, 3-3.2 (7) (b).)

(2) Reimbursement for homefinding travel performed on or after December 27, 1996, shall be computed based on the locality per diem rates. The employee shall be reimbursed the actual cost of lodging, not to exceed the prescribed lodging rate for the locality, plus the applicable M & IE rate for both the employee and spouse. In those instances where the employee seeks permanent housing in a different locality than where he/she obtains lodging accommodations, the employee's reimbursement will be limited to the lesser of the two per diem rates. For example, if an employee was transferred to Quantico, Virginia, where the prescribed lodging rate is \$84 for lodging and \$34 for M & IE, and the employee chooses to obtain lodging accommodations in Alexandria, Virginia, where the prescribed lodging rate is \$119 for lodging and \$46 for M & IE, reimbursement will be limited to the rate for Quantico, Virginia. Original receipts are required in support of all lodging claims. For the day travel begins and ends, three-fourths of the applicable M & IE rate shall be authorized for both the employee and the spouse as provided in Part 2, Section 6-1.3 (1)(a) of this manual. The full M & IE rate shall be payable for each full calendar day the employee and spouse is away from the official duty station seeking permanent housing. The M & IE rate is payable to the travelers without itemization of expenses or receipts. The employee and spouse traveling together will be reimbursed for the cost of one room and the applicable M & IE rate for each. If separate homefinding trips are taken, the overall cost to the government for the two trips shall be limited to the cost of one round trip for the employee and spouse traveling together. The regulations governing homefinding travel only provide for reimbursement of the employee and spouse; no other dependent travel can be authorized at government expense. (NOTE: Claims for reimbursement of homefinding travel performed prior to December 27, 1996, must be computed based on the standard CONUS rate of \$66.)

(a) Employees obtaining commercial lodging must make every effort to stay in accommodations that meet the requirements of the Hotel and Motel Fire Safety Act (HMFSa). The number of nights spent in commercial properties in compliance with the HMFSa compared to the number of nights commercial lodging was obtained must be indicated next to the "purpose of travel" on the SF-1012, Travel Voucher. For example, if lodging was obtained for nine nights in an approved accommodation, indicate "9/9" beside "purpose of travel." (See MAOP, Part 2, 6-1.3.2(3)(a).) If lodging was provided by friends or family, do not indicate anything beside "purpose of travel."

(3) When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the travel voucher as supporting documentation. Such costs may include maid service, bed rental, documentation of increase in utility bill, etc. Costs based on room rates for comparable commercial lodging or "token amounts" will not be considered reasonable by the Bureau. Provided the costs incurred are determined to be reasonable and acceptable to the Bureau, they will be allowed as lodging expenses. (See MAOP, Part 2, 6-1.3, 6-1.3.1, 6-1.3.2, 6-2.6.3.)

(4) The rental of an automobile may be allowed, provided sufficient justification acceptable to the agency is furnished; but every effort should be made to use public transportation, if available. Approval for the rental of an automobile in connection with a homefinding trip in a field office must be obtained from the SAC or, in his/her absence, the ASAC. At FBIHQ, approval must be obtained from the Section Chief or, in his/her absence, the Unit Chief. In support of a rental claim, the title and identity of the approving official must be indicated on the voucher. NO REIMBURSEMENT CAN BE MADE FOR COLLISION DAMAGE WAIVER FEE OR AUTOMOBILE INSURANCE. Purchase of gasoline is allowed, provided documented by receipts. Under no circumstance is a Bureau vehicle to be used for homefinding purposes.

(5) Expenses for the use of a taxi shall be limited to transportation between the airport carrier terminals and place of lodging.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(6) If a POV is used, provided it is advantageous to the government, the POV rate shall be as follows:

15 cents - employee or spouse

17 cents - employee and spouse

(7) If a GTR is issued, the employee must use the applicable contract fare. "Homefinding" and the cost identifying number (transfer agreement number) should be indicated on the GTR.

(8) Telephone calls cannot be claimed on homefinding vouchers. The cost of telephone calls made to realty companies may be reimbursed as part of the employee's miscellaneous expense claim if itemized.

Telephone calls made by the employee to inform his/her duty office of his/her temporary location during the homefinding trip may be claimed on the employee's monthly expense voucher.

## **6-2.5 Travel on Transfer**

### **6-2.5.1 Authorization**

(1) Regulations provide for the payment of travel and per diem for the employee and the employee's immediate family when en route between the old and new duty stations in connection with a change of station. New appointees are not eligible for a per diem allowance for their immediate family members.

(2) All aspects of the transfer must be completed within two years from the date the employee reported to the new official duty station, unless the time period has been extended for completion of residence transaction expenses. (See MAOP, Part 2, 6-2.7.2.)

### **6-2.5.2 Regulations**

The employee's travel must begin from the old duty station. Dependent's travel may begin from any point chosen by the employee; however, the claims may not exceed what would have been incurred by direct travel. If travel is indirect, per diem would end at the time the allowed mileage is exhausted. If an indirect route is taken due to weather or road conditions, this must be indicated on the voucher and actual mileage and per diem may be allowed provided sufficient justification and documentation are furnished. Per diem allowances shall be paid as follows:

(1) Actual time used to complete the trip provided the minimum driving distance of at least 300 miles is driven per calendar day; or,

(2) The distance (of usually traveled route) between old and new duty stations divided by the minimum daily driving distance (300 miles).

### **6-2.5.3 Allowances**

(1) Reimbursement shall be computed under the "lodging-plus" per diem system. The standard CONUS rate of \$85, effective January 1, 2000, is the applicable maximum per diem rate for en route travel performed in CONUS incident to a change of official station. Included in this rate is both a maximum amount for lodging (\$55) and a fixed M & IE rate of \$30. The locality rates prescribed for locations outside CONUS will apply for en route travel performed outside CONUS incident to a change of official station. The single amount of lodging for each night must be indicated on the voucher. If

lodging was gratis, this fact must be indicated on the voucher. Original receipts are required for all lodging claims. M & IE are payable to the traveler without itemization or receipts. Set forth below is the maximum daily reimbursement limitation for each family member in connection with all travel incidental to a change of an official duty station: (See MAOP, Part 2, 6-1.6.3 & 6-2.6.4.)

Employee Full per diem rate (maxi. \$85, effective January 1, 2000) Spouse 3/4 rate of employee Children under 3/4 rate of employee 21, but at least 12 years of age Children under 12 1/2 rate of employee

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(NOTE: Claims for reimbursement of en route travel performed prior to January 1, 2000, should be computed based on the standard CONUS rate of \$80.)

In computing per diem no reimbursement can be allowed for travel of 12 hours or less. For the day travel begins and ends, the M & IE rate will be as provided in Part 2, Section 6-1.3 (1)(a) of this manual.

(NOTE: If a spouse is unaccompanied by employee, the spouse is considered to be the primary traveler and is allowed the full per diem rate. If the spouse's departure is within ten days of employee, the voucher requesting reimbursement for such expenditures must be accompanied by a supporting communication fully justifying the separate travel on transfer.)

(a) Employees obtaining commercial lodging must make every effort to stay in accommodations that meet the requirements of the Hotel and Motel Fire Safety Act (HMFSA). The number of nights spent in commercial properties in compliance with the HMFSA compared to the number of nights commercial lodging was obtained must be indicated next to "purpose of travel" on the SF-1012, Travel Voucher. For example, if lodging was obtained for a total of five nights in five different properties, and three of the properties were approved accommodations, indicate "3/5" beside the "purpose of travel." (See MAOP, Part 2, 6-1.3.2(3)(a).) If lodging was provided by friends or family, do not indicate anything beside "purpose of travel."

(2) TRANSPORTATION - The use of a POV may be authorized for travel in connection with a permanent change of official duty station. Under special circumstances, the use of two POVs may be granted upon written request to the Travel Advance and Payment Unit. Special circumstances which may require the use of more than one POV:

(a) There are more members of the immediate family than can be reasonably transported with luggage in one POV.

(b) Because of the age or physical conditions, special accommodations are necessary in transporting a member of the immediate family in one POV, and a second POV is required for the travel of other members of the family.

(c) An employee reports to the new duty station in advance of members of the immediate family, because of delays for acceptable reasons, such as completion of the school term, sale of property, settlement of personal business affairs, disposition of shipment of household goods or absence of adequate housing at the new duty station.

(3) MILEAGE RATE - Payment of mileage allowances when authorized or approved in connection with the transfer is as follows:

**OCCUPANTS OF POV MILEAGE RATE (CENTS)**

Employee only; or one member 15 cents immediate family

Employee and one member; or two 17 cents members of immediate family

Employee and two members; or 19 cents three members of immediate family

Employee and three or more members; 20 cents or four or more members of immediate family

## **6-2.6 Temporary Quarters**

(1) A subsistence allowance for the employee and each member of his/her immediate family shall be allowed for occupying temporary quarters prior to obtaining permanent housing incidental to an authorized transfer, provided the map distance between the old and new duty stations is at least 50 miles. The temporary quarters allowance subsidizes housing, meals, and incidental expenses which exceed normal levels during the relocation process.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(2) Homefinding trips (limited to ten consecutive calendar days) and the use of the FBI's Relocation Program to sell residences being vacated are encouraged to ease the transition of a transfer. Effective usage of these services should limit temporary quarters occupancy to 60 days or less. Completion and/or closing/settlement dates should both be scheduled to occur within the first 60 days of temporary quarters regardless of whether an existing home or a new home (being constructed) is purchased.

### **6-2.6.1 Conditions and Limitations**

(1) Initial Period of Temporary Quarters - A transferred employee and his/her immediate family shall be authorized subsistence expenses for up to 60 consecutive calendar days for temporary quarters. The SAC or Section Chief should closely review all employees in a temporary quarters status to ensure every effort is being made to occupy a permanent residence. In order to continue in a temporary quarters status beyond the first 30-day period, the employee must submit a memorandum setting forth the reason(s) and anticipated duration of the additionally requested temporary quarters. This memorandum must be approved by the SAC or Section Chief, and must accompany the employee's temporary quarters voucher for the second 30-day period. (NOTE: If an employee applied for an advance of funds for the second 30-day period of temporary quarters, he/she was required to submit an original SF-1038 and FD-460. The FD-460 must fully document the employee's justification and be approved for continued temporary quarters beyond the initial 30-day period. In this situation, the FD-460 may serve as the employee's supporting memorandum. If a copy of the FD-460 is unavailable to the employee for submission with his/her temporary quarters voucher, the employee is required to indicate on the voucher that supporting documentation was previously furnished with his/her advance of funds request.)

(2) Deleted

(3) Additional Time In Temporary Quarters - Subsistence expenses may be allowed for an additional period of time not to exceed 60 days for a total of 120 consecutive days provided the agency determines that compelling reasons exist for continued occupancy of temporary quarters. The total period of time in temporary quarters under any circumstances shall not exceed 120 days. Authorization to extend the temporary quarters period beyond the initial 60-day period will be kept to a minimum. Authorization will be extended only to employees who can demonstrate a need due to circumstances beyond their control which occurred during the initial 60-day period of temporary quarters that extended the planned occupancy for permanent housing beyond the end of the initial 60 days.

(a) Employees requesting an extension of temporary quarters beyond the initial 60-day period must furnish written justification prior to the conclusion of the first 60 days. The written request must include a complete explanation of efforts made during the first 60 days to occupy a permanent residence, along with pertinent documentation which may include, but should not be limited to the following:

1. Real Estate Purchase Agreement
2. Lease Agreement
3. Loan Processing
4. Settlement Statement
5. Written verification from builders, loan processors, realtors, or settlement attorneys regarding short-term delays.

The written request, along with supporting documentation, must be submitted to the employee's SAC or Assistant Director for his/her review and signature of approval or disapproval of the claim. The requests must then be forwarded to the Section Chief, Accounting Section, in care of the Travel Advance and Payment Unit, where a decision will be rendered as to whether an extension of temporary quarters is justified beyond the initial 60-day period. The decision rendered will be based solely upon the individual

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

employee's circumstances. The SAC or Assistant Director will be notified in writing of the decision and, in turn, will advise the employee.

(4) Short-term extensions limited to 30 days (total of 90 days) will be considered for the following types of problems which delay occupancy of permanent housing:

(a) Short-term delays in shipment and/or delivery of household goods to the new residence due to an extended transit time involving ocean transportation, strikes, customs, or bad weather.

(b) Short-term delays combined with the inability to take a homefinding trip not permitted for particular duty stations (transfer to or from a foreign post).

(c) Inability to locate a permanent residence suitable for family needs due to limitations generated by local economic conditions upon the selection of desirable homes.

(d) Employees may be granted an extension of temporary quarters when a permanent residence cannot be occupied because of unanticipated problems (i.e., delays in settlement or new residence, short-term delays in construction of a new residence). The employee must clearly demonstrate that the residence was initially scheduled to be completed before the end of the initial 60-day period, and due to circumstances beyond their control, construction is not completed during this period. Employees must furnish a copy of the purchase/sales agreement to verify the original completion/settlement date. When there are contradictory issues between the builder and employee regarding completion/settlement dates, FBIHQ will rely on the terms and conditions set forth in the contract executed between the employee and builder.

(5) Extensions of temporary quarters in excess of 90 days are rarely authorized. Only serious problems will be considered for extensions of temporary quarters up to 120 days. Examples are as follows:

(a) Acts of God which caused destruction to an employee's property or serious injury to an immediate family member creating a significant delay in purchase or settlement.

(b) Sudden serious illness, injury, or death to the employee, or a member of the immediate family which creates a significant delay in purchase or settlement.

#### **6-2.6.2 Beginning of Eligibility Period**

The use of temporary quarters for subsistence expenses may begin as soon as the employee's transfer has been authorized and the required written agreement has been executed. The period of eligibility shall commence when the employee or any member of the immediate family occupies temporary quarters and a claim for reimbursement is made for the expenses incurred in connection with the occupation of these quarters. Once temporary quarters has commenced, the time period runs concurrently for the employee and all family members. Temporary quarters terminates when the employee or any family member occupies a permanent residence or when the authorized period of time expires, whichever occurs first. If temporary quarters is occupied less than a whole day, it is considered as one full calendar day of the eligibility period. The temporary quarters period shall terminate at midnight of the last day of eligibility.

(1) The employee may occupy temporary quarters at one location while members of the immediate family occupy quarters at another location. (As a general rule, the location of temporary quarters must be within reasonable proximity of the old and/or new duty station.) Payment of subsistence expenses for occupancy of temporary quarters in another location shall not be allowed unless justified by circumstances unique to the individual employee or the employee's family that are reasonably related and incidental to the transfer. Payment of such expenses must be authorized or approved by the head of the employee's agency or his/her designee.

(2) When an employee is transferred and the distance between the new official duty station and old residence is not more than 40 miles greater than the distance between the old residence and the old official

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

duty station is less than 50 miles apart, a temporary quarters subsistence expense cannot be authorized. Measurements shall be made according to map distance along a usually traveled route.

(3) The following guidelines should be used for determining the beginning of the eligibility period for temporary quarters subsistence reimbursement for transfers within CONUS.

(a) If an employee commences temporary quarters for reimbursement purposes on the same day when his/her en route travel between transfer points terminates, the temporary quarters eligibility period shall begin upon the termination of the en route travel.

(b) In those situations when an employee commences temporary quarters for reimbursement purposes on a day other than when his/her en route travel between transfer points terminates, the temporary quarters eligibility period shall begin at 12:01 a.m. of the calendar day in which the employee wants to begin claiming temporary quarters.

(4) The following guidelines shall be used for determining the beginning of the eligibility period for temporary quarters subsistence when the old and/or the new official duty station is outside CONUS;

(a) If an employee commences temporary quarters for reimbursement purposes on the same day when his/her en route travel ends and this travel period was less than 24 hours, the temporary quarters eligibility period shall begin in the same calendar day quarter in which the en route travel per diem ends.

(b) If an employee commences temporary quarters for reimbursement purposes on the same day when his/her en route travel ends and this travel period was more than 24 hours, the temporary quarters eligibility period shall begin in the calendar day quarter that immediately follows the one in which the en route travel per diem ends.

(c) In those situations when an employee commences temporary quarters for reimbursement purposes on a day other than when his/her en route travel between transfer points terminates, the temporary quarters eligibility period shall begin with the first quarter of the calendar day in which temporary quarters reimbursement is claimed.

### **6-2.6.3 Allowable Expenses**

Reimbursement shall be made only for actual subsistence expenses incurred, provided they are incidental to the occupancy of temporary quarters and are reasonable as to amounts. Allowable subsistence expenses include ONLY charges for meals (including groceries consumed during occupancy of temporary quarters), lodging, fees and tips incidental to meals and lodging, laundry and cleaning and pressing of clothing, monthly phone bills and utilities and furniture rental. (NOTE: No installation charges are allowed during temporary quarters. If an employee submits an itemized miscellaneous expense voucher, installation charges may be included on this voucher submission.) The actual expenses shall be itemized in a manner which will permit at least a review of the amounts spent daily for (1) lodging, (2) meals and (3) all other items of subsistence and miscellaneous expenses. Meal claims for the employee and their immediate families cannot exceed 50 percent of the daily subsistence rate. Original receipts are required for lodging, monthly phone bills and utilities, furniture rental, laundry and cleaning expenses (except when coin-operated facilities are used, and in those instances a certification to that effect should be included on the voucher) as well as any individual's meal claim in excess of \$75. Expenses for local transportation incurred for any purpose during occupancy of temporary quarters shall not be allowed.

(1) When an employee incurs lodging costs while staying with friends or relatives, no part of the per diem allowance will be allowed for lodging unless the host incurs additional costs in accommodating the traveler. In such instances, the additional costs must be substantiated with actual receipts and attached to the travel voucher as supporting documentation. Such costs may include maid service, bed rental, documentation of increase in utility bill, etc. Costs based on room rates for comparable commercial lodging or "token amounts" will not be considered reasonable by the Bureau. Provided the costs incurred are determined to be

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

reasonable and acceptable to the Bureau, it will be allowed as a lodging expense. (See MAOP, Part 2, 6-1.3, 6-1.3.1, 6-1.3.2, 6-2.4.3.)

(2) Employees in an annual leave or sick leave status away from their official duty station shall not be allowed reimbursement for subsistence. The time in annual leave status or sick leave status will be included in the length of time occupying temporary quarters. No adjustments can be allowed to extend the length of time in temporary quarters because of leave taken. If lodging has been paid in advance, the employee will be allowed to claim that expense while in a leave status.

(3) Allowance Expenses - All employees who submit claims for temporary quarters allowance will be required to place a certification statement on their travel voucher. The employee must certify that the expenses claimed were incurred during the occupancy of temporary quarters and that the time spent in temporary quarters was the minimum needed to obtain and occupy permanent quarters.

#### **6-2.6.4 Applicable Maximum Per Diem Rate for Initial Period of Temporary Quarters**

The maximum per diem rate to be used for computation of temporary quarters located in CONUS is the standard CONUS rate (\$85 max). Maximum per diem rate for locations outside CONUS is based on the rate prescribed by the Secretary of Defense or by the Secretary of State and published periodically in the "Per Diem Supplement to the Standardized Regulations (Government Civilian, Foreign Areas)" and the "Civilian Personnel Per Diem Bulletin."

(1) The amount which may be reimbursed for temporary quarters subsistence expenses shall be the actual amount of allowable expenses incurred for each 30-day period not to exceed a maximum amount based on the daily rate set forth below, multiplied by 30. MEAL EXPENSES MAY NOT EXCEED 50 PERCENT OF THE MAXIMUM ALLOWABLE PER DIEM. If less than a 30-day period is authorized, the maximum allowable amount will be based on the number of days authorized. The maximum per diem rates to be used for computation for employees and their immediate families for the initial period of temporary quarters are as follows: (See MAOP, Part 2, 6-1.6.3, 6-2.5.3.)

Daily Reimbursement Limitations (NOTE: Rates are effective January 1, 2000.)

First 30-Day Period (Standard CONUS Rate)

Employee or spouse unaccompanied by employee \$85.00

Accompanying spouse (75 percent of CONUS rate) \$63.75

Each family member under 21, but at least 12 years of age. (75 percent of CONUS rate) \$63.75

Each family member under 12 years (1/2 or 50 percent of CONUS rate) \$42.50

Second 30-Day Period

Employee or spouse unaccompanied by employee (75 percent of CONUS rate) \$63.75

Accompanying spouse (50 percent of CONUS rate) \$42.50

Each family member under 21, but at least 12 years of age (50 percent of CONUS rate) \$42.50

Each family member under 12 years (40 percent of CONUS rate) \$34.00

(NOTE: Claims for reimbursement of temporary quarters prior to January 1, 2000, should be computed based on the standard CONUS rate of \$80.)

(2) When occupancy of temporary quarters beyond the first 60 days has been approved due to compelling reasons, the additional days shall be computed at the same rates allowed for the second 30-day period for the employee and each member of the immediate family.

**SENSITIVE**

## **6-2.7 Purchase and Sale of Residence**

### **6-2.7.1 Authorization**

To the extent allowed under these regulations, the Government shall reimburse an employee for allowable expenses required to be paid by him/her in connection with the sale of one residence at his/her old duty station; for the purchase (including construction) of one dwelling at his/her new duty station; or for the settlement of an unexpired lease involving his/her residence or lot on which a mobile home used as his/her residence at the old duty station.

### **6-2.7.2 Eligibility (See MAOP, Part 2, 6-2.5.1.)**

The claims under these regulations are payable to the extent allowed provided that:

(1) The dwelling for which reimbursement of selling expenses is claimed was the employee's residence at the time he/she was notified by competent authority of pending transfer and this was the dwelling from which the employee commuted to and from work daily.

(2) The title to the residence or the interest in a cooperatively owned dwelling or an unexpired lease at the old duty station is in the name of the employee and/or employee and spouse or one or more members of his/her immediate family.

(3) The settlement dates for the sale and purchase or lease termination transaction for which reimbursement is requested are not later than two years from the date the employee reported for duty at the new duty station. This time limitation may be extended for an additional period of time not to exceed two years, when circumstances beyond the employee's control and acceptable to the agency have prevented him/her from completing residence transaction expenses within the initial two-year period. The delay in completing residence transactions expenses must be reasonably related to the employee's transfer to the new duty station.

(a) The written request must be submitted to the Travel Advance and payment Unit (TAPU), Accounting Section, Room 1396, detailing the circumstances that have prevented the employee from completing the residence transaction expenses during the initial two- year period and a realistic date as to when the residence transactions will be completed. The written request must be submitted to TAPU no later than 30 calendar days after the end of the initial two-year period.

(b) Request for extension of residence transaction expenses will be reviewed and/or approved in one-year increments. Therefore, if an employee has not completed residence transaction expenses by the end of the third year, he/she must submit another request detailing the circumstances, which were beyond his/her control, that prevented him/her from completing the residence transaction expenses during the approved third year. Absent extenuating circumstances, requests for a fourth year will rarely be approved.

(c) If an employee has no real estate entitlements, all aspects of the transfer must be completed within two years from the date the employee reported to the new official duty station.

### **6-2.7.3 Reimbursement**

(1) Employees shall submit appropriate forms for claiming reimbursement for expenses incurred in connection with real estate transactions. Amounts claimed must be supported by documentation showing that the expense was in fact incurred and paid by the employee. The appropriate forms include the SF-1012, the travel voucher, and the HUD-1 Settlement Statement. The SF-1012, travel voucher, must be signed by the SAC of the new duty station for transactions in connection with a purchase and by the SAC of the old duty station for transactions in connection with the sale of a residence.



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(2) Claims in connection with an unexpired lease must be claimed on a separate voucher, supported by a copy of the executed lease as well as paid receipts. The daily prorated rent is determined on the basis of a 30-day month. The day of departure from the old residence cannot be included in the computation for unused rent.

(3) Claims in connection with the sale or purchase of a residence must be supported by:

- (a) Purchase and/or Sales Agreement
- (b) Property settlement or loan closing statement
- (c) Invoices or receipts marked "Paid"

(4) The maximum reimbursement that can be allowed for real estate transactions is determined by the date the employee reports for duty at his/her new official duty station. Reimbursement of real estate selling expenses is limited to 10 percent of the sales price, and reimbursement of purchase expenses is limited to 5 percent of the purchase price of the residence. (5) The following is a list of reimbursable and nonreimbursable claims in connection with the sale or purchase of a residence provided they are reasonable and customary for the locality:

(a) Reimbursable Expenses

1. Loan origination fee or a loan assumption fee if assessed rather than the loan origination fee. One percent is usually considered reasonable and customary for most localities. (NOTE: Reimbursement of the loan origination fee will be limited to 1 percent. Any additional charges must be supported by a letter from the lender with a complete breakdown of the fee. The letter must show, by clear and convincing evidence, including an itemization of the lender's administrative charges, that the fee exceeding the standard 1 percent charge does not include prepaid interest, points, or a mortgage discount. A generalized percentage breakdown of the loan origination fee charged by the lender or a general statement attesting to the fact that the high charge does not include prepaid interest points or a mortgage discount will NOT SUFFICE.

2. Prepayment charge

3. FHA or VA application fee (NOTE: VA funding fee is a nonreimbursable expense.)

4. Broker's fee, realtor's fee

5. Attorney's fee

6. State Revenue Stamps

7. Recording fee

8. Appraisal fee

9. Advertising cost and/or realtor's commission

10. Credit report

11. State tax stamp

12. Survey

13. Mortgage title insurance (based on the amount of money borrowed rather than the purchase price).

14. Title insurance (Lender's coverage only)

NOTE: If items 13 and 14 above are not broken down on the settlement statement, then a letter must be furnished by the mortgage company explaining the breakdown of these expenses.

(b) Nonreimbursable Expenses

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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1. Loan processing fee
2. Points, discounts or interest
3. Prorated tax
4. Membership fee
5. VA funding fee
6. Mortgage insurance, mortgage insurance premium and hazard insurance premium.
7. Tax service charge
8. Underwriting fee
9. Cost of litigation
10. Operating or maintenance costs
11. Broker's fee to locate mortgage on purchase.

### **6-2.8 Miscellaneous Expense Allowance**

A miscellaneous expense allowance is authorized to assist the employee with the various expenses associated with discontinuing and establishing a residence in connection with his/her change of official duty station. This entitlement does not apply to new appointees or employees returning from overseas assignment for the purpose of separation.

#### **6-2.8.1 Allowances**

- (1) Without itemizing the actual expenses, the employee is entitled to an allowance of:
- (a) \$500 or one week's basic pay, whichever is the lesser for an employee without an immediate family; or,
  - (b) \$1,000 or two weeks' basic pay, whichever is the lesser for an employee with an immediate family.
- (2) If an employee's actual expenses exceed the amounts noted above, he/she may submit itemized receipts subject to the following limitations: (a) an employee without an immediate family may received up to one week's gross (basic) pay; or, (b) an employee with an immediate family may received up to two weeks' gross (basic) pay. The maximum reimbursement an employee may receive by itemizing is limited to the employee's gross (basic) pay at the time he/she effects the transfer and in no instance will it exceed the gross (basic) pay of a grade GS-13. For example, an employee who is a grade GS-10 at the time he/she effects his/her transfer cannot exceed the gross (basic) pay of a grade GS-10.

#### **6-2.8.2 Reimbursable Expenses**

- (1) Disconnection and connection of appliances, equipment, utilities and the cost of transformers necessary to accommodate 110 volt electrical equipment.
- (2) Cutting and fitting rugs, draperies and curtains moved from the old residence to the new home.
- (3) Utility fees or deposits that are not eventually refunded.
- (4) Vehicle registration, driver's license and use tax imposed when an automobile is brought into some jurisdictions.
- (5) Dog tags

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(6) Cost of installing telephone service at your new home, if comparable to the service at the old residence. A statement to this effect should be indicated on the voucher. Also reimbursable is a buried wire charge assessed by a neighborhood serviced by underground utilities.

(7) Personal telephone expenses in connection with real estate transactions.

(8) Forfeiture losses on medical, dental and food contracts that are not transferable and contracts for private institutional care, such as that provided for handicapped or invalid dependents, which are not transferable.

(9) Inspection of household goods for gypsy moth life. However, any expenses for treatment of gypsy moth life is not reimbursable.

(10) Finder's fee (in New York only)

(11) Residential rental tax stamps (in New Mexico only)

(12) Forfeited deposits in connection with the purchasing of a residence that an employee is prevented from completing because of reassignment.

### **6-2.8.3 Nonreimbursable Expenses**

(1) Losses, as a result of buying or selling real estate and personal property and costs related to such transactions.

(2) Costs reimbursed under other provisions of these regulations or statutes.

(3) Costs of additional insurance on household goods while in transit or storage, or cost of any loss or damage to those goods.

(4) Additional costs of moving household goods caused by exceeding weight limits.

(5) Purchase or installation of new items such as drapes or carpets.

(6) Higher-income, real estate sales or other taxes resulting from establishing your new residence.

(7) Traffic fines while traveling to new area.

(8) Accident insurance premiums or liability costs for travel to new duty station.

(9) Losses from sale or disposal of personal property not considered convenient or practicable to move.

(10) Damage or loss of clothing, luggage or other personal effects while traveling to new duty station.

(11) Expenses in excess of the maximum eligible reimbursement of travel and per diem allowances.

(12) Medical expenses due to illness of employee and/or his/her immediate family while traveling to the new duty station.

(13) Cost of alterations, remodeling or modernizing your new residence or the cost of replacing or repairing defective appliances or equipment shipped to the new residence.

## **6-2.9 Relocation Income Tax (RIT) Allowance**

### **6-2.9.1 Authorization**

(1) Payment of a relocation income tax (RIT) allowance is authorized to reimburse eligible transferred employees for substantially all or part of the additional federal, state and local income taxes incurred by the employee, or by the employee and his/her spouse if a joint tax return is filed as a result of certain moving expenses and travel and per diem expenses provided by the government.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(2) Payment of a RIT allowance is authorized for employees transferred on or after November 14, 1983, in the interest of the government from one official station to another for permanent duty. The effective date of an employee's transfer is the date the employee reports for duty at the new duty station. The following individuals are not covered:

- (a) New appointees (i.e., new appointees to shortage category or senior executive service position and new Presidential appointees and new appointees to overseas posts of duty).
- (b) Employees assigned under the Government Employee's Training Act or
- (c) Employees returning from overseas assignment for the purpose of separation.

### **6-2.9.2 Reimbursement**

The reimbursement of an employee's tax liability is done in two stages. The first stage is termed Withholding Tax Allowance (WTA), and the second stage is termed RIT allowance. WTA is an estimated partial payment of your federal tax liability and offsets the 28 percent federal tax withholding. Each time a relocation expense or travel voucher is processed and subject to federal tax withholding, the Travel Advance and Payment Unit will automatically calculate and reimburse the WTA. The RIT allowance is intended to cover substantially all of the additional tax liability incurred as a result of relocation expense reimbursements received during each tax year. If an employee receives reimbursements for relocation expenses or travel and per diem payment in more than one year, then he/she may be eligible for more than one RIT allowance. A RIT allowance claim must be submitted by the employee to the Travel Advance and Payment Unit at the beginning of each year after the tax year in which he/she was reimbursed for relocation expenses. Submission of a RIT allowance claim does not relieve the employee of his/her responsibility to file his/her taxes on a timely basis. In order to file a RIT allowance claim, the employee must completely execute a Relocation Income Tax Certification, FD-679, and an SF-1012, travel voucher, and forward this claim along with supporting documentation to the Travel Advance and Payment Unit for processing. (NOTE: Refer to "A Guide to Success -- Creating the 'Perfect' Transfer Voucher" for complete instructions concerning the RIT allowance claim.)

## **6-2.10 General Provisions Governing Temporary Duty (TDY) and Transfer Advances of Funds**

### **6-2.10.1 Purpose**

TDY and/or transfer advances of funds are issued to assist an employee in discharging his/her responsibilities associated with official business. The advance of funds will be limited to 80 percent of the minimum estimated cash expenses. For employees who have an AMEX card, the advance of funds will be limited to 80 percent of the M & IE rate. ADVANCES OF FUNDS ARE ONLY TO BE UTILIZED IN CONNECTION WITH OFFICIAL BUSINESS. Misuse of these funds will result in an administrative inquiry and appropriate disciplinary action.

### **6-2.10.2 Approving Official (See MAOP, Part II, 6-2.10.3(2) & 6-2.10.7(2)(a).)**

(1) TDY Advance of Funds - Generally, the authorizing official who approves travel of the TDY assignment should also approve the advance of funds request for the same purpose. (NOTE: All travel, with the exception of SACs and LEGATS, must be authorized by an official occupying a higher-level position than the traveler. The Administrative Officer may authorize travel of support employees.)

(2) Transfer Advances - In a field division, the authorizing/approving official is the SAC or the ASAC; and at FBIHQ, a Unit Chief or above.

**SENSITIVE**

### 6-2.10.3 Processing Requirements

(1) TDY or Transfer Advance Issued by the Travel Advance and Payment Unit, Accounting Section - TDY and transfer advance of funds checks are issued from the automated accounts payable system. An employee should allow approximately 21 calendar days from the time the advance request is executed and approved and the check is received. (NOTE: An employee's advance request received by the Travel Advance and Payment Unit after the indicated travel period has been completed will not be processed for payment.) Therefore, whenever possible, it is incumbent upon each employee to properly plan and assess his/her travel requirements to allow for adequate processing time. In the event that investigative responsibilities require immediate funding for TDY matters, the supervisory official in charge should contact the Travel Advance and Payment Unit for assistance. The full Bureau name(s) and social security number(s) of the traveling employee(s) should be readily available when making this contact.

(2) TDY Advances Issued From the Draft System or Imprest Fund Account - Depending upon the availability of funds and pending account requirements, same day service for processing advance requests will be the general rule. The Draft or Imprest Fund Cashier will not process an advance of funds request which has not been approved at the established level set forth in the General Provision guidelines (see Part II, Section 6-2.10.2 of MAOP). The Draft or Imprest Fund Cashier must maintain advance requests (SF-1038) for the current plus two previous years. (NOTE: Draft or Imprest Fund Cashier -- DO NOT FORWARD CASH IN THE MAIL. The Draft or Imprest Fund Cashier will be personally liable for the replacement of cash that's lost in the mail.) (See Part II, 6-3.2.)

### 6-2.10.4 Limitations

(1) The FTRs provide that an advance of funds must not be issued in excess of 80 percent of the minimum estimated expenses that the employee is expected to incur prior to reimbursement.

(2) If an employee has prior authority to rent a vehicle and the actual cost is known, the employee may be advanced the full cost of the rental vehicle. Absent knowledge of the actual cost, the advance of funds request will be limited to 80 percent of the minimum estimated expenses. A Government credit card holder cannot request an advance of funds in connection with the rental of a vehicle.

### 6-2.10.5 Liquidation

(1) Trip Advance Obtained From Travel Advance and Payment Unit, FBIHQ - This type of advance must be liquidated within five workdays of completing the trip or period of travel. If the planned travel is canceled or delayed for a prolonged period of time, the advance must be liquidated immediately.

(2) Deleted

(3) Transfer-Related Advances - The liquidation of homefinding, transfer, temporary quarters and/or household goods advance accounts are to be vouchered separately. An advance of funds issued for en route travel and homefinding travel must be liquidated within five workdays of completing the trip. An advance of funds for temporary quarters purposes must be liquidated within five workdays after each 30-day period has ended.

(NOTE: Cancellation of the transfer requires immediate liquidation of the advance account(s).) If a transfer is delayed or the employee's circumstances change after an advance(s) is issued, the advance should be liquidated immediately. If an employee has an outstanding transfer advance(s) and submits a real estate purchase voucher, absent receipt of transfer-related voucher(s) sufficient in amount to liquidate the outstanding advance(s), the real estate voucher will be applied toward the outstanding advance balance(s).)

(a) In the above situations, an advance(s) may be liquidated by submission of a voucher and/or personal check or money order made payable to the FBI. The issuing office is responsible for ensuring that employees transferred from the office or separated from service resolve any outstanding advance(s) prior to

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

departure. If an employee is transferred and the advance was issued to assist the employee at the new official station, the issuing office should ensure these records are forwarded to the employee's new official duty station for appropriate follow-up. If an employee separating from service has an outstanding balance on his/her advance(s), it is required that a money order or cashier's check be submitted in lieu of a personal check for the balance. During the exit interview, the employee should be specifically asked if he/she has any unvouchered expenses. If so, a voucher should be obtained at that time.

(b) The Debt Collection Act of 1982 provides for the assessment of interest, penalties, and administrative costs concerning delinquent advances. These costs may be imposed as dictated by the situation.

(4) Trip Advance Obtained From Draft System or an Imprest Fund Account - An employee with this type of advance is responsible for liquidation by the fifth workday following the completion of the trip. The advance must be liquidated by submission of a travel voucher and/or personal check or money order to the Draft Approval Officer or Imprest Fund Cashier.

(a) If the employee's expenses exceed the dollar limitation for reimbursement from the Draft System or Imprest Fund Account, the SF-1012, travel voucher, should be forwarded to the Travel Advance and Payment Unit for processing and issuance of payment. Upon receipt of the travel reimbursement, the employee must immediately liquidate the advance received from the Draft System or Imprest Fund Account.

(5) Liquidation - If an advance of funds is obtained from the Travel Advance and Payment Unit, FBIHQ, it must be liquidated by submission of a voucher and/or personal check or money order to the Travel Advance and Payment Unit and cannot be liquidated either in part or full from the Draft System or Imprest Fund Account.

#### **6-2.10.6 TDY Advance of Funds**

An advance of funds may be issued to an employee for 80 percent of the anticipated amount of lodging, meals, and incidental expenses. If the employee has a government credit card, or if lodging will be paid by purchase order or gratis, the maximum allowable advance will be 80 percent of the M & IE rate for the TDY locality. An advance of funds will only be issued upon submission of a properly approved Advance of Funds Application (SF-1038) and a copy of the Travel Request Form (FD-540). Advance of funds for TDY assignments may be requested and obtained from the Travel Advance and Payment Unit, FBIHQ, Third Party Draft System, or Imprest Fund Account servicing the office.

(1) TRIP ADVANCE - Issued to an employee for anticipated financial obligations to be incurred in connection with a specific trip. This type of advance can be obtained from the office Draft System or Imprest Fund Account. If the amount requested is outside the prescribed limitations of the Draft System or Imprest Fund Account, the request must be forwarded to the Travel Advance and Payment Unit.

(2) Method of Request - An employee requiring an advance of funds for TDY must execute an original and one copy of an SF-1038. The SF-1038 and the Travel Request Form (FD-540) must be submitted to the supervisor for approval. Established approval levels are set forth in the General Provision guidelines (see Part 2, Section 6-2.10.2 of MAOP).

The copy of the SF-1038 is retained by the employee's division; with the original SF-1038 being forwarded for processing to the Draft Approval Officer or Imprest Fund Cashier for processing through the Draft System or Imprest Fund Account. If the amount requested is outside the prescribed limitations of the Draft System or Imprest Fund, the request must be forwarded to the Travel Advance and Payment Unit, FBIHQ, for processing and payment.

(3) AMOUNT LIMITATION

(a) TRAVEL ADVANCE AND PAYMENT UNIT, FBIHQ - The minimum amount that can be advanced by FBIHQ is \$300, and the maximum is \$3,500. The travel period for an advance request cannot exceed 30

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

calendar days. A government credit card holder may request a trip advance of funds to cover the allowable M & IE for the travel period provided it is equal to or exceeds the \$300 minimum requirement.

(b) Imprest Fund Account - The maximum amount that can be advanced from the Imprest Fund is \$400. If the requirements of the exigency exceed the established criteria for issuing an advance from an Imprest Fund account, contact the Travel Advance and Payment Unit. Employees with a MasterCard may request a trip advance of funds to cover 80 percent of the allowable M & IE for the travel period.

(c) Draft System - The maximum amount that can be advanced from the Draft System is \$2,000. Employees with a MasterCard may request a trip advance of funds to cover 80 percent of the allowable M & IE for the travel period.

### **6-2.10.7 Transfer-related Advances of Funds**

Advance of funds for transfer-related matters are issued to assist an employee with the transition from one official station to another. Transfer-related advances may be requested and issued only from the Travel Advance and Payment Unit, FBIHQ. Under no circumstances may a transfer-related advance be obtained from the Draft System or an Imprest Fund Account. Prior to any transfer advance being issued by the Travel Advance and Payment Unit, FBIHQ, it must be in receipt of a signed 3-34B wherein the employee agrees to remain in the service of the Government for at least 12 months from the effective date of the transfer.

#### **(1) Types of Transfer Advances**

(a) Homefinding

(b) Travel on Transfer

(c) Temporary Quarters

(d) Transportation and Storage of Household Goods by the Commuted Rate System

(e) Transportation and Emergency Storage of POV

(f) Transportation of Mobile Homes

(g) Advance of Pay for Employees Assigned to a Foreign Office (see Section 6-2.11)

The above-listed types of transfer advances are governed by the provisions of the FTRs. Advances cannot be authorized for miscellaneous expense allowance, residence transactions, or nontemporary storage of household goods.

#### **(2) Method of Request**

(a) Homefinding - Employee must execute an original and one copy of an SF-1038. It must be indicated in the remarks portion of the form that the request is for a homefinding trip, points of origin and destination, and if the trip is to be taken by employee and/or spouse. The request must be signed by the employee and the approving official as previously set forth in the General Provisions guidelines (see Section 6-2.10.2 of MAOP). The original is forwarded to the Travel Advance and Payment Unit, FBIHQ, and the copy is maintained for the office's records.

(b) Travel on Transfer and Temporary Quarters - A request for an advance of funds for travel on transfer and the first 30 days of temporary quarters may be forwarded with one communication. The employee must execute an original and a copy of an SF-1038 and FD-460. The original should be forwarded to the Travel Advance and Payment Unit, FBIHQ, and the copy retained for office records. The employee must execute a new SF-1038 and FD-460 for the second 30 days of temporary quarters (original and copy). The FD-460 must fully document the employee's justification for continued temporary quarters beyond the initial 30-day period. In both of the specified situations, both documents must be approved at the level previously set forth in the General Provisions guidelines.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(c) Transportation and Storage of Household Goods by the Commuted Rate System - The Relocation Management Office, FBIHQ, evaluates the move requirements of each transferred employee and determines which employees are required to utilize this method for the transportation and storage of their household goods. Upon the Relocation Management Office's approval of this method, the employee may secure an advance of funds to defray the cost of transporting their household goods and anticipated storage not to exceed 90 days by executing an SF-1038 (original and copy) for the estimated amount of these costs. The original should be forwarded to the Travel Advance and Payment Unit, FBIHQ, and the copy retained for the office records. In the remarks portion of the SF-1038, the employee must include the points of origin and destination.

(d) All Other Transfer Advances Not Described Above - Contact the Travel Advance and Payment Unit, FBIHQ, for assistance.

**(3) Amount Limitations**

(a) Homefinding - Reimbursement is limited to the cost of one round trip for the employee and spouse for a maximum of ten calendar days. If separate trips are authorized for the employee and spouse, the cost of the two trips cannot exceed the cost if they had traveled together. Reimbursement is limited to per diem and rental of a vehicle, if authorized.

(b) Travel on Transfer - Limited to either a mileage allowance or travel by common carrier and per diem. If more than one POV is driven on the same dates, the mileage allowances are computed separately. Appropriate justification must be submitted and approved prior to making a request for the use of more than one POV.

(c) Temporary Quarters - Advance of funds cannot exceed 60 days and is limited to per diem only.

(d) Transportation and Storage of Household Goods by the Commuted Rate System - Reimbursement is limited to estimated cost of transportation by weight and a maximum of 90 days of storage.

**6-2.11 Advance of Pay Policy and Guidelines for Employees Assigned to Foreign Areas**

(1) Authority provided as amended by Section 2310 of the Foreign Service Act of 1980 (Public Law 96-465, dated 10/17/80), Title 5, USC, Section 5927, Executive Order 12292 and Chapter 850, State Department Regulations.

(2) These guidelines apply to all FBI employees who are assigned to foreign areas, including the Trust Territory of the Pacific Islands, situated outside the United States, the Commonwealth of Puerto Rico, and the possessions of the United States. Employees assigned to offices such as Guam, the Virgin Islands, etc., that are located in United States territories are not entitled to the advance of pay allowance.

(3) The advance of pay is based on the employee's basic compensation exclusive of all allowances, differentials, or other additional compensation at the time of the request.

(4) The employee's post or place of assignment is the official duty station regardless of whether the employee is detailed elsewhere or resides at another place with the authorization or approval of the head of the agency.

(5) The advance of pay up to 3 months must not exceed 6 biweekly pay periods.

**6-2.11.1 Requesting an Advance of Pay**

(1) An employee must submit a Request and Voucher for Advance of Pay Form DO-88 in a time-frame that will allow for payment through Electronic Funds Transfer (EFT). The request may be initiated upon receipt of travel orders, but, normally not more than 45 days prior to the employee's departure to, or not more than 60

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

days after arrival at the overseas assignment. The request (original and three copies) must be signed by the employee who must include his/her, Social Security Number, and travel authorization number. A copy of the travel orders assigning the employee to a post in a foreign area will support the request. In cases where orders are not received 45 days prior to planned departure, the travel authorization number will be provided by the agency. The request will contain the following statement:

Repayment of this advance is to be made by payroll deductions. The full advance will be repaid in not more than 18 pay periods. I will maintain other voluntary deductions such as allotments in amounts so as not to delay repayment of this advance.

(2) Employees may elect a repayment schedule of less than 18 pay periods.

### **6-2.11.2 Calculation of Advance of Pay**

Maximum advance of pay for which an employee is eligible is calculated on the basis of the employee's base biweekly salary minus mandatory deductions, provided repayment schedule can be met. Using the current earnings of two employees, the following data are examples of an advance of pay calculation:

Employee X Employee Y (in Dollars)(in Dollars)

(1) 80 hours' base pay (excludes differentials allowances and premium pay): \$1,100 \$1,100

(2) Less mandatory deductions (retirement, Federal income tax, life ins., etc.): -350 -350

(3) Net pay before allotments: 750 \* 750 \*

(4) Voluntary allotments on file: -100 -550

(5) Net pay: 650 200

\*Ceiling of advance would be 6 multiplied by \$750, or \$4,500.

In above examples, ceiling for advance of pay for both employees would be based on 6 multiplied by line (3) (6 X \$750 = \$4,500). Employees may request an advance of less than ceiling. Repayment of total advance must be made in 18 pay periods or less. The following illustrative schedule shows advance and biweekly repayment an employee may consider, provided repayment schedules can be met.

Amount of Advance of Pay Repayment Biweekly Request Over 18 Pay Periods \*\*

\$4,500 \$250 4,050 225 3,600 200 3,150 175 2,700 150 2,250 125 1,800 100 1,350 75

\*\* Repayment may be scheduled in less than 18 pay periods.

In summary: Employee X could receive a maximum advance of \$4,500. Repayment over 18 pay periods would be at the rate of \$250 per pay period. (Employee X can easily support repayment from take-home pay (line (5)).)

In summary: Employee Y who maintained voluntary allotments of pay (line (4)) totaling \$550 may not request an advance that would exceed repayment ability of \$200 per pay period (line (5)). Schedule above shows advance of \$3,600 carries repayment schedule of \$200 biweekly over 18 pay periods, which would be ceiling employee Y could request. However, if employee Y elects to reduce voluntary allotments, a higher advance could be requested up to ceiling of \$4,500 (same as employee X).

### **6-2.11.3 Processing an Advance of Pay Request**

(1) Employees transferring from assignment in the domestic United States to a post in a foreign area must forward request with required documentation to:

Room 1885, JEH Building Payroll Administration and Processing Unit Accounting Section Finance Division

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(2) The Payroll Administration and Processing Unit (PAPU) and International Operations Section personnel examine documents to verify completeness and correctness of data in the request including computation of amount to be advanced, payback, and accounting data. Upon completion of verification process, the request document will be certified for payment by the PAPU's Authorized Certifying Officer.

#### **6-2.11.4 Requesting Advance Prior to Liquidating a Current Advance of Pay**

An employee who has an outstanding balance from a prior advance of pay may be issued a new advance when, upon arrival at the new post in a foreign area, the employee is reassigned to another post in a foreign area before full repayment of a previous advance of pay. The total unpaid balance plus the new advance may not exceed 6 pay periods.

#### **6-2.11.5 Collecting Advance of Pay**

(1) Advance of pay is collected by biweekly deductions from an employee's salary. The deductions from salary will begin on the payday that falls during the second full pay period following the pay period in which the advance is issued. There shall always be one full pay period between the pay period in which the advance is issued and the pay period in which the first deduction occurs. In no case will the deduction begin earlier than 24 days from the date the advance was issued.

(2) Deductions from an employee's salary for advance of pay are credited to the advance pay account appropriation along with any required Fiscal Control and Reporting.

(3) In accordance with the order of precedence for payroll deductions prescribed by the General Accounting Office, advance of pay is considered to be an indebtedness due the United States and deductions therefore precede other voluntary deductions, including allotments and assignments of pay.

(4) Should an assignment to a post in a foreign area be canceled at the convenience of the agency, the employee may repay the advance in the normal repayment schedule.

(5) Should an assignment to a post in a foreign area be canceled at the convenience of the employee, the outstanding balance shall be repaid in full immediately.

#### **6-2.11.6 Transfer of Pay Authority**

Upon transfer of authority to pay, the losing Payroll Office reconciles the account balance and assures that the reconciled balance to be collected is included, and identified, on the authority being transferred as well as the biweekly deduction amount. The gaining Payroll Office is responsible for continuing the deductions.

#### **6-2.11.7 Discrepancies in Advance of Pay Account**

Any inquiries concerning a discrepancy in collection or account balance should be directed to the Payroll Preparation Subunit, Payroll Administration and Processing Unit, Accounting Section, Finance Division.

#### **6-2.11.8 Collecting Advance Pay Under Default**

(1) In the event of default by the employee, uncollected balance of advance pay is subject to provisions of the Federal Claims Collection Act which gives the FBI responsibility for collection of claims of the United States for money arising out of its activities. Such collection action may include offset against accrued pay, amount of retirement credit, or other amount due the employee from the Government or such other method as is provided by law.

(2) The Treasury Fiscal Requirements Manual provides for the assessment of interest and/or charge for late payment where repayment is not made in accordance with terms of the arrangement.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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### **6-2.12 "Last Move Home" for Senior Executive Service (SES) Career Appointees**

Certain entitlements are available under the "Last Move Home" program for SES career appointees upon separation from federal service for retirement.

(1) SES career appointees, upon separation for retirement from government service, are eligible for travel and transportation allowances and to ship their household goods (HHGs) from the official station where separation of the career appointee occurs to the place he/she will reside upon separation for retirement as selected by the employee.

(2) The place of retirement may be located in the United States or its territories and possessions, the Commonwealth of Puerto Rico or the former Canal Zone area. (See (9) (a) & (b).)

(3) Eligibility criteria:

(a) The SES career appointee must have been transferred or reassigned geographically in the interest of the government and at government expense from one official station to another for permanent duty as a career appointee in the SES at any time during or after the five-year period immediately preceding the date of eligibility for retirement, including an appointment in a civil service position outside the SES (e.g., a GS-15 position) to an SES career appointment.

(b) Is separated from federal service on or after November 20, 1988.

(c) Is eligible to receive an annuity, for retirement, upon separation under applicable provisions of subchapter III, Civil Service Retirement System (CSRS), chapter 83 or subchapter II, Federal Employees' Retirement System (FERS), chapter 84 of Title 5, USC; and has not previously been authorized "Last Move Home" benefits upon separation from federal service for retirement.

(4) Travel advances will not be issued to cover any of the expenses authorized herein. Transportation expenses should be paid through the use of U.S. Government Bill of Lading for household goods (HHGs) and U.S. Government Transportation Request for travel costs to the maximum extent possible to minimize travel and transportation costs and the need for individuals to use personal funds. However, individuals who have been authorized or approved to make their own travel arrangements may be reimbursed for their actual travel expenses not to exceed applicable coach air fares of the individual and immediate family.

(5) The "Last Move Home" benefits are designed to only reimburse an employee for the expenses the employee would have to incur personally to move home. Benefits ARE NOT available to an employee who does not personally incur moving expenses; i.e., a new civilian employer or third party underwrites the employee's move.

(6) Agency approval required: SES employees eligible for moving expenses shall submit a request to the Travel Advance and Payment Unit, Accounting Section, Room 1396. Such requests shall be submitted so as to arrive at FBIHQ at least 30 days prior to retirement or move date, whichever is later.

(7) Allowable expenses:

(a) Transportation and temporary storage of HHGs under 41, C.F.R., Part 302-8, not to exceed 18,000 pounds net weight.

(b) Travel expenses, including per diem, under 41, C.F.R., Part 302-2.1 for the employee.

(c) Transportation expenses under 41, C.F.R., Part 302-2.2(a), but not per diem, for the employee's immediate family.

(d) A mileage allowance to the extent travel is performed by privately owned automobile.

(8) Expenses not allowable:

(a) Per diem for immediate family.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- (b) Cost of househunting trips.
- (c) Subsistence while occupying temporary quarters.
- (d) Miscellaneous expense allowance.
- (e) Residence sale and purchase expenses.
- (f) Lease-breaking expenses.
- (g) Relocation services.

(9) Origin and destination:

(a) Shipment of HHGs may be paid from the official station where separation occurs to the place where the employee has elected to reside within the limitations set forth in subparagraph (2) above.

(b) In the event the employee dies before the travel, transportation, and moving are completed, expenses may be paid to the place selected by the immediate family, within the limitations set forth in subparagraph (2) above, even if different than the place elected by the employee.

(c) Travel and transportation expenses may be paid from an alternate origin or more than one origin, provided the cost does not exceed the cost that the government would have paid if all travel and transportation had originated at the official station from which the employee was separated to the place where the employee, or the immediate family, will reside.

(d) Expenses authorized by this regulation may not be paid for a move within the same general or metropolitan area in which the official station or residence was located at the time of separation for retirement. The regulation contemplates a move to a different geographical area. In the event the place the individual has elected to reside is within the same or general location or metropolitan area in which the official station or residence was located, the expenses authorized by regulations may not be paid unless the mileage criteria specified in paragraph 302-1.7 of the Federal Travel Regulations for short-distance transfers are met. (Paragraph 302-1.7 states: "When the change of official station involves a short distance (at least ten miles between stations) within the same general local or metropolitan area, the travel and transportation expenses and applicable allowances in connection with the employee's relocation of his/her residence shall be authorized only when the agency determines that the relocation was incident to the change of official station. Such determination shall take into consideration such factors as commuting time and distance between the employee's residence at the time of notification of transfer and his/her old and new posts of duty as well as the commuting time and distance between a proposed new residence and the new post of duty. Ordinarily, a relocation of residence shall not be considered as incident to a change of official station unless the one-way commuting distance from the old residence to the new official station is at least ten miles greater than from the old official station. Even then, circumstances surrounding a particular case (e.g., relative commuting time) may suggest that a move of residence was not incident to the change of official station.")

(10) Time limits for beginning travel and transportation:

(a) All travel, including that for the separated employee, and transportation, including that for HHGs allowed under this regulation, must begin no later than six months from the date of the employee's separation; or

(b) Within a reasonable period of time as justified by requests for extensions authorized by FBIHQ, but in no case later than two (2) years from the effective date of separation.

(c) If additional time is required to complete SES Last Move Home travel, the employee must submit a written request to the Travel Advance and Payment Unit, Accounting Section, Room 1396, not later than 30 days from the end of the six-month period, setting forth the circumstances that have precluded him/her from completing the travel and the length of time needed to complete the travel. Reasons for delay may include,

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

but are not limited to, children's completion of school year, unable to sell current residence (must document effort), serious illness or death of an immediate family member, Act of God. Request for delayed travel because of outside employment will not be approved.

### **6-2.13 Property Management Services (See MAOP, Part 2, 6-1.3, 6-2, and Legal Attache Manual, Part 1, 5-4.12.)**

Property Management Services are programs provided by private companies for a fee, which help an employee to manage his/her residence at the old duty station as a rental property. These services typically include, but are not limited to, obtaining a tenant, negotiating the lease, inspecting the property regularly, managing repairs and maintenance, enforcing lease terms, collecting the rent, paying the mortgage and other carrying expenses from the rental proceeds and/or funds of the employee, and accounting for the transactions and providing periodic reports to the employee. Property Management Services do not include reimbursement for the cost of maintenance/repair work performed on the residence or emergency repairs, negative cash flow as a result of insufficient rental income or lack of rental income to meet mortgage or other expenses, legal or other related expenses that may be required to enforce the terms of the lease or Property Management Services agreement, and loss of funds due to fraud or misrepresentation by the Property Management Services firm.

(1) The Property Management Services firm will generally provide two separate quotes for Property Management Services. The first represents the amount charged for finding a tenant and negotiating the lease. This cost usually ranges from 50 to 100 percent of the monthly rental income. The second quote is the amount the firm charges on a monthly basis for collecting the rent and paying the mortgage. The cost for this service is also based on a percentage of the rental income and generally ranges between seven and ten percent of the monthly rent.

(2) Employees may select a vendor of his/her choice, provided the amount charged by the vendor does not exceed the rates set forth in the preceding paragraph for such services.

(a) Requests to utilize a vendor that charges amounts in excess of the customary fees must be submitted to the Travel Advance and Payment Unit (TAPU), Accounting Section, Room 1396 for prior approval. The requests must include at least three other quotes for Property Management Services from local vendors and the reason(s) for the selection of that particular vendor.

(3) Employees may not select relatives or friends to provide Property Management Service if they are not in the relocation business.

#### **6-2.13.1 Covered Employees**

Eligible employees electing reimbursement of Property Management Services must procure this service directly with a private company and claim reimbursement through submission of an SF-1012, Travel Voucher.

(1) Employees transferred to a foreign post or authorized a temporary change of station are eligible for reimbursement of Property Management Services to help relieve the costs of maintaining a home at the old duty station while assigned to a foreign post or an extended temporary duty assignment. Property Management Services are available to employees for the duration of the assignment. Employees must report for duty at a foreign post on or after March 22, 1997 to be eligible for reimbursement of Property Management Services.

(a) There are no real estate entitlements in connection with a transfer to a foreign post or a temporary change of station. If an employee sells his/her residence in lieu of the authorized Property Management Services, the cost of selling the residence becomes an out-of-pocket expense.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(2) Employees transferred within the United States (including territories and possessions) may elect reimbursement of Property Management Services IN LIEU of real estate selling expenses. Reimbursement of Property Management Services in connection with a transfer within the U.S. is authorized for a period not to exceed two years from the effective date of the employee's transfer. An extension of the two-year period can only be authorized if the employee satisfies the conditions for requesting an extension of real estate entitlement. In the absence of an approved extension, reimbursement of Property Management Services will cease on the second anniversary of the employee's arrival at the new duty station. This option is available to employees who reported for duty at the new duty station on or after May 28, 1999.

#### **6-2.13.2 Eligibility Criteria**

- (1) Property Management Services may not be authorized until the employee has signed the 12-month service agreement.
- (2) The residence for which reimbursement of Property Management Services is requested must be the residence at the old duty station from which the employee commuted to and from work on a daily basis.
- (3) The title to the residence must be in the name of the employee and/or a member of the immediate family. If the title is shared with an individual who is not a member of the immediate family, reimbursement of Property Management Services will be on a pro rata basis.
- (4) New appointees are not eligible for reimbursement of Property Management Services.

#### **6-2.13.3 Transfer from a Foreign Post**

- (1) Employees returning from an overseas assignment to a different duty station than the one from which they left when transferred to the foreign post have the option of continuing with Property Management Services for a period not to exceed two years or selling the residence and claiming reimbursement of applicable selling expenses.
  - (a) Expenses associated with the sale of a residence prior to receipt of transfer orders transferring the employee back to a different duty station are not reimbursable.
- (2) Employees who are transferred back to the old duty station from which they left when transferred to the foreign post are no longer eligible for reimbursement of Property Management Services. The employee is expected to reoccupy his/her old residence when transferred back to the old duty station. There are no real estate entitlements when an employee is transferred back to the old duty station.
- (3) Property Management Services will also cease for employees returning to the U.S. for separation purposes.

#### **6-2.13.4 Sale of Residence after Election of Property Management Services**

- (1) If an employee decides at a later date that he/she would like to sell the residence for which reimbursement of Property Management Services has been authorized, a written request must be submitted to the TAPU, Room 1396, requesting authority to change his/her election of Property Management Services to real estate selling expenses and the reason(s) why. A change of election is only applicable in connection with transfers within the U.S. and for employees returning from an overseas assignment to a different duty station.
  - (a) Please note that a change in marital status (from the date of the transfer letter until the house is actually sold) could impact upon the employee's real estate entitlement.
- (2) If approved, the employee will be required to repay all costs reimbursed or paid on his/her behalf for Property Management Services. The employee will be required to repay all costs before he/she will be authorized participation in the Guaranteed Homesale Program. If the employee submits a claim for direct

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

reimbursement (submission of an SF-1012, Travel Voucher) of selling expenses, the cost paid for Property Management Services will be deducted from that payment.

(3) The three-year time limitation imposed on real estate transaction expenses runs concurrently with the election of Property Management Services.

### **6-2.13.5 Reimbursement for Property Management Services**

All claims for reimbursement of Property Management Services must be claimed on an SF-1012, Travel Voucher, and forwarded to TAPU, Room 1396, for processing and issuance of payment.

(1) The amount charged by the Property Management Services Firm for finding a tenant and negotiating the lease may be claimed immediately after payment has been made, supported by a copy of the paid receipt, a copy of the Property Management Services agreement between the firm and the employee, and a copy of the lease agreement between the tenant and the employee.

(2) The fee charged by the firm for the collection of rent, etc., must be vouchered in arrears, but no more frequently than quarterly, supported by a copy of the paid receipt(s) showing the period covered.

(3) The reimbursement for Property Management Services is taxable income, subject to the applicable income tax withholdings.

## **6-3 DRAFT SYSTEM AND CASH FUND OPERATIONS (See MAOP, Part 2, 6-7.1.6, 6-9.)**

The Department of Justice and its bureaus have been granted authority by the U.S. Department of Treasury to use drafts as an alternative payment mechanism for Imprest Fund (IF) transactions. The FBI was also granted approval to use the draft system to replace Field Support Accounts (FSA) for confidential expenditures that are necessary to support investigative activity (See CONFIDENTIAL FUNDING GUIDE). A petty cash fund may be requested to supplement field office draft system operations. In the limited sites where the draft system is not available, one IF account may be used to make payments for small purchases, or the government purchase card may be used (see 6-5.1 (1)). Except as noted herein, all policy and regulations governing the payment of advances and expenses through the draft system apply to the use of cash funds.

(1) The draft system and cash funds shall not be used to avoid obtaining necessary procurement authority or to circumvent accepted procurement standards that require the issuance of an FD-369 Requisition for Supplies and/or Equipment. (See 6-3.6). All claims must be in accordance with regulations and limits established within MAOP, TREASURY FISCAL REQUIREMENTS MANUAL, MANUAL OF PROCEDURES AND INSTRUCTIONS FOR CASHIERS, FEDERAL TRAVEL REGULATIONS (FTRs), and the CONFIDENTIAL FUNDING GUIDE.

(2) Detailed information regarding the operation of the Third Party Draft (TPD) System can be referred to in the TPD SYSTEM TRAINING GUIDE AND USERS MANUAL (maintained in the TPD Office).

### **6-3.1 Definition and Purpose**

(1) DRAFT SYSTEM - The Third Party Draft System is an automated check writing system that has been designed as an integrated function within the Financial Management System to replace cash Imprest Funds (IFs) and FSAs with drafts issued by field offices to pay local vendors for small purchases and to reimburse employees for necessary expenses incurred during the performance of official business. Drafts are similar to checks in that they represent a promise and a legal obligation to pay the stated amount to the named payee. The draft system is operated by a minimum of a draft approval officer and a draft cashier in each draft location. More than one employee may be required for each position, depending upon the volume of activity. These employees work together to review and process all financial transactions that are acceptable to the draft system.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(2) PETTY CASH FUND - A small cash fund maintained by the draft cashier on an imprest basis TO SUPPLEMENT draft system operations. The amount of the authorized balance of a petty cash fund shall not exceed 100 percent of the average monthly transactions or \$10,000, whichever is less. Petty cash funds shall only be used to make payments for small amounts or to respond to emergency type payments when it is not feasible or possible to issue a draft. The petty cash fund SHALL NOT be used to pay amounts in excess of \$25 unless exigent circumstances exist wherein an immediate need for cash is present and it is not feasible or possible to issue a draft.

(a) EMERGENCY FUND - A cash fund managed in addition to the petty cash fund to pay for emergency confidential expenditures required to serve the immediate needs of an investigation; or to respond to other emergencies of the field office when it is not feasible or possible to issue a draft. For appropriate procedures and guidelines concerning the use of emergency funds, refer to the CONFIDENTIAL FUNDING GUIDE.

(b) PERMANENT CASE ADVANCES - Funds maintained on an imprest basis and funded through the draft system for SOG, Group II Undercover, Task Force operations, etc.

(3) IF ACCOUNT - A fixed cash fund advanced to an authorized cashier to make payments for purchases in small amounts to eliminate as much paperwork as possible in procuring necessary articles and services. This is accomplished by paying for numerous small purchases in cash or by money order documented by proper receipts and submitting them in a reimbursement voucher to the Travel Advance and Payment Unit, FBIHQ, for replenishment on the account. Also payable from this account are employees' monthly travel vouchers up to \$1,000. IF accounts shall only be authorized in locations where the draft system is not available. (See 6-3.6.)

### **6-3.2 Safekeeping of Funds (Formerly 6-3.3.)**

(1) Funds are to be kept in a cash box, equipped with two keys. Funds should be stored in a relatively nonmovable safe or storage facility with a three-position-dial combination feature. Form FD-913, titled "Access Log - Safes and Storage Facilities Containing Cash and Valuables," is to be used to document those individuals having access to funds stored in a safe or storage facility. The combination and duplicate key to the fund must be placed in a sealed, signed, and dated envelope and placed in the safe of the Special Agent in Charge (SAC). Cash boxes must be kept locked at all times and combinations changed at least annually or whenever there is a change in cashiers or the combination has been compromised. A separate cash box must be maintained for each cashier. Cashiers are NOT to operate from the same cash box under any circumstances. Cash should not be stored in: (1) file cabinets with key locks, (2) employee's desk drawer, or (3) deposited in financial institutions.

(2) While acting as a cashier, the employee is personally liable (legally responsible) for funds in their possession. This liability for the cash should serve as the necessary incentive to ensure that the funds are adequately protected at all times. The cashier must maintain exclusive control of the fund. Sending money through the mail is in violation of the cashier's exclusive control and may result in administrative action.

(3) Cashiers may not at any time (even for a short period of time):

(a) Mail official funds. (See 6-2.10.3.)

(b) Loan official funds.

(c) Commingle official funds with personal funds.

(d) Deposit official funds in financial institutions.

(4) Losses due to a cashier's negligence or misappropriation of funds will be required to be immediately restored by the cashier in the full amount from personal funds. Shortages resulting from theft or robbery will be restored from the Bureau's appropriation, pending receipt of appropriate reports from the field office.

**SENSITIVE**



**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

Overages or shortages should be reported immediately to FBIHQ, Attention: Travel Advance and Payment Unit. Every effort must be made to resolve the discrepancy as expeditiously as possible.

### **6-3.2.1 Safekeeping of Drafts**

Drafts and signature cards are to be kept locked in a fireproof safe or vault at all times except when needed to print drafts. The office space must be secured during nonworking hours. It is suggested that a half-door, service counter or cashier's window be provided to prevent unauthorized personnel from entering work space locations at any time. Drafts must be secured at all times to safeguard against theft, loss, or misuse. The combination to the safe or vault should be changed whenever there is a change in cashiers or approval officers, upon evidence of possible compromise, or at least annually.

### **6-3.3 Delegation of Draft Approval Officer(s)**

(1) The SAC will assign an employee to serve as draft approval officer. The duties and responsibilities of the draft approval officer include verifying the existence, propriety, legality, and accuracy of facts stated on each invoice or voucher presented for payment; reviewing available funds file to ensure sufficient funding is available; approving each request for payment by draft; and reviewing and approving transaction listings prepared by the cashier to ensure all disbursements have been properly authorized. Larger offices may require delegation of more than one employee to serve as draft approval officer.

(2) When the draft approval officer leaves his/her position or delegation is withdrawn, the SAC must immediately notify the Draft Administrator, Commercial Payments Unit, FBIHQ, of the pending transfer as well as the name of the person delegated as his/her replacement. A standard request for delegation is presented in "The Draft System User Guide." FBIHQ will provide a written delegation naming the requested person as the new draft approval officer. The authority delegated to the newly appointed draft approval officer may not be redelegated. The formal delegation process provides evidence of the approval officer's fiscal responsibilities and accountability to the Bureau. The draft account manager will establish a password, operator code number, and buyer information in the Financial Management System at the time authority is delegated to each approval officer.

#### **6-3.3.1 Designation of Cashiers (Formerly 6-3.4.) (See also 6-3.8.)**

(1) Draft Cashier - The SAC will assign an employee to serve as draft cashier. One or more employees may be assigned as the draft cashier or alternate cashier depending upon the activity and needs of the office. The cashier makes disbursements from the petty cash fund; prepares replenishment vouchers; reviews documentation submitted with the FD-794 (Draft Request Form) for accuracy, completeness, and necessary approvals; ensures delinquent advances are liquidated at the time vouchers or invoices are presented for payment; and enters pertinent data into the Financial Management System (FMS) to produce drafts.

(a) When the draft cashier leaves his/her position or the designation is withdrawn, the draft approval officer must immediately notify the draft account manager, Commercial Payments Unit, FBIHQ. The draft account manager will notify the draft contracting bank of the pending transfer and request the previous designation be rescinded. The request to designate a new cashier must include signature cards for the newly appointed employee. The draft account manager will establish passwords and operator codes in the FMS at the time each cashier is designated. Only designated draft cashiers and alternate cashiers may sign drafts. The signature appearing on the draft is subject to comparison with signature cards on file. If the signature appearing on a draft does not match the signature card, payment of the draft will be refused. Therefore it is important that this position be kept filled at all times.

(2) Imprest Fund (IF) Cashier - Any clerical employee may be designated as either the principal cashier or alternate cashier of an IF account upon obtaining written approval from FBIHQ. Only one person may occupy the position of principal cashier at any given time. One or more employees may be designated as alternate cashier, depending upon the needs of the office. The principal cashier in the performance of

**SENSITIVE**

**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

his/her duties is responsible for making disbursements from the fund in accordance with regulations, preparing reimbursement vouchers to replenish the fund, and is accountable for the custody of, and payments made from the fund. In the absence of the cashier or when the volume of work is great, an alternate cashier assumes the duties of the cashier.

(a) Written notification of pending transfers or resignations of IF cashiers (principal or alternate) should be promptly forwarded to the Travel Advance and Payment Unit, FBIHQ, together with the name of the employee to be designated as his/her replacement. The designated cashier is not to act in that capacity until advised by FBIHQ of the approval.

### **6-3.4 Advances to Alternate Cashier (Formerly 6-3.7.)**

When the services of an alternate cashier are necessary, a cash advance may be made to him/her in order to facilitate the operational requirements of the office. A separate cash box is required for each cashier. The alternate cashier will execute a signed memorandum receipt (SF-1165) for these funds. The SF-1165 shall be retained by the cashier as evidence of the transaction until the funds are accounted for by the return of cash and/or receipts and vouchers. The alternate cashier shall return all receipts and/or vouchers paid by him/her to the cashier no less frequently than at the close of each business week. The cashier will replenish the alternate's cash advance in the amount of the receipts and/or vouchers. The alternate cashier will sign another SF-1165 acknowledging receipt of the funds. The alternate cashier is personally liable (legally responsible) for funds advanced to him/her.

### **6-3.5 Operation of Draft System and Imprest and Petty Cash Funds**

#### **6-3.5.1 Forms**

(1) FD-659 - This form is used as a reimbursement voucher, supported by receipts and/or vouchers, to request replenishment of the petty cash fund or Imprest Fund (IF) account; or as an accountability report to account for the fund at the end of the month. A separate FD-659 Reimbursement Voucher must be submitted for each type of disbursement paid from the petty cash fund or IF account, i.e., one for commercial-type receipts and one for employees' monthly travel vouchers. In preparing the reimbursement voucher, an original and two copies must be submitted, with the original containing the original signature of the cashier and the SAC or, in his/her absence, the Assistant Special Agent in Charge (ASAC). (See 6-3.8.3.)

(2) FD-794 or FD-794a - These forms are required in connection with all requests to procure commercial-type expenditures. They are used by an employee to request an advance to make a purchase and again to document the purchase after the transaction has been completed. It is also required to request payment of an invoice directly to a commercial vendor. EACH request for disbursement is to be affixed to an FD-794 or FD-794a regardless of the amount. The FD-794 and FD-794a contain descriptive fields to identify the employee submitting the request, SSAN, vendor information, items purchased, amount of each item, approval signature(s), draft number, and the date paid.

(a) When an employee requests a cash advance to make a purchase, a copy of the FD-794 or FD-794a is retained in the interim receipt file until the employee returns with cash, receipt or invoice, or a combination of both. Purchases for which cash have been entrusted to the employee should generally be completed within 24 hours; at a maximum within five calendar days.

(3) SF-1038 - This form is used to request an advance for anticipated travel expenses in connection with a temporary duty assignment (TDY) and relocation travel. However, only advances up to the prescribed limitation for TDY travel may be processed through the draft system or IF account. Requests in excess of the prescribed limitation for TDY travel and ALL requests for advances for relocation travel, regardless of the

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

amount, must be submitted to the Travel Advance and Payment Unit, FBIHQ. For appropriate policy and procedures concerning advance of funds, refer to Part 2, 6-2.10 of this manual.

(4) FD-540 - This form is used to authorize official travel and to estimate the cost of intended travel for budget control purposes. All travel must be authorized by an official occupying a higher level position than the traveler. The authorizing official must sign the FD-540 with his/her complete Bureau name; initials will not suffice. In general, the official who signs the FD-540 authorizing the travel, should also sign the SF-1012, travel voucher, approving the travel reimbursement.

(5) DRAFT - A payment mechanism by which vendors and employees are reimbursed for services and necessary expenses incurred during the performance of official business. A draft is similar to a check in that it represents a promise and legal obligation to pay the stated amount to the named payee.

(6) TRANSACTION LISTING - An on-line report that is generated simultaneously when drafts are printed. The transaction listing provides detailed information about each transaction entered into the control group. After the draft approval officer signs the transaction listing verifying that all disbursements have been properly authorized, the transaction listing is used as a cover sheet for forwarding the invoices and/or vouchers and supporting documentation to FBIHQ for final review.

(7) FD-301 - An approved form used to document the semiannual audit of the cash funds.

(8) SF-1165 - This form is an interim receipt for cash. It is utilized when a cash advance is made to the alternate cashier. The alternate cashier will execute a signed SF-1165 for these funds. This receipt shall be retained by the cashier as evidence of the transaction until the funds are accounted for by the return of cash and/or receipts and vouchers.

(9) FD-917 - An approved form used to document the monthly unannounced cash counts.

### **6-3.5.2 Revised and Moved to 6-3.7**

### **6-3.5.3 Revised and Moved to 6-3.6**

## **6-3.6 Regulations Governing the Use of the Draft System and Imprest and Petty Cash Funds (Formerly 6-3.5.3.) (See also MAOP, Part 2, 6-3 & 6-7.1.6; MIOG, Part 2, 12-13.2.)**

(1) The draft system and Imprest Fund (IF) accounts are designed to make routine payments to local vendors for incidental goods and services and to reimburse employees for necessary expenses incurred during the performance of official business. The draft system and IF accounts are not intended to circumvent generally accepted procurement regulations that require the issuance of a purchase order. All rules and regulations governing the payment of advances and expenses through the draft system apply to the use of an IF account or petty cash fund with the following exceptions. (See (4).)

(a) The dollar limitation for transactions processed through an IF account is \$500 for small purchases (commercial-type expenditures) and \$2,500 for employees' monthly travel vouchers. (See 6-3.1.)

(b) The petty cash fund shall be used only to make payments in amounts less than \$1 or for small amounts when it is not feasible to issue a draft or use a government purchase card.

(c) The petty cash fund shall not be used to pay amounts in excess of \$25 unless exigent circumstances exist wherein it is not feasible or possible to issue a draft. Such circumstances include an immediate need for cash, such as payment of a C.O.D. where the recipient will not accept a draft or in emergency situations when the draft system is not available to process the payment.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(d) The petty cash fund or IF account shall not be used to make change or to cash checks or drafts under any circumstances; nor shall funds be commingled with personal funds.

(2) Authorized purchases shall be generally confined to requirements for immediate use. Stock purchases should be ordered through the normal ordering channels using the FD-218 requisition request except in case of an emergency. Mere convenience will not justify such purchases from the draft system or the government purchase card.

(3) Procurement authority is required for all purchase of any one requirement in excess of \$500, except monthly travel vouchers, utility bills, and gasoline invoices. The FD-794 or FD-794a form shall include all pertinent information and approvals and shall not exceed \$2,500 except for utility bills and gasoline bills. If it is necessary to exceed the \$2,500 threshold for any commercial payments, approval must be obtained from the Policy, Training, and Automation Unit (PTAU) of PPMS. If approval is obtained, it must be noted on the FD-794 or FD-794a. All covert purchases processed through the Draft System over \$500 only require the FD-794 with the authorized procurement authority; no additional approval forms are required.

(a) No procurement or payment in excess of \$2,500 is authorized unless the approval in (3) above is obtained. A requirement in excess of \$2,500 must have a purchase order issued unless there is an extenuating circumstance. (See MAOP, Part 2, 6-5.1 and 6-7.1.6.)

(4) Drafts shall not be issued to pay for articles or services for which contracts or purchase orders exist, nor for payment of purchases processed under the government purchase card. (See (1).)

(5) Multiple payments may not be issued to circumvent a payment limitation. Circumvention of payment limitations may result in administrative sanctions.

(6) All items submitted for payment must be supported by one of the following: (1) an original invoice; (2) a sales slip; or (3) a cash register receipt. All receipts MUST conform to the following:

(a) Articles or services purchased must be itemized on the receipt. Sufficient details as to the nature of the articles or services acquired must be indicated on the FD-794 or FD-794a Draft Request forms to facilitate proper classification of the expenditure for accounting purposes. Each invoice or receipt should be accounted for as a separate transaction.

(b) A copy of the draft or money order must be attached to the invoice in lieu of the vendor's signature.

(c) All commercial expenditures in excess of \$50 must be reviewed and approved by the supervisor and/or supply technician as a necessary operational expense. The approving official(s) must sign his/her full name on the FD-794 or FD-794a Draft Request forms indicating approval of the purchase prior to requesting reimbursement from the draft system.

(d) The draft approval officer/cashier should indicate on each receipt the date it was received and the date payment was made from the draft system or IF account. In accordance with the Prompt Payment Act, an invoice must be paid within 30 days from the date the invoice is first received in the field office. If a draft has not been issued within 30 days of receipt, the invoice must be forwarded to the Commercial Payments Unit, FBIHQ, for processing. An explanation must be furnished with all invoices submitted to FBIHQ for payment that are more than 30 days old, as to the circumstances that precluded payment from the draft system or IF account.

1. Invoices that reflect late charges or interest penalties SHALL NOT be processed through the draft system or IF account. These invoices must be forwarded to the Commercial Payments Unit, FBIHQ, for processing.

(e) Articles subject to inventory must be appropriately recorded.

(7) Monthly travel vouchers (except vouchers covering expenses incurred during an undercover operation and vouchers to liquidate advances issued by FBIHQ) up to \$2,500 should be processed for payment through the draft system. All vouchers appropriate for payment through the draft system are to be paid in

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

this manner and not submitted to FBIHQ for processing. Vouchers are to be submitted within five workdays upon completion of the trip unless the employee is in a continuous travel status, then once every 30 days. For policy and procedures governing TDY travel, refer to Part 2, Section 6-1 of this manual. (See 6-3.7.)

(a) Travel vouchers for non-Bureau travelers should indicate the words "NON-BUREAU" on item 5a of the SF-1012, travel voucher, beside the person's name to identify him/her as being a non-Bureau employee. Since non-Bureau travelers are not familiar with regulations and policy established by FBIHQ and the FTRs, all expenses should be closely reviewed to ensure claims are proper for payment because any overpayment will be difficult to recover. All claims for non-Bureau travelers must be approved by the SAC or Section Chief having supervisory responsibility for the employee.

(8) Examples of approved types of expenditure that may be paid, but such payments are not limited to the examples provided: Small purchases of goods or service; postage stamps; transportation by common carrier and by taxi when the cost is \$75 or less; parcel post; repairs to equipment and vehicles; training fees, registration fees, credit reports; transcripts, rental of equipment; rental of space; supplies and materials, laundry and dry cleaning; local and long-distance calls; public parking; newspaper subscriptions; post office box rentals; utility bills; travel advances; and monthly travel vouchers in the amount of \$2,500 or less.

(a) Payment for long-distance calls are to be held to an absolute minimum; employees making long-distance calls to their headquarters city are to be instructed to reverse the charges. Receipts for long-distance calls are to show whether they were made in connection with official business or one of the personal calls allowed in connection with official travel; the points between which service was rendered, date of service, and charge for each call.

(b) Employees may be reimbursed for the purchase of plain offset business cards when procured through the Seattle Lighthouse for the Blind. The only employees authorized to obtain business cards with the gold foil-stamped seal are the ADICs, SACs, Associate SACs, Legats, and Section Chiefs and above at FBIHQ. Expenses incurred for the purchase of business cards, regardless of the circumstances, from any other vendor must be borne by the employee. (See MAOP, Part 1, 1-3.5.)

1. Employees who wish to upgrade to the gold foil-stamped seal may do so by placing individual orders and paying for the cards using personal funds. Employees who upgrade may claim reimbursement for an amount equal to the cost of the one-sided plain offset printed business cards, supported by a copy of the invoice.

(9) Items that may not be paid: personal services; seasonal cards and decorations; parking tickets; COD charges; all transportation charges for international and household goods shipments; prepaid express or transportation charges in excess of \$100; fees for registered checks; salaries or wages; employee's monthly travel vouchers in excess of the prescribed limit; travel vouchers relating to transfer travel and homefinding trips; travel vouchers wherein the advance was obtained from FBIHQ; transportation of articles by common carrier where a bill of lading should ordinarily be utilized; or items subject to regulatory or statutory restrictions.

#### **6-3.6.1 Submission of Draft Transactions to FBIHQ**

At a minimum, transaction listings must be sent to FBIHQ on a weekly basis. When submitting draft transactions to FBIHQ, they should be separated by the individual paying entities, and between advance and expense transactions. Drafts for commercial expenditures should be submitted to the Commercial Payments Unit, and drafts issued for travel expenses should be submitted to the Travel Advance and Payment Unit, FBIHQ.

(1) ADVANCES - The following documentation must be submitted to FBIHQ in connection with an advance issued from the draft system: (1) summary report of the transaction listing; (2) the transaction listing signed by the draft approval officer; (3) calculator tape showing the amount of each advance -- stapled in the upper

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

right-hand corner of the transaction listing; (4) yellow copy of each draft processed in the control group; and (5) the FD-794 Draft Request form requesting the advance.

(2) EXPENSES - The following documentation is required for expenses processed through the draft system: (1) summary report of transaction listing; (2) the transaction listing signed by the draft approval officer; (3) calculator tape showing the amount of each expense -- stapled in the upper right-hand corner of the transaction listing; (4) yellow copy of the draft (if draft is issued); and (5) original documentation to support each transaction processed in the control group, i.e., original receipts, FD-794 Draft Request form, FD-540 Travel Request form, or SF-1012 Travel Voucher.

(3) REFUNDS - Checks or money orders issued to return overpayments or liquidate an advance of funds obtained through the draft system should be stapled to the front of the transaction listing. Refunds must be entered into the Financial Management System and appear on the transaction listing. Each check must be placed in a sealed envelope with the following information on the outside of the envelope: traveler's name and SSAN, vendor's name and vendor number, paying entity, sub-object classification, and fiscal year.

**6-3.6.2 Revised and Moved to 6-3.8.2**

**6-3.6.3 Revised and Moved to 6-3.8.3**

**6-3.6.4 Revised and Moved to 6-3.8.4**

**6-3.7 Utilization of the Draft System and Imprest and Petty Cash Funds (Formerly 6-3.5.2.)**

(1) DISBURSEMENT FROM THE FUND IN ADVANCE - An employee requesting an advance of funds in order to make a purchase must complete an FD-794 Draft Request form obtaining the necessary signatures and approvals to receive the funds needed to make the purchase. Once the purchase has been made, the employee is to return the receipt and any unused cash in the form of a money order or personal check, to the draft approval officer or Imprest Fund (IF) cashier to liquidate the advance. NOTE: For advances obtained from the draft system, if the purchase is less than the advance, there will remain a negative balance to be liquidated by a subsequent transaction or a check made payable to the FBI. Purchases must be completed within five calendar days.

(a) An employee requesting a travel advance must complete an FD-540, Travel Request form, and an original and one copy of an SF-1038, Advance of Funds Application, obtaining the necessary signatures, to receive an advance of funds. Within five calendar days following completion of the trip, the employee must prepare an original SF-1012, Travel Voucher, with supporting documentation and submit it to the draft approval officer or IF cashier to liquidate the advance.

(2) REIMBURSEMENT FOR PURCHASES ALREADY MADE - The employee seeking reimbursement is required to present to the draft approval officer or IF cashier a completed FD-794 Draft Request form and the usual sales slip, cash register receipt, or receipted invoice. Handwritten receipts will not be accepted unless the name and address of the establishment is stamped on the face of the receipt. The stamp requirement also applies to cash register receipts or adding machine tapes that do not sufficiently identify the vendor. Employees are encouraged to obtain preprinted receipts which have the establishment's name, address, and logo. All claims for reimbursement wherein a cash advance was not issued are to be submitted by the tenth workday after the date of purchase. (See MAOP, Part II, 6-1.3.2, 6-2(4).)

(a) To claim reimbursement for travel expenses, the employee is required to submit an FD-540, authorizing the travel; and an original SF-1012 with supporting documentation to the approval officer or IF cashier. Vouchers should be submitted within five calendar days following completion of the trip, or if in a continuous travel status, once every 30 days. (See 6-3.6.)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(3) **REPLENISHMENT OF CASH FUNDS** - The cashier will prepare an FD-659, Reimbursement Voucher, to request replenishment of the petty cash fund or IF account. An FD-659 should be prepared as often as necessary to keep the fund replenished at an operational level. All cashiers are required to prepare a reimbursement voucher or accountability report dated the LAST WORKDAY of each month (not necessarily the last day) and whenever there is a transfer of accountability between cashiers. In preparing a reimbursement voucher, an original and two copies must be submitted, with the original containing the signature of the cashier and the SAC. The original and one copy are attached to the documentation supporting each transaction for which reimbursement is requested and submitted to the draft approval officer for replenishment of the petty cash fund or to FBIHQ, Attention: Travel Advance and Payment Unit for replenishment of an IF account; the other copy is retained in the field office file. The draft approval officer reviews the FD-659 and the attached documentation; codes and classifies the expenses; and approves the issuance of a draft. Due to the processing requirements that are involved in replenishing an IF account, reimbursement vouchers must be submitted as often as necessary to ensure the account is maintained at a sufficient operational level. (See 6-3.8.)

(a) The period covered on the reimbursement voucher prepared and dated the last workday of the month should indicate only those disbursements paid by the cashier for that particular calendar month. The period covered of a reimbursement voucher shall not overlap the preceding or subsequent month.

(4) **ACCOUNTABILITY REPORT** - If there are no transactions at the close of the month, the cashier must prepare an "Accountability Report." The accountability report is prepared using an FD-659 and is executed in the same manner as a reimbursement voucher, except there are no transactions. An accountability report may also be used at any time of the month to effect a transfer of funds between cashiers when there are no transactions. Accountability reports must be submitted directly to the Travel Advance and Payment Unit, FBIHQ.

**6-3.8 Transfer of an Imprest Fund (IF) Account or Petty Cash Fund (Formerly 6-3.6.)  
(See 6-3.3.1, 6-3.7(3), 6-3.8.1, 6-3.8.2, 6-3.8.3, 6-3.8.4.)**

IF accounts or petty cash funds are transferred under the circumstances set forth below. An FD-659 is required to effect a transfer of funds between cashiers. To complete a transfer of funds, the cashier:

(1) Prepares an original and three copies of the FD-659, reimbursement voucher, in his/her name.

(2) Completes the status of fund and certification section of the FD-659. The cashier adds "and has been transferred to (name of alternate cashier) as of this date," under the certification section. The alternate cashier acknowledges receipt of the fund by inserting "The transfer of funds as indicated above has been received by me (signature of alternate cashier)," under the accounting classification section. The FD-659 is then completed in the same manner as a reimbursement voucher.

(a) The ORIGINAL signatures of both cashiers are required on all copies of the FD-659. Xerox or carbon copies of the cashiers' signatures will not suffice. The original signature of the SAC is ONLY required on the original FD-659.

(3) The original and two copies of the FD-659 are attached to the documentation supporting each transaction for which reimbursement is requested and submitted to either the draft approval officer or the Travel Advance and Payment Unit, FBIHQ, for replenishment of the fund. The other copy is retained in the office file.

**6-3.8.1 When a Cashier Resigns (Formerly 6-3.6.1.) (See also 6-3.8.)**

When a cashier leaves his/her position, the change should usually be anticipated and sufficient time allowed to process the new cashier designation. FBIHQ should be immediately notified in writing of a cashier's pending resignation, as well as the identity of the individual selected to replace him/her. If the resignation of

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

the cashier has not been anticipated to the extent that another person has been designated as cashier, the fund must be transferred to the alternate cashier until the designation of the cashier has been approved by FBIHQ. Upon receipt of this confirmation, the alternate cashier will transfer the fund to the newly designated cashier.

**6-3.8.2 When An Alternate Cashier Resigns (Formerly 6-3.6.2.) (See 6-3.8.)**

When an alternate cashier leaves his/her position, the change should be anticipated to the extent that a new alternate cashier can be designated. FBIHQ should be immediately notified in writing of pending resignation as well as the identity of the individual selected to replace him/her. In most instances, it will not be necessary to execute a transfer of funds. A transfer of funds must be executed only if the alternate is in possession of the fund. If such is the case, the fund must be transferred back to the cashier.

**6-3.8.3 Absence of the Cashier (Formerly 6-3.6.3.) (See 6-3.5.1 & 6-3.8.)**

(1) If the cashier is absent from his/her duty status in excess of five workdays, all funds on hand (cash, interim receipts for cash, and unpaid invoices and vouchers) must be transferred to the alternate cashier. Prior to effecting a transfer of funds, any prior advances made to the alternate cashier must be recalled and verified. The accounts of both cashiers must be verified in the presence of both cashiers and/or two Special Agent Accountants (SAAs) or Financial Analysts. Any discrepancies found must be noted on the FD-659, reimbursement voucher.

(2) If the cashier is absent from his/her duty status for less than five workdays and it is anticipated that a reimbursement voucher will not be necessary, the alternate cashier's advance should be increased to ensure that sufficient funding is available to carry on normal disbursing activities. If this method is used, the alternate cashier CANNOT submit a reimbursement voucher in his/her name. When the cashier returns, the alternate cashier shall give him/her all paid invoices and vouchers and reduce the amount of his/her advance to the previous level.

(3) In instances of unforeseen absences of the cashier and the alternate has no advance of disburse funds, three employees designated by the SAC (one who will be the alternate cashier and the remaining two will be either SAAs or Financial Analysts) will seize and verify the fund. An FD-659 must be prepared in the name of the cashier according to procedures outlined above for effecting a transfer of funds. The following certification statement should be used under the accounting classification section instead of the one previously stated:

**STATEMENTS FOR TRANSFER OF CASH FUND**

We certify that the foregoing is a true and correct statement of the account of (name of cashier and that the total amount of this fund was transferred to (name of alternate cashier), the Alternate Cashier. I certify that I received the total amount of the Fund as stated above from (names of SAAs or Financial Analysts) who verified the accuracy of the account of (name of cashier), Cashier.

(signature of SA Accountant  
\_or Financial Analyst)\_  
(name of SA Accountant  
or Financial Analyst)

(signature of SA Accountant  
\_or Financial Analyst)\_ (signature of alternate cashier\_  
(name of SA Accountant (name of alternate cashier)  
or Financial Analyst)

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

This procedure will effect a complete transfer of responsibility and accountability to the alternate cashier. ORIGINAL signatures are required on all copies of the FD-659 by the three employees designated by the SAC. This same procedure should be used in the event the fund was in the possession of the alternate cashier.

**6-3.8.4 Absence of Cashier or Alternate Cashier (Formerly 6-3.6.4.) (See 6-3.8.)**

In the event that neither the draft cashier, principal cashier, or alternate cashier are available to handle the applicable fund for an extended period of time, all funds (in whatever form) must be immediately seized by two SAAs or Financial Analysts. They must liquidate all interim receipts by documented receipt(s) and/or cash. A reimbursement voucher must be prepared for the unscheduled invoices and vouchers. The reimbursement voucher along with a cashier's check or money order made payable to the FBI, should account for the total balance of the cash fund. These items must be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit for immediate deposit to the FBI's account.

**6-3.9 Verification and Accountability of Draft System and Cash Funds (Formerly 6-3.2.)**

Unannounced, independent cash counts are required at least once a month for all funds maintained on an imprest basis or held in the form of cash, to include the IF Account, Emergency Fund, Petty Cash Fund, Permanent Case/30-day revolving advances funded through the draft system for SOG, Group II Undercover, Task Force Operations etc., and all delinquent confidential advances. Each monthly cash count is to be documented on the form FD-917, titled "Cash Count Certification Report." The amount certified on each FD-917 will be included on the form FD-916, titled "Cash Count Summary Report," which summarizes all cash, not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. An FD-916 is to be provided monthly to executive management via electronic communication (EC), highlighting any discrepancies, safeguarding weaknesses, or irregularities noted during the cash counts. In addition to the monthly cash counts, each office is required to conduct quarterly verifications of the draft stock received, draft stock on hand, draft issued file, draft request file, and suspended item file. Semiannually, the draft system and IF accounts are to be audited in detail as to the transactions processed and for compliance with established regulations. The semiannual audits must be performed within 20 days following the close of each semiannual reporting period ending March 31st and September 30th of each year.

(1) The procedures to be followed in performing the monthly, quarterly, and semiannual audits of the draft system and cash funds are documented in the "Field Office Audit Program, Third Party Draft System." These audits are to be conducted regardless of any audit conducted during the regular inspection of the field office.

(2) The audits may be conducted by Special Agent Accountants, appropriately trained Financial Analysts, or field office Auditors. It is suggested that the individual assigned to perform the semiannual audit be the same individual who performs the monthly cash counts and quarterly verifications for the period.

(3) Upon completion of the semiannual audit, an audit EC must be prepared advising the executive management of the results of the audit. It may also be necessary for an audit EC to be prepared in connection with the monthly unannounced cash counts and the quarterly verifications if any noncompliance is detected during the audit. Refer to the "Field Office Audit Program." The audit EC and the work papers should be filed in the Sub C, "Audit Report Subfile," of the field office Third Party Draft file.

**6-3.9.1 Audit Report (Formerly 6-3.8.)**

Not later than 20 days following the close of each semiannual reporting period, an audit memorandum must be prepared for the field office executive management which sets forth the results of the audit and whether

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

any noncompliance was detected. The audit memorandum should be prepared in accordance with the "Field Office Audit Program, Third Party Draft System."

(1) The audit report for the cash funds should be prepared on Form FD-301. The following information must be set out on the audit report form:

(a) Date of audit.

(b) Name of cashier.

(c) Location of fund (Show address of the field office. A rubber stamp may be used.)

(d) Amount of advance.

(e) Accounting of fund.

(f) Overage or shortage (difference between item 4 and item 5 on the report form). Any discrepancy is to be explained under item 7 on the report form. If the discrepancy is in the form of a shortage, a memorandum must be forwarded to the Travel Advance and Payment Unit, FBIHQ, detailing the circumstances surrounding the shortage and identifying culpability for the discrepancy. This memorandum must include a recommendation as to the action taken to satisfy the discrepancy. If the discrepancy is in the form of an overage, a cashier's check or money order made payable to the FBI, for the amount of the overage, must be forwarded with the report to the Travel Advance and Payment Unit, FBIHQ.

(g) Comments or recommendations - Under this item, specific comments should be made regarding compliance with regulations in existence concerning the handling and operation of the fund, and the adequacy of measures taken to ensure safekeeping of the fund both during and after work hours. The statement regarding measures for safekeeping of the fund should show the type of container in which the fund is kept and the disposition of the keys. The employees having access to the fund should also be identified. These persons should be the cashier and, in his/her absence, the alternate cashier(s).

(h) Information must be included under item 7 of the report form as to the frequency of unannounced cash verifications and whether the cash verification accounted for the following: (1) if all funds are properly accounted for any irregularities are to be immediately reported to the Travel Advance and Payment Unit; (2) if the amount of the fund is in excess of cash requirements (unnecessary large amounts of cash on hand); (3) if procedures are being followed to ensure the adequate protection of funds from loss or misuse; and (4) funds are not being used for unauthorized purchases. If excessive amounts of cash are found to be on hand constantly, arrangements should be made to return unused funds to FBIHQ by means of a cashier's check or money order made payable to the FBI to reduce the fund in accordance with Treasury regulations.

(i) The report must be manually signed by the person conducting the audit and his/her name and title typed directly below the signature.

(2) Deleted

### **6-3.10 Liquidation or Reduction of Cash Funds (Formerly 6-3.9.)**

(1) Cash funds have an established funding level and periodically may have temporary increases to adjust for heightened usage. Temporary increases should normally be liquidated within a short period of time. The established funding level or temporary increases should be reduced and/or liquidated by submitting a cashier's check or money order, made payable to the FBI, to the Travel Advance and Payment Unit, FBIHQ.

(2) Annually, as of September 30th, the Travel Advance and Payment Unit, FBIHQ, surveys all cash funds to determine the adequacy of each account. The amount of the authorized balance of a cash fund shall not exceed 100 percent of the average monthly transactions. The maximum amount allowed for a petty cash fund is \$10,000. Based upon the result of this survey, appropriate adjustments will be made to the balance of each account.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

**6-3.11 Miscellaneous (Formerly 6-3.10.)**

- (1) Items paid from an Imprest Fund account must be numbered consecutively beginning with the number "1" each fiscal year. This numbering procedure is applicable to both commercial receipts and employee's monthly travel vouchers.
- (2) Requests for temporary increases to cash funds must be submitted in writing to the Travel Advance and Payment Unit, FBIHQ, for processing and issuance of payment.
- (3) A cashier whose name is changed by marriage may use her new name on the FD-659, Reimbursement Voucher, as soon as FBIHQ has been advised of the effective date of the name change. The first reimbursement voucher submitted after the change should show both names, as follows: "Mary J. Smith - Draft Cashier; account previously carried under name of Mary Jones."

**6-4 POLICIES AND PROCEDURES RELATED TO THE USE OF MASTERCARD GOVERNMENT CREDIT CARDS**

**6-4.1 Authorized Card Usage**

- (1) The use of the MasterCard government credit card, hereinafter referred to only as the MasterCard, is limited to expenses incurred incident to officially authorized government travel. Personal and family member use of the MasterCard is prohibited. Any misuse of the MasterCard may result in an administrative inquiry or other disciplinary actions.

Individual MasterCard issuance is mandatory for all Special Agents; all support personnel expected to travel (even on a limited basis) on government business; and any non-FBI Task Force personnel from other state and local law enforcement agencies who travel on official FBI business and obtain reimbursement from the FBI and who have been deputized for Task Force duties.

- (2) All official travel expenses, hotels/motels, restaurants, car rentals, fuel purchases, etc., incurred incident to the official travel must be charged on the MasterCard whenever and wherever possible, EXCEPT FOR FUEL PURCHASES WHILE ON TRANSFER.

- (3) The MasterCard is valid through January 2004. At that time, the contracted financial institution will automatically renew the MasterCard.

- (4) For airline reservations, Omega World Travel at FBIHQ is to be used. If the Omega World Travel facilities are not available, the employee may use the MasterCard to purchase his/her ticket directly from the common carrier at the lowest government fare available. (See MAOP, Part 2, 6-1.1, 6-1.1.2 and 6-1.1.6.)

- (5) Use of the MasterCard does not relieve the employee of prudent travel practices and observance of rules and regulations governing official travel as set forth in the Federal Travel Regulations (FTRs).

**6-4.1.1 Misuse of the MasterCard**

Personal use of the MasterCard under any circumstances to obtain goods, services, or cash is a violation of the contract between the contracted financial institution and the government, and is a violation of the agreement signed by each cardholder. Timely payment of undisputed balances is required by the contract and agreement. Nonpayment of undisputed balances or personal use of the charge card may constitute a violation of 28 CFR 45.735-16, Standards of Conduct/Misuse of Federal Property (1994), and 41 CFR 301-15.44 and 15.47, Federal Travel Regulations. Such incidents may also be cause for reconsideration or possible revocation of employee security clearances. Sanctions ranging from reprimand to removal may be considered as provided in DOJ Order 1752.1A, Discipline and Adverse Actions.

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

(1) MasterCards are to be used only for expenses incurred in connection with official travel, and MasterCard bills are to be paid on a timely basis.

(2) The Finance Division will refer allegations of misuse of the MasterCard as follows:

(a) Cases of personal use and/or delinquent payment of MasterCard charges will be reported by [redacted] Accounting Section, Finance Division, to the appropriate FBIHQ division head or SAC, and the Personnel Security Unit (PSU), Security Countermeasures Section, National Security Division. The respective entities will investigate and adjudicate these inquiries (263 classification) in coordination with the Office of Professional Responsibility (OPR). Absent any additional extenuating circumstances, late payment cases should not be reported to OPR.

b2

(b) Cases of delinquent payment of MasterCard charges, which include the possible misappropriation of travel/transfer advances and/or voucher reimbursements, will be reported by [redacted] to OPR and PSU. An example of the possible misappropriation of a travel/transfer advance is when an employee is issued a travel/transfer advance, uses the MasterCard to pay for travel/transfer-related expenses for which purpose the advance was given, and does not use the advance to pay the contracted financial institution. An example of the misappropriation of a travel/transfer voucher reimbursement is when an employee uses the MasterCard to pay for travel/transfer expenses, receives reimbursement from the FBI for a voucher submitted for the travel/transfer expenses charged to the MasterCard, and does not use the reimbursed funds to pay the contracted financial institution.

(3) Should an FBIHQ division head or SAC receive an allegation of misuse of the MasterCard by an employee from other than a referral by [redacted] or OPR, the appropriate inquiry should be initiated and PSU notified.

#### 6-4.2 Unused Tickets

(1) If a transportation ticket purchased with a MasterCard is completely unused, the passenger receipt coupon and ticket(s), if any, should be returned to the travel representative by the employee, and a refund credit receipt should be obtained. This receipt must be retained until the appropriate credit is issued on a subsequent MasterCard statement. The employee shall not submit their unused tickets with the SF-1012, travel voucher or FD-540, travel request form. All unused tickets should be returned immediately to Omega World Travel.

(2) If a charge appears on the MasterCard statement, but the credit does not, immediate credit can be received in the following way:

(a) Subtract the amount of the credit from your payment, if you

(b) Send a copy of the refund credit receipt with the payment to [redacted] (See MAOP, Part 2, 6-4.3 (2), 6-4.4 (2).)

b2

(c) The contracted financial institution will monitor the account and take whatever steps are necessary to obtain the credit. The card holder will be advised of the final resolution.

#### 6-4.3 Partially Used Tickets

(1) If a transportation ticket purchased with a MasterCard is partially used, the unused ticket(s) and passenger receipt coupon shall be returned to the travel representative by the employee, and a "refund credit receipt" should be obtained. The refund credit receipt should be retained until a credit is received on a subsequent statement.

(2) If a charge appears on the MasterCard statement, but the credit does not, immediate credit can be received by following the procedure in Part 2, 6-4.2 (2)(a) and (b), above.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

#### **6-4.4 Lost and Unused Tickets**

(1) Most carriers will attempt to reissue a ticket in accordance with their individual procedures. Employees should explain their ticket loss to the ticket agent and request an alternate ticket. Most carriers will comply if boarding passes have not already been issued against the lost ticket. However, if an alternate ticket cannot be provided, the employee will have to purchase a new ticket and file a Lost Ticket Application immediately with the office location where the original ticket was purchased.

(2) To obtain a credit on your MasterCard statement, submit a copy of the Lost Ticket Application following the procedure in Part 2, 6-4.2 (2)(a) and (b), above.

(3) If the lost original ticket was partially used, a copy of the Lost Ticket Application should be submitted with the travel voucher along with the charge slip.

#### **6-4.5 Billing Information**

(1) Employees will use the MasterCard to charge their authorized expenditures while traveling on official business.

(2) Bureau policy requires the employee to submit a properly prepared and approved SF-1012, travel voucher, to receive reimbursement for the expenses charged to the MasterCard. Vouchers are to be submitted within five workdays after completion of the trip, or if in a continuous travel status, once every 30 days. Adherence to this policy will ensure reimbursement prior to the payment date of the MasterCard bill. If the MasterCard is used to purchase common carrier transportation (plane, bus, train), the original passenger receipt must be attached to the SF-1012, travel voucher, to support the claim.

(3) The contracted financial institution will mail a monthly billing statement to each employee. Payment, IN FULL, is due to the contracted financial institution on or before the next statement billing date. This will allow the employee approximately 25 days from the statement date to remit the amount due. THE EMPLOYEE IS PERSONALLY LIABLE FOR ALL CHARGES WHICH HAVE BEEN INCURRED, REGARDLESS OF WHETHER OR NOT THEY EXCEED THE AMOUNT FOR WHICH A TRAVELER IS ENTITLED TO BE REIMBURSED UNDER THE FTRs.

(4) The Office of Personnel Management (OPM) Regulations require employees to pay each just financial obligation in a proper and timely manner. The Bureau will receive delinquency reports from the contracted financial institution requesting that corrective action be taken if an employee fails to pay the bill in a proper and timely manner.

(5) If a MasterCard bill contains a disputed charge, it is the employee's responsibility to contact the contracted financial institution in the following manner to resolve the dispute:

- (a) An employee may call the contracted financial institution on  b2
- (b) A letter may be sent, in lieu of a telephone call, identifying the disputed item by reference number and describing any circumstances surrounding the dispute;

The contracted financial institution will need to know the following:

1. Name and account number
2. Reference number of the disputed charge
3. Establishment where the charge was incurred
4. Amount of charge
5. Statement date

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) Or, a Travel Dispute Summary may be obtained from the division Travel Fleet Coordinator (TFC) and be filled out and mailed to the address noted on the form.

(d) With this information, research can be conducted to solve the problem, usually, within 10 days.

(6) A monthly billing statement from the contracted financial institution will be mailed to the employee's office of assignment. A statement will be issued when expenditures are incurred or when a credit is posted to the account. In the case of employees assigned to Legal Attaches, Resident Agencies and Information Technology Centers, the employees must use their office of assignment's mailing addresses. If a monthly statement is not received, the employee should contact the contracted financial institution at [REDACTED]

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Note, for those employees noted in the Bureau Personnel Management System as on a Temporary Duty assignment to another division, the contracted financial institution will send their billing statement to the TDY division office address.

#### **6-4.6 Security of the Card**

(1) If a MasterCard is lost or stolen, the card holder should immediately call one of the following number(s) which are operational 24 hours a day:

(a) In the continental United States, call toll free [REDACTED]

(b) Overseas, call [REDACTED]

(2) The employee is not liable for any fraudulent charges if the card is lost or stolen provided they promptly notify the contracted financial institution. The employee may be required to review any charges considered fraudulent and sign an Affidavit of Forgery stating he/she did not make the charges. All charges will be the employee's responsibility should he/she refuse to sign the affidavit.

(3) Deleted

#### **6-4.7 Employee Transfers Within Bureau**

To ensure uninterrupted service when an employee transfers from one cost center to another, FBIHQ will electronically advise the contracted financial institution of cost center changes which will update bank records for both travel and fuel accounts. No TFC involvement is necessary.

(1) Deleted

(2) Deleted

#### **6-4.8 Cancellation or Separating Employees**

(1) The contracted financial institution may not unilaterally cancel any card without prior consultation with and concurrence of the program manager at FBIHQ. In all cases, cancellation requests may be accomplished by telephone notification with subsequent written confirmation to the contracted financial institution. Cancellation requests by employees must be confirmed by the program manager at FBIHQ.

(2) When an employee resigns, retires, or transfers to another government agency, the MasterCard must be returned to the division TFC. The separated employee is still obligated to pay any remaining balance on the MasterCard account.

(3) FBIHQ will notify the contracted financial institution by electronic media to cancel the account.

#### **6-4.9 Financial Obligations/Liability**

(1) Employee: Except for promptly reported lost or stolen charge cards, employees are liable for all billed charges. Government employees are required to pay their just financial obligations in a proper and timely

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

manner pursuant to Section 101 of Executive Order 12764 (April 12, 1989) and OPM Regulations, 5 CFR 735.207.

(2) Government: The government will assume no liability for charges incurred on employee cards, nor will the government be liable for lost or stolen charge cards issued to employees.

(3) Deleted

#### **6-4.10 Employee Rights and Privileges**

(1) Under the terms of its contract with the General Services Administration, MasterCard MAY NOT:

(a) Establish present expenditure limits. All credit and spending limits are negotiated by FBIHQ with the contracted financial institution.

(b) Conduct credit checks on employees designated to receive government cards, unless the employee had a previous government MasterCard canceled for delinquency reasons.

(c) Release credit information to other than authorized employing agency officials or the individual card holder.

(d) Sell or otherwise provide employee names or addresses to other commercial interests.

(e) Charge membership, interest, or late payment fees, unless employee's card is canceled for late payment.

(f) Include commercial advertisements or other forms of solicitation with monthly billing statements.

(g) Issue or cancel employee cards without the concurrence of the authorized Bureau official.

(h) Hold employees or the Bureau liable for any charges made with lost or stolen cards, provided the employee notifies the contracted financial institution promptly upon discovering that his or her card has been lost or stolen.

(2) As a MasterCard holder, employees will receive, either with the card or the first billing statement, a brochure which describes various card features and uses. Major features are summarized briefly as follows:

(a) \$200,000 automatic business travel accident insurance providing coverage 24 hours a day, door to door.

(b) Automatic baggage insurance of up to \$1,250 for carry-on and \$500 for checked baggage in excess of carrier's coverage.

(c) Emergency card replacement within 24 hours.

(d) Confirmed hotel reservations on the card number regardless of time of arrival.

(e) Deleted

(f) Deleted

(g) Deleted

#### **6-4.11 Privacy Act Notice**

The following information is provided to comply with the Privacy Act of 1974 (5 U.S.C. 552a): The information requested on the application form is required under the provisions of 5 U.S.C., Chapter 57, for the purpose of recording entitlements and allowances as prescribed in the FTRs. The information requested on the application form is required to provide Government agencies with: necessary information on the commercial travel and transportation payment and expense control system which will provide travelers charge cards for official travel and related expenses; attendant operational and control support; and management information reports for expense control purposes. The information contained under this system

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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will be used by Federal agency officers and employees who have a need for such information in the performance of their duties. Information will be transferred to appropriate Federal, state, or local agencies, when relevant to civil, criminal, or regulatory investigations or prosecutions or pursuant to a requirement by the General Services Administration or such other agency in connection with the hiring or firing, or such other investigations of the security clearance, or performance of official duty in Government service. The information requested is not mandatory; however, failure to provide the information will invalidate the application and prevent the issuance of the card.

#### **6-4.12 MasterCard Government Travel Account (GTA)**

The GTA is a cardless account which is designed to support airline and rail transactions only.

##### **6-4.12.1 Use of GTA**

(1) The use of the GTA is governed by the Prompt Payment Act. (See MAOP, Part 2, 6-9.3 and 6-9.3.1.) The GTA is only to be used to obtain passenger service for official travel. The GTA cannot be used to obtain airline tickets for cost-reimbursable contractors performing official government travel.

(2) The GTA is to be restricted for use only in obtaining passenger service for non-Bureau personnel who do not routinely travel on official FBI business, and on an emergency basis only for FBI employees who were not expected to travel and for whatever reason do not have an individual MasterCard to travel or employees who have had a previously issued MasterCard revoked.

(a) The GTA is not to be used for any transfer- related travel or entitlement travel, i.e., educational travel, tour renewal agreement travel, rest and recuperation travel.

1. An employee must use his/her individual MasterCard to pay for reimbursable transfer-related expenses, except for fuel purchases, and claim reimbursement on the SF-1012 travel voucher.

2. If an employee does not have a government MasterCard, upon receipt of transfer orders, he/she should immediately contact their division's MasterCard coordinator and initiate appropriate action to obtain a MasterCard.

(b) Deleted

1. Deleted

2. Deleted

##### **6-4.12.2 Issuance of GTA (See MAOP, Part 2, 6-1.1.2.)**

(1) All field offices, headquarters divisions, and technical centers are authorized to have a GTA.

(a) Each office authorized to have a GTA is to designate who is authorized to make reservations on the GTA. The GTA reservation contact cannot be the Draft Approval Officer or Cashier, as this would cause a severe lack of internal controls. Only the authorized personnel will be allowed to make reservations with Omega World Travel. It is recommended that each office designate a primary reservation person and one or more alternates depending on the size of the office.

1. All requests to change reservation contacts with Omega World Travel must be sent to the MasterCard Program Coordinator [REDACTED] Accounting Section, Finance Division, Room 1270.

2. A stolen GTA number must be reported to the MasterCard Program Coordinator immediately, and to the contracted financial institution by calling toll free [REDACTED]

b2

**SENSITIVE**



SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

---

3. Any maintenance changes, such as a change in the billing address, or cancellation requests on a GTA must be sent to the MasterCard Program Coordinator at FBIHQ.

**6-4.12.3 Procedure for Using the GTA to Make Reservations with Omega World Travel (See MAOP, Part 2, 6-1.1.2.)**

- (1) When making a reservation with Omega World Travel, the reservation contact must identify himself/herself and state that the reservation is to be made on the GTA.
- (2) The reservation contact is to provide Omega World Travel with the GTA's cost code and account number, traveler's name, traveler's FD-540 travel request form number, traveler's social security number, itinerary information, date of tickets, and where the tickets are to be sent.
  - (a) Deleted
  - (b) Deleted
- (3) Upon completion of the reservation, Omega World Travel will provide the reservation contact with a record locator number.
  - (a) The reservation contact is to record the Omega World Travel record locator number on the FD-540 travel request form under the TR number.
  - (4) Authorized reservation contacts can make emergency reservations on the GTA with Omega World Travel after normal business hours by calling [REDACTED]. This number is only to be used after normal business hours and on weekends.

b2

**6-4.12.4 Procedure for Paying GTA Invoice by Draft Office**

- (1) If the MasterCard GTA invoice is under \$10,000, delete the obligation line for each traveler's airfare, retain the other lines for lodging, per diem, etc., to be matched when the traveler submits his/her SF-1012 travel voucher. Process the GTA invoice as a direct invoice under Entity 00CD (Commercial) using the contracted financial institution's vendor number, providing a line for each airline ticket, thus charging the correct item number and TR number. The payment will be issued and payable to the contracted financial institution. Airfare lines must be deobligated to avoid charging the division's travel budget twice.
  - (a) All GTA payments not remitted to the contracted financial institution by the payment due date will be assessed late payment penalties. Invoices under \$10,000.00 not paid within 30 days from the date of receipt in the field office must be forwarded to FBIHQ for payment and calculation of the late payment penalty to the contracted financial institution. Penalties for late GTA payments over \$10,000.00 will be automatically assessed at FBIHQ when submitted for payment. All late payment penalties will be charged against the submitting office's travel budget.
  - (b) Any transaction on the GTA statement that is not included in the payment must be identified to the contracted financial institution as a disputed charge. This will help ensure that the GTA does not become delinquent for the amount in dispute. Whenever an amount is disputed with the contracted financial institution, the employee reconciling the account must complete a "Reconciliation and Billing Dispute Notification" form. The completed form should be faxed to the contracted financial institution's Government Account Unit at [REDACTED]. A copy of the "Reconciliation and Billing Dispute Notification" form should also be attached to the MasterCard statement being submitted for payment on which the disputed amount appears. The contracted financial institution will issue a temporary credit against the disputed amount. Upon resolution by the contracted financial institution, the disputed amount will be identified as a "closed item" and will appear in the Closed Research Cases section of the Invoice Status Report enclosed with the MasterCard GTA Statement. The appropriate debit or credit adjustment will then be applied to the current monthly billing statement.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) To reduce the number of late payment penalties, employees responsible for the reconciliation and payment of the GTA statement should ensure that all GTA payment request packages are accurately filled out and contain all of the required documentation. All GTA payment request packages should include the original MasterCard GTA statement which has been date stamped with the received date by the office; an approved Draft Request form (FD-794); copies of the approved FD-540(s) for the individual(s) for whom the travel reservations were made; and if applicable, the "Reconciliation and Billing Dispute Notification" form. Please ensure that all FD-540s are documented with the cost of the airline ticket, the passenger receipt is enclosed, and that the Omega World Travel record locator number is noted below the travel authorization number. Failure to submit a completed GTA payment request package may delay payment to the contracted financial institution and require that late payment penalty charges be assessed on the account.

(d) The GTA delinquency is currently reported on the contracted financial institution's "Aging Analysis Report" which is sent to all SACs, Assistant Directors, and other appropriate office heads on a monthly basis.

(2) If the MasterCard GTA invoice is greater than \$10,000.00, perform the account reconciliation as is noted above; however, send the completed package to the Travel Advance and Payment Unit, FBIHQ, for payment.

#### **6-4.12.5 Procedure for Paying GTA Invoice by FBIHQ**

(1) All headquarters GTA monthly invoices will be sent directly to the individual reservation contact designated by the division to receive the GTA invoice.

(2) The division's travel managers must delete the obligation line for each traveler's airfare and retain the other lines for lodging, per diem, etc., to be matched when the traveler submits his/her SF-1012 travel voucher.

(a) After a reservation is made with Omega World Travel, the reservation contact is to retain the pink copy of the FD-540 and forward the other copies to the division's travel manager who is responsible for obligating the estimated travel costs in the Financial Management System.

(b) Upon receipt of the GTA invoice, the individual charges must be verified and approved for payment by the division's primary, or in his/her absence, the alternate reservation contact. This verification is to be completed by reconciling the individual charges to the pink copy of the FD-540 and actual airline passenger receipt.

(c) After the invoice is reconciled and approved for payment, the GTA Coordinator should attach a completed GTA Bank One Reconciliation Form to the monthly invoice and submit documentation to the Commercial Payments Unit, Room 1993 for payment.

(d) All GTA payments not remitted to the contracted financial institution by the payment due date will be assessed late payment penalties. All late payment penalties will be charged against the submitting office's travel budget if the completed package is not received by the Commercial Payments Unit (CPU), Room 1993. All GTA bills must be received by CPU no later than the 10th of the month following the invoice date indicated on the bill. FD-540's are not to be included in the package. Please keep all FD-540s along with the airline passenger receipts on file within the Division. Do not forward these to CPU for processing.

(e) Any transaction on the GTA statement that is not included in the payment must be identified to the contracted financial institution as a disputed charge. This will help ensure that the GTA does not become delinquent for the amount in dispute. Whenever an amount is disputed with the contracted financial institution, the employee reconciling the account must complete a "Reconciliation and Billing Dispute Notification" form. The completed form should be faxed to the contracted financial institution's Government Account Unit at [REDACTED]. A copy of the "Reconciliation and Billing Dispute Notification" form should also be attached to the MasterCard Statement being submitted for payment on which the disputed amount appears. The contracted financial institution will issue a temporary credit against the disputed amount. Upon

b2

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

resolution by the contracted financial institution, the disputed amount will be identified as a "closed item" and will appear in the Closed Research Cases section of the Invoice Status Report enclosed with the MasterCard GTA Statement. The appropriate debit or credit adjustment will then be applied to the current monthly billing statement.

(f) In order to reduce the number of late payment penalties, employees responsible for the reconciliation and payment of the GTA statement should ensure that all GTA payment request packages are accurately filled out and contain all of the required documentation. All GTA payment request packages should include the original MasterCard GTA statement, which has been date stamped with the received date by the office and the GTA Bank One Reconciliation form. FD-540s and FD-794s are not to be included in the package. These are to be retained with the passenger airline receipts within the Division's files. Failure to submit a completed GTA payment request package may delay payment to the contracted financial institution and require a late payment penalty charges be assessed.

(g) The GTA delinquency is currently reported on the contracted financial institution's "Aging Analysis Report" which is sent to all SACs, Assistant Directors, and other appropriate office heads on a monthly basis.

## **6-5 PROCUREMENT AUTHORITY (See Legal Attache Manual, Part 1, 2-7.1 (1) (d).)**

(1) Authority and responsibility to contract for authorized supplies and services are vested in the agency head. The agency head may establish contracting activities and delegate to heads of such contracting activities broad authority to manage the agency's contracting functions. Contracts may be entered into and signed on behalf of the government only by contracting officers. Contracting officers have authority to enter into, administer, or terminate contracts and make related determinations and findings. Contracting officers may bind the government only to the extent of the authority delegated to them. No contract shall be entered into unless the contracting officer ensures that all requirements of law, executive orders, regulations and all other applicable procedures, including clearances and approvals, have been met. See MAOP, Part 1, 1-14, regarding financial disclosure reporting requirements for employees who take action regarding contracting or procurement.

(2) A formal contract is necessary for the procurement of goods or services which exceed \$25,000 per year and are not available on the General Services Administration (GSA) schedules. The Property Procurement and Management Section should be immediately contacted for instruction whenever a need for a possible contract over \$25,000 is recognized so that Federal Acquisition Regulations can be followed. The requirement for a formal contract applies for procurement of services to assist the Bureau's investigative needs as well as to supplies and equipment.

(3) See Part 2, 6-5.5, of this manual for contracts requiring Office of the General Counsel (OGC) review.

### **6-5.1 Procurement Methods**

#### **(1) Government Purchase Card (GPC) Program**

In order to be a cardholder in the FBI, the employee must attend one eight-hour class conducted by the FBI, have approval of his/her management, and have a need to purchase goods and services under the micro purchases threshold (currently \$2,500 or less, except for construction and alterations, which is \$2,000). Once trained, the employee will receive a letter of procurement authority from the Section Chief of PPMS, Finance Division, along with a Certificate of Appointment (SF-1402) making the employee an authorized contracting officer under the program only. This delegation will automatically terminate upon leaving the Bureau, a reassignment of the employee and the card is no longer needed, or for administrative reasons. The purchase card is used as a purchase and payment method and each cardholder must have an obligation in the financial management system prior to any purchase. This is accomplished via the internal purchase order that is established at the field office level or at FBIHQ depending upon the bulk funds being requested. Each cardholder will be issued a purchase credit card with his/her official Bureau name, and the

**SENSITIVE**

**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

card will become part of his/her personal inventory. Each card will also contain the FBI's tax exempt number. (See MAOP, Part 2, 6-3.)

**(2) Purchase Orders**

All requirements over the micro purchases threshold (\$2,500 or \$2,000 for construction and alterations) must have a purchase order issued unless an exception has been made by the PTAU, PPMS (see MAOP, Part 2, Section 6-3.6). Purchase Orders can be issued at the field office level up to the dollar threshold of the Administrative Officer, the Supervisory Administrative Specialist, or other employee who has been given a delegation of procurement authority. If the requirement is over the field office authority, it must be forwarded to PPMS via an FD-369, Requisition for Supplies and/or Equipment, along with any supporting documentation. A determination has been or will be made by the acquisition team whether to use a mandatory source, a GSA company, perform maximum competition, full and open competition, or limited competition. Once the purchase order is issued, a contract will exist upon acceptance, or delivery, or performance by the company. Under certain conditions, formal contracts can be done for commercial items/services utilizing the simplified acquisition procedures.

**(3) Formal Contracts**

A formal contract is normally necessary for the procurement of goods or services in excess of \$100,000 and are not available from a mandatory source, or a GSA company under a contract, or another federal government agency. The requirement must be done under full and open competition unless an exception is met or is performed under Simplified Acquisition Procedures (maximum competition).

**(4) Urgent Requirement**

If an urgent and compelling requirement in excess of \$500 occurs, immediate contact should be made with the PPMS, FD, or a field office contracting officer if within the dollar threshold of the field. Remember, only contracting officers can obligate funds on behalf of the federal government; and if this policy is not followed, it results in an unauthorized commitment. Contact with PPMS can be done via the FBI Switchboard or SIOC.

(5) When it is determined that special building space is required to support an investigative operation and the space cannot be acquired through GSA, all details should be expeditiously furnished to FBIHQ. Include information concerning the number of square feet required, term of the lease, the monthly cost and a proposed lease if available. (See MAOP, Part 2, 2-1.2.8, 2-1.2.10, 6-8.5.1 (6), and 6-11 (5).)

**6-5.2 Invoices under Purchase Order/Contracts (See MAOP, Part 2, 6-11 (5).)**

Only proper invoices will be processed for payment that apply to the deobligation of the expense. It is the responsibility of the requesting division to ensure the items/services have been received in accordance with the terms and conditions of the contract, that invoices are processed quickly, and forwarded to the contracting officer (CO). Once the CO receives the "OK" from the requesting division, verifies all required information is on the invoice, and applies the CO approval stamp to the invoice, it will be forwarded to Commercial Payments Unit (CPU). All entities involved in the approval process should maintain a copy of the invoice; only the original is forwarded to CPU.

**6-5.3 Ratifications**

(1) When an obligation is entered into without the knowledge of or approval of a CO, it results in an unauthorized commitment. Under the Federal Acquisition Regulation (FAR), Part 1, it is possible to correct this situation via a ratification. The ratification process can only occur if certain issues are met:

(a) Document facts leading up to the unauthorized commitment;

(b) Description and delivery status of the goods/services and if received, the benefit obtained by the government;

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- (c) Total dollar value of the commitment;
- (d) How was the contractor chosen (competed versus noncompeted and a determination of a fair and reasonable price;
- (e) A statement that funds were available at the time of the commitment and still are available; and,
- (f) Administrative steps being taken to ensure further preventions of unauthorized commitments.

The above documentation will be in a form of an EC approved by the Assistant Director or Deputy Assistant Director at FBIHQ and by the SAC or ASAC in the field office where the unauthorized commitment occurred. This approval cannot be redelegated. An FD-369 must accompany the EC (if not already furnished to a CO) as this will serve as the funding document.

**(2) Actual Ratification**

Once the documentation is received by the CO, a determination will be made as to the legality of the procurement and, if necessary, will be referred to the Procurement Law Unit (PLU), Office of the General Counsel (OGC). Once it is determined to be legal, the ratification will be processed so that the company can be paid as soon as possible. The Chief Contracting Officer (CCO), PPMS, will be the ratifying official on all ratifications except for those actions affected by the CCO's office. Copies of all ratifications will be maintained in the PTAU, PPMS, Finance Division, and a copy forwarded to the Justice Department Procurement Executive in accordance with the Justice Acquisition Regulation (JAR).

**(3) Administrative Action**

All determinations of unauthorized commitments will be referred to the Office of Professional Responsibility (OPR) for appropriate action and will be considered in the SAC's/AD's performance review. The administrative action to be taken against the employee who committed the procurement action may consist of the following: Letter of Censure, three days' suspension, reimbursement to the government of the expense (or a percentage thereof); or permanent release from duty, depending upon the severity of the situation, and/or if a recurrence by the employee.

**(4) Nonratifiable Commitment**

If it is determined that the unauthorized commitment cannot be ratified, it must be referred to OGC for advice and may be subject to resolution as recommended by the General Accounting Office under its claim procedure (GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 4, Chapter 2).

**6-5.4 Honoraria (Pending)**

**6-5.5 Role of the Office of the General Counsel (OGC) (See MAOP, Part 2, 6-5.) (Formerly 6-5.3)**

(1) For any proposed: contract or contract option for \$1.25 million or more; noncompetitive contract or contract option for \$500,00 or more; research and development contract or contract option; covert-action contract such as where the contractor is unaware that he/she is dealing with the FBI; presolicitation approval of any proposed contract in excess of \$5 million; contract involving human- subject research; or services contract or contract option with former FBI employees regardless of amount, the General Counsel or designee shall:

- (a) provide legal advice and counsel on contracting and procurement, including related fiscal law issues, to the Director and staff, the Contract Review Board (CRB), and the Chief Contracting Officer (CCO), and participate fully in the entire acquisition process from acquisition planning through contract completion or termination and close out;

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(b) participate fully as a member of the CCO's procurement team and provide advice and counsel to the CCO, procurement problem managers (PPM), and to their respective staffs, as to the legal sufficiency of actions taken by the CCO, the PPM, and their respective staffs;

(c) review for legal sufficiency all acquisition plans, justification, determinations, and findings, and contract documents;

(d) provide advice and counsel to the Director and staff, the CRB, the CCO, and PPMs regarding the exercise of sound business practices in connection with FBI procurements; and

(e) control, manage, and litigate, in coordination with the Department of Justice, as warranted, all related protests, disputes, collateral litigation, and alternative dispute resolution proceedings.

(2) Unless the matter requires emergency CRB authorization and the circumstances dictate that the CRB proceed without OGC involvement, no FBI contract in the categories described above may be awarded without the review of the General Counsel or designee.

## **6-6 COMPETITION ADVOCACY PROGRAM (CAP)**

### **(1) CAP STRUCTURE:**

The FBI CAP structure distributes organizational and personal accountability for competition in contracting among senior management, program management, and procurement management. The CAP is headed by the Deputy Assistant Director, Finance Division, who has been designated by the Attorney General to serve as the procuring activity Competition Advocate (CA) for the FBI. The FBI CA, in turn, is supported by senior program and procurement officials throughout the FBI.

### **(a) PROCURING ACTIVITY CA**

The procuring activity (CA) for the FBI shall be responsible for the competition advocacy program (CAP). The functions of the CA are to:

1. Promote full and open competition, or maximum competition as applicable;
2. Challenge requirements that are not stated in terms of functions to be performed; and,
3. Challenge barriers to the acquisition of commercial items.

In order to perform the functions, the CA shall:

- a. Issue instructions implementing the CAP;
- b. Enforce the CAP, acquisition planning, and market research;
- c. Ensure systems are established for the effective internal control of FBI functions;
- d. Review acquisitions for compliance with federal departmental requirements, specifications for unnecessary detail, and statements of need for undue restrictions which have not been successfully tested in the marketplace;
- e. Review and approve justifications for other than full and open competition for contract actions over \$500,000 but not exceeding \$10 million. Refer acquisitions that have a programmatic interest to the CA, to the Director, or designee for independent review. Each justification shall contain the concurrence of the applicable Contracting Unit Chief (CUC), the Chief Contracting Officer (CCO), the technical advisor, and the PLU, OGC;
- f. Concur with Justifications for other than full and open competition for contract requirements over \$10 million and up to \$50 million, which require the review and approval of the Bureau Procurement Chief (BPC) who also serves as the Section Chief, PPMS, along with the same concurrences in e. above.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- g. Concur with other than full and open justifications in excess of \$50 million prior to their being forwarded to the Procurement Executive, Department of Justice, along with all of the signatures in f. above; and,
- h. The FBI CA will serve as the task and delivery order Ombudsman on indefinite delivery, indefinite quantity, multiple-award contracts.
- i. Submit an annual report to the Department by November 10 of each year on the program.

**(b) PPMS**

The Section Chief of PPMS shall be accountable for implementing the FBI CAP requirements, acquisition planning, and market research within the contracting offices. The responsibilities of the Chief are:

- 1. To issue communications, internal instructions, or directives pertaining to the CAP;
- 2. Provide procurement data for the conduct of a central review of acquisition resources, as an annual requirement during budget formulation; and,
- 3. Have authority to cancel an invitation for bid after opening in accordance with the FAR, Subpart 14.404-1 and the JAR, Subpart 2801.601(a).

**(c) CCO**

The CCO serves as direct overview of all the contracting offices and as such has the following responsibilities under the CAP:

- 1. Initiate annually the Acquisition Plans (AP) with the Acquisition Planner (APR) for each division. This will be performed after the Acquisition Forecast has been reviewed and accepted by the CCO;
- 2. Establish acquisition lead times and cut-off dates to be used in planning and monitoring receipt of acquisitions;
- 3. Document lead time on each AP;
- 4. Provide necessary assistance to the APR in preparing the AP;
- 5. Monitor receipt of requisitions to ensure compliance with the Competition in Contracting Act (CICA) or other advance information requirements for compliance with the AP and notify the APR of noncompliance;
- 6. Ensure applicable contract files contain all supporting AP documentation;
- 7. Delegate, as necessary, planning and monitoring functions to contracting officers (CO) and make final decisions with respect to CO's determinations made in the planning process;
- 8. Ensure total obligations planned for award during the fourth quarter do not exceed the average planned for award during the first three quarters, except where seasonal requirements, program objectives, and procurement lead times justify a higher amount;
- 9. Report competition data and such other information at the time and in the formats specified by the DOJ CA; and,
- 10. As necessary, give assistance with competition advocacy functions and serve as the Bureau's Protest Official.

**(d) APR**

The duties of the APR will be assigned as a function of the Unit Chief (UC) of the Administrative Unit or corresponding position within each division. As such, the APR shall be accountable for implementing the FBI CAP requirements, AP, and market research. The APR shall:

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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1. Issue communications, internal instructions or direct and ensure his/her division's compliance with the CAP;
2. Appoint, as necessary, one or more senior program officials to assist in the CAP;
3. Conduct an annual requirement during budget formulation, a review of acquisition resources within the division;
4. Ensure written APs are prepared and definitized by June 30 of the year prior to the beginning of the new fiscal year for all contract requirements at \$5,000,000 or more. The written AP shall be forwarded to the CCO where it will be placed in the contract file. The APR will revise plans as necessary;
5. Ensure identification of requirements sufficiently in advance to allow awards to be made on the basis of full and open competition unless otherwise justified;
6. Coordinate the AP with the CA if it proposes the use of other than full and open competition; and,
7. Ensure receipt of complete requisition packages and/or other advance information requirements in the contracting office as scheduled.

### **6-6.1 Acquisition Plans**

The following procedures have been established to ensure that all acquisitions have an acquisition plan in accordance with the FAR, JAR, and the FBI's CAP:

- (1) Each division's APR shall review printouts to determine if there are potentials to combine requirements for the upcoming year. The review will also include purchases processed under the government purchase card program. The review should be completed by November 30 of each year and the findings forwarded to the CA. Considerations shall be given to such actions as commercial items rather than specializing; write performance-based statements of work for service-type requirements; enhance competition on re-procurements; multiple awards under one solicitation; combine within one entry similar items or services previously procured by one or more entities within the division, and/or combine requirements which span several fiscal years which usually materialize year after year.
- (2) Each contracting UC shall be on the alert to identify recurring requirements in order to consider a contract with options rather than individual procurements yearly. If this identification is shared by two or more divisions, forward the recommendations to the CA. The CA will then designate one APR who shall serve as the lead or principal APR for the acquisition.
- (3) Coverage. The following are excluded from APs:
  - (a) Extensions caused by delays;
  - (b) Modifications pursuant to the changes clause;
  - (c) Terminations;
  - (d) General Services Administration (GSA) stock items;
  - (e) Intragovernmental agreements (within the Justice Department);
  - (f) Orders placed to Federal Prisons Industries, Inc., aka Unicor;
  - (g) Prepriced orders unilaterally placed under indefinite delivery-type contracts;
  - (h) Option exercises and most contract modifications after the initial plans are established;
  - (i) Architect-engineering services;
  - (j) Unsolicited proposals (see FAR 15.5); and,

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**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(k) Regulated utility services which are available from only one source.

(4) Policy and Procedures. The APs shall be accomplished as outlined as follows: Beginning no later than February 1 prior to the Budget Year (BY), the APR shall prepare an AP as outlined:

(a) Acquisitions below \$100,000 will be conducted orally in accordance with the JAR and noted on the FD-369 (Requisition for Supplies and/or Equipment).

(b) Acquisitions \$100,000 but less than \$5 million shall be documented on the FD-910 via a macro and shall be complete and accurate to include market research, suggested procurement method, total dollar amount over the life of the contract, interagency agreement, or delivery order, and shall be approved by the technical staff requesting the proposed acquisition, the budget office of the division, legal review (if applicable), and the CCO or CO. A copy of the plan shall be maintained in the contracting office and the PTAU with the original returned to the requesting division. Once the requesting division has the funding, the FD-369, the original AP, along with all supporting documentation (statement of work, source selection plan, justifications (as required) shall be forwarded to the appropriate contracting office to be processed.

(c) Acquisition \$5 million or more. The dollar amount requires a formal written AP and is done in accordance with the FAR Part 7 and the JAR, Part 2807, as well as the CAP for the FBI. The plan is documented on the FD-911 via a macro. All fields must be executed that are applicable and, if not, should so state as "N/A." The form will be forwarded to the PTAU where an AP number will be issued and a copy retained. The original will be forwarded to the UC of the contracting unit that will approve the AP. Once approved, the original will be returned to the requesting division and a copy kept in the contracting unit until the actual procurement action is requested. The original must be retained in the contract file. When submitting the request for procurement action, all supporting documentation must accompany the FD-369.

#### **6-6.1.1 Acquisition Resources Review Procedures (See MAOP, Part II, 6-6.1 (2))**

(1) ACQUISITION RESOURCES REVIEW DATABASE. Every year for four years in October prior to the budget year, the FBI OCA will furnish to each AP a computer disk containing his/her Acquisition Forecast for the prior fiscal year. Utilizing this database, the AP will prepare a variety of sorts designed to expose those base acquisitions which are potential candidates for consolidation within larger volume purchases. Sorts may include one or more of the following:

(a) Object class/subobject class (OC/SOC) and requisitioning activity (cost center code)

(b) Product code, description, and cost center code

(c) Product code, description, and award type

(d) Principal product code, description, and cost center code (e) Other sorts as appropriate

(2) In the fifth year, the OCA will create a historical database by dumping selected data elements appearing in the Procurement and FPDS file which pertain to acquisitions executed during the most recently closed fiscal year. Utilizing this database, each AP will conduct sorts which may include those listed above as well as any of the following:

(a) Blanket Purchase Agreement (BPA) number

(b) GSA Schedule Contract Number

(c) Contractor Name

The computer disk will display the procurement data for each record, as appropriate.

(3) CONDUCTING THE REVIEW. Each AP reviews past acquisitions/forecasts to identify those which are recurring or will require renewal during the budget year (base level), those required to support

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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enhancements, and associated budgeted resources. To perform the review, the AP first prepares a forecast, as follows:

(a) Using the computer disk prepared by the OCA as a database:

1. IDENTIFY:

- a. Annually recurring requirements which historical records indicate should materialize in the budget year.
- b. Other more frequently recurring requirements of a similar (not necessarily identical) nature which may be candidates for consolidation within a single acquisition.
- c. Deleted

2. DELETE: Requirements which will not recur. (Consult procurement files, as necessary, for information not available on the disk.)

(b) ADD those requirements now pending procurement action for which the current fiscal year advance procurement plans and planning and budget documents indicate will require renewal during the budget year to support ongoing initiatives.

(c) ADD requirements planned to support new initiatives based upon a review of budget and planning documents, A-76 schedules, and Automated Information System tactical plans. Identify:

- 1. What new projects or services will be required?
- 2. Which of these projects or services will not be performed by Departmental employees and therefore will require performance by contract? Add these projects or services.
- 3. Which of these projects will be performed under a contract of another agency? Add these projects or services and the anticipated interagency agreements.
- 4. Which of these projects will be performed by Bureau employees, but will require contractor support?
  - a. Will the support be in the form of hardware or goods? Add these items in generic or brand-name terms (e.g., IBM word processors).
  - b. Will the support be in the form of contractor services to supplement employee effort? Add such services.
  - c. Will the support be procured by another agency? If so, add anticipated interagency agreements.

(4) CATEGORIZING REQUIREMENTS

(a) REVIEW the forecast to identify those requirements which have the greatest potential to materialize.

(b) EARMARK those for which funds are less likely to materialize.

(c) IDENTIFY the principal product code for each entry. (d) GROUP the requirements by Principal Product Code for new requirements not procured before. Then segregate the requirements listed under each Principal Product Code within the following categories (consult the Procurement Office for assistance):

1. OPEN MARKET

This category generally includes:

- a. New contracts and follow-on contracts
- b. Contract modifications, including options
- c. Recurring requirements for a consumable item
- d. Repetitive small purchases for an item or service

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- e. Projects or services which constitute new initiatives to be performed partially or wholly by contract
- f. Support equipment for new or ongoing initiatives (not included within the remaining two categories)

**2. GOVERNMENT SCHEDULES (VA, DOD, GSA and ADTS)**

This category generally includes:

- a. Renewals for equipment lease or maintenance by vendor schedule contract
- b. Recurring requirements for consumable items (in generic or brand-name terms) which historical records indicate are repetitively placed against a Federal schedule contract

**3. OTHER SOURCES**

This category generally includes:

- a. Interagency agreements with other executive agencies for items or services to be supplied by contract
- b. Orders under other agency contracts
- c. Reimbursable agreements with other Departmental organizations for items or services to be supplied by contract

**(5) REFINING THE FORECAST**

(a) IDENTIFY repetitive or recurring requirements and requirements which are common to two or more organizational units within your division. Such requirements may be candidates for consolidation within a single acquisition and MAY THEREFORE BE COMBINED WITHIN A SINGLE ENTRY.

(b) GROUP OR COMBINE entries which may logically and advantageously be consolidated, considering as a minimum, the following arrangements:

- 1. Combine within one entry similar items or services previously procured by one or more organizational units:

- a. Divisionwide
- b. Sectionwide
- c. Unitwide

2. Combine within one entry a range of items customarily manufactured or marketed as a product or service line (e.g., variety of office supplies, a variety of paints and paint preparation products, a variety of floor coverings, a variety of local related, yet different services).

3. Combine, within one entry which spans several fiscal years, requirements for a product or service which usually materialize year after year.

(c) DOCUMENT THE FORECAST by completing the Acquisition Resources Review Database and Acquisition Forecast forms.

- 1. Enter in database all requirements which, individually or when consolidated, will exceed \$25,000.
- 2. Enter in database those which will not exceed \$25,000.

**6-6.2 Policy and Procedures**

(1) As stated above, all acquisitions must have an acquisition plan, whether orally, the FD-910, or the FD-911 and must address all issues on the appropriate form regarding procurement method, other than full and open competition (or maximum competition), publicizing the requirement or not, use of other government contracts, A-76 studies (if applicable), etc., and must include the market research.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(a) Procedures. During the month of November the CA will provide the APR of each division the computer printout containing a listing of all acquisitions executed via a purchase order. The list shall serve as a tool for forecasting and aggregating recurring requirements for possible consolidation. In addition, each contracting Unit Chief shall be on the alert to identify recurring requirements in order to consider a contract with options rather than yearly requirements. The APR shall prepare an AP as soon as possible but no later than February 1 prior to the budget year based on the computer printout, spending plan, forecast, etc. For requirements \$5 million or more and/or major system acquisitions defined as:

1. Information Technology, life cycle cost in excess of \$100 million;
2. Major Real Property by purchase when assessed value exceeds \$60 million or lease when the annual rental charges including basic services (i.e., cleaning, guards, maintenance) exceeds \$1.8 million or transfer from another agency at no cost when assessed value of the property exceeds \$12 million; and,
3. Any Research and Development (R&D) System expected to exceed \$0.5 million, for the R&D phase is subject to OMB Circular A-109, unless exempted by the Head of the Contracting Activity (Director, FBI).

When the life cycle costs of 1 through 3 above are less than \$5 million, the lesser amount will be used for purposes of AP and, if more, the \$5 million will be applicable.

The PPMS shall furnish completed AP under \$5 million by March 25 prior to the budget year and June 30 for APs \$5 million or greater. It is imperative that the program office, budget office, and contracting office meet 12 to 18 months prior to submission of any major acquisitions to ensure adequate planning to include funding, personnel, contract issues, and any special approvals required prior to acquisition action.

(b) Exceptions to AP.

1. Waiver - Exception may be obtained via a waiver from the CCO by submitting an electronic communication (EC) setting forth the circumstances which created the time constraints (i.e., slippage occurred or the requirement was not identified earlier) and why the need for the property or services is of such an unusual and compelling urgency that the government would be seriously injured unless the CO is permitted to limit the number of sources solicited.
2. Unplanned Requirement - If the requirement is subject to full and open competition, but was not planned, the APR shall furnish to the CCO for the contract file an EC which documents those circumstances, and it shall contain, at a minimum, reason(s) why the requirement was not planned, a description as to how and when the requirement materialized and steps being taken to avoid future lapses. Pending lapse of current fiscal year funding is not a reason to justify a lack of acquisition planning.

(c) Cut-Off Dates for Receipt of Acquisitions. The following is a list of final dates for receipt of requisition packages. These dates may be waived on a case-by-case basis with the approval of the appropriate contracting Unit Chief:

DEADLINE DATE REQUEST TYPE DOLLAR AMOUNT

April 1 New Open Market over \$500,000 Competitive Contract Noncommercial

April 15 New Open Market over \$500,000 Noncompetitive Contract Noncommercial Item

June 1 All Other Contracts over \$500,000

July 1 New Open Market up to \$5,000,000 Competitive Contract Commercial Item

July 15 New Open Market up to \$5,000,000 Noncompetitive Commercial Item

July 15 Inter and Intragovernment any dollar amount (Reimbursable)

August 15 Federal Supply Schedule over \$100,000 Other Government Agency Contract (Delivery Orders)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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September 1 Orders Against Requirements over \$100,000 Contract - Negotiated Task Orders

September 1 All Other Orders under \$100,000

(d) Implementation. This CAP was approved by the Director, FBI, and the CA September, 2000; however, the APRs were not advised until May, 2001, with full implementation July, 2001.

## **6-7 SUPPLIES AND EQUIPMENT**

Supplies and equipment must be procured in accordance with the methods set forth below. Supply items are expendable and ordinarily consumed within two years. Equipment is nonexpendable and expected to have a useful life of at least two years. Details regarding the accountability of nonexpendable property are contained in the Accountable Property Manual.

### **6-7.1 Methods of Procurement**

#### **6-7.1.1 Supply Requisition (FD-218) (See MAOP, Part II, 6-7.1.2 & 6-7.1.6.)**

(1) Form FD-218 is used to order all items listed in FBIHQ and field office supply catalogs. These items are stocked by FBIHQ in offsite warehouse locations. Orders for supply items should be placed on a staggered basis as follows:

(a) January, April, July, October - Albany through Knoxville

(b) February, May, August, November - Las Vegas through Salt Lake City

(c) March, June, September, December - San Antonio and all other field offices, including Quantico

(d) Foreign offices may order on a monthly basis if necessary

(2) Field office should order an estimated three months' supply of all items required at one time. Orders must be placed for the accurate unit of issue.

(3) Items requested should be in alphabetical order as set forth in supply catalog. Forms should be listed on a separate FD- 218.

(4) All FD-218s must include the quantity on hand and how long this quantity will last.

(5) All requisitions must be approved by the SAC, ASAC, Assistant Director or designated management representative in the "Approved By:" block. The Supply Technician must review and sign each FD-218 prior to submission to the Property Management Unit (PMU).

(6) Forward original and two copies of Form FD-218 to the PMU, Property Procurement and Management Section, Finance Division, Room 6823, JEH Building. One copy will be returned with the supplies. This copy must be signed by the employee receiving the supplies to verify receipt of goods and returned to Room 6823 within one week of receipt.

(7) Items that cannot be filled due to temporary stock depletions must be reordered with a tolerance of at least 60 days to allow for stock replenishment. Your division will be granted authority to purchase supply items locally when such items are not available from FBIHQ.

(8) For additional, detailed information regarding supply management matters, please refer to the SUPPLY MANAGEMENT MANUAL.

(9) Each field division is accountable for all supplies received from any source. The following three levels of supply should be maintained by each division's supply room at all times:

OPERATING LEVEL - This level is the amount of stock required by division to maintain at an operating level.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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**LEADTIME LEVEL** - This level is the amount of stock that should be issued while your order to FBIHQ or any supply source is being prepared and delivered.

**SAFETY LEVEL** - This level of stock should only be issued if all of the above levels have been depleted. (Please note that all stock items should be issued on a "first in -- first out" basis.)

When ordering supply items from FBIHQ or any supply source you must remember that if your leadtime and safety levels are below their required quantities, the order quantity must be increased to restore the stock to the adequate levels.

(a) A current record of all supply items must be maintained by each field division. This record should include the description and stock number, the quantity received and the quantity issued, the current quantity on hand and the individual receiving stock from your supply room. Form FD-303 (Stock Issue Record) should be used to capture this information for each item that is maintained in your division's supply room.

(b) The Historical Record, Form FD-299, will enable each Supply Technician to review, at a glance, the quantity that was ordered, the quantity that was received and the past usage (consumption). This record will allow the Supply Technician to determine the operating level, the leadtime level and the safety levels of each supply item. The Historical Record, FD-299, has columns for ordering and receiving. In transferring pertinent document numbers onto this form, it should be emphasized that when ordering on an FD-369, Requisition for Supplies and/or Equipment, the receiving document's number (purchase orders, etc.) will not be the same as the ordering document's number. The Historical Record should be used along with the Stock Issue Record.

(c) Expendable supplies must be kept under lock and key. They are issued as needed by an employee designated to do so. All property must be kept ready for immediate use. Inventory shall be performed annually. Employees participating in physical inventory shall not be the same individuals who are responsible for such property.

#### **6-7.1.2 Requisition for Supplies and/or Equipment (FD-369)**

(1) Used to order items appearing in the GSA Supply Catalog and for all other requests for supplies and equipment except those placed on Form FD-218, use for which is described in 6-7.1.1 of this section. Orders to be placed on staggered basis as indicated in item 6-7.1.1, above. The Supply Technician (property custodian) should retain the last copy (white) of Form FD-369 for record purposes and forward all other copies to the Property Procurement and Management Section. To assure that all requests are classified properly, it is necessary that the Supply Technician sign the requisition. (See MAOP, Part II, 6-7.1.6.)

(a) Form FD-369 must be approved by the SAC, ASAC, Administrative Officer, or at FBIHQ by the Assistant Director or Supervisor designated by him/her. Justification must be furnished and each office will be held personally responsible that all equipment and/or supplies requested is(are) necessary in the operation of the Bureau. All information available to your office should be indicated on your request such as: source of supplies, contract number, etc.

(b) All requests for the purchase of furniture should be submitted between 12/1 and 8/1 of each fiscal year (FY). Any requests received prior to or after the stated dates will be returned. Any deviation from this MUST be supported with written documentation.

(c) Requests for goods and services must be received on a timely basis in order that those actions may be conducted in accordance with applicable procurement procedures and regulations and completed by the end of the FY. Therefore, the following timetable for submission of FD-369's has been established: (See MAOP, Part II, 6-6.2(2)(h).)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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DEADLINE DATE	REQUEST TYPE	DOLLAR AMOUNT
07/01	Open Market	Over \$25,000
07/01	Open Market Automatic Data Processing (ADP) and Telecommunications	Up to \$25,000
07/01	General Services Administration (GSA), Federal Supply Schedule (FSS), ADP	Up to Maximum Order Limitation
07/01	GSA, FSS, Nonmandatory	Over \$50,000
07/01	GSA, FSS, Mandatory	Over \$250,000
07/15	Open Market Sole Source	Over \$25,000
08/01	GSA, FSS, Mandatory	Up to \$250,000
08/01	GSA, FSS, Nonmandatory	Up to \$50,000
08/01	Open Market (nonexpendable items, i.e., equipment, etc.)	Up to \$10,000
08/01	Open Market (nonexpendable items and expendable items, i.e., office supplies, paper, etc.)	\$10,000-25,000
08/01	Open Market (expendable items only)	Up to \$10,000

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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08/01

Draft System

Up to \$2,500

These deadline dates constitute the minimum time required to complete an average procurement. Complex procurement actions may require more extensive timeframes and requesters should immediately discuss such situations with the Property Procurement and Management Section, Finance Division, in order to establish realistic procurement plans.

(2) Federal Standard Requisitioning and Issue Procedure (Fedstrip) and instructions for requisitioning GSA items

(a) All GSA items will be placed on Fedstrip, a system using data processing cards or tapes. The Fedstrip system will be handled from FBIHQ for all offices. FBIHQ will not issue purchase orders to GSA, but instead, cards or tapes will be prepared at FBIHQ and sent to the Fedstrip Data Processing Center.

(b) Fedstrip treats each item ordered as a single- line requisition and GSA Form 1348-1 will accompany shipment of material from GSA warehouses to your office. FBIHQ requires that one copy of GSA Form 1348-1 be properly acknowledged in space #7 of this form and promptly forwarded to FBIHQ upon receipt of the material. Other copies of this form may be disposed of by your office.

(c) Field offices will be required to acknowledge Fedstrip items. FBIHQ stock room will acknowledge receipt of FBIHQ and Legal Attache orders. All billings and payments will be handled at FBIHQ on Fedstrip items. Julian date is considered order number and each line-item is identified by serial number.

(d) GSA has assigned Fedstrip address codes for the Bureau's offices and FBIHQ; and codes for headquarters cities are listed below. Headquarters cities concerned should show this coding on their GSA requirements in space provided on FD-369. FBIHQ Fedstrip address codes will be inserted by the Property Procurement and Management Section. The Bureau internal code must also be shown at all times on requests from both FBIHQ and field offices.

(e) When requisitioning GSA Stores Stock items show National stock number, item number, and unit of issue exactly as they appear in the GSA Supply Catalog. Items should be listed in numerical order by National stock number. When GSA catalog shows the units in a standard pack, this quantity or multiples thereof must be used. All items should be priced and extended.

(f) Complete FD-369 as shown on the reverse thereof.

(g) After receipt of field requisitions at FBIHQ and approval thereof, a recap sheet showing the Fedstrip document number (includes ordering office, location of office, Julian date, and serial number), plus the National stock number and other data, will be forwarded for your records. Data processing cards covering this recap sheet will be forwarded at the same time by FBIHQ to the appropriate GSA regional office.

(h) When it is necessary to check on a discrepancy of line-item(s) ordered from GSA, the GSA Desk in PPMS should be contacted. Retain a copy of GSA Form 1348-1 pertaining to this line- item until the matter is resolved and forward all other copies to FBIHQ noting action to be taken.

(i) Items requested for delivery direct to resident agencies should be handled separately (FD-369 for each resident agency). Show address to which delivery is to be made; FBIHQ will insert Fedstrip number. Field office code should be shown.

(3) Fedstrip address codes

(FBI Headquarters)

Fedstrip Address Coding

935 Pennsylvania Avenue, N.W.

153101

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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Field	Fedstrip	Field	Fedstrip
Headquarters	Address	Headquarters	Address
Cities	Coding	Cities	Coding
Albany	152302	Miami	154201
Albuquerque	157501	Milwaukee	155601
Anchorage	150100	Minneapolis	1563B1
Atlanta	1543EV	Mobile	154102
Baltimore	153201	Newark	152201
Birmingham	154136	New Haven	151101
Boston	151301	New Orleans	157201
Buffalo	152303	New York City	1532PC
Charlotte	154500	New Rochelle	1523KC
Chicago	155101	Norfolk	153303
Cincinnati	155502	Oklahoma City	157303
Cleveland	155501	Omaha	1565B1
Columbia	154607	Philadelphia	1524J6
Dallas	157401	Phoenix	159405
Denver	158250	Pittsburgh	152402
Detroit	155401	Portland	150400
El Paso	157404	Richmond	153302
Honolulu	159201	Sacramento	1591G5
Houston	157402	St. Louis	1564B2
Indianapolis	155201	Salt Lake City	158450
Jackson	154400	San Antonio	157403
Jacksonville	154200	San Diego	159103
Kansas City	1564B1	San Francisco	159104
Knoxville	154700	San Juan	15F301
Las Vegas	159301	Seattle	150500
Little Rock	157101	Springfield	155102
Los Angeles	159102	Tampa	154202
Louisville	155301	Washington, D.C.	1531G7
Memphis	154701	Quantico	153301

**SENSITIVE**

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**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(4) FBIHQ designates a computer printout entitled, "Fedstrip Order Report." This document serves as your purchase order on Fedstrip procurements. Along with this printout, you will be forwarded a copy of your FD-369. Pertinent data contained in this report will be as follows: national stock number, unit of issue, quantity, Julian date, serial number.

In an effort to ensure delivery of Fedstrip orders, the GSA Desk in PPMS should be notified of undelivered orders sixty days after the order date on all orders except furniture items. FBIHQ has provided cancellation lists, and in most cases, orders will be automatically resubmitted by FBIHQ without any action necessary by the ordering office. Items cancelled as obsolete will be returned to the ordering office to be bought through the Draft System or Imprest Fund Account, or resubmitted for open market purchase.

### **6-7.1.3 Deleted**

### **6-7.1.4 Deleted**

### **6-7.1.5 Requesting Printing, Binding, Duplicators and/or Related Equipment**

The following instructions must be followed when requesting same:

(1) The Department of Justice in Department Memorandum No. 750 dated 5/7/71 concerning procurement authority and responsibility, advised FBIHQ that acquisition of equipment, such as above, cited in column 2 of the printing and binding regulations issued by the Joint Committee on Printing required prior approval by the Department of Justice. The Department has further instructed that criteria for justification must be furnished with each request for approval as follows but not limited to:

- (a) Present monthly volume
  - (b) Projected monthly volume
  - (c) Why you require special features in this equipment
  - (d) Cost per month
  - (e) Cost savings (if any) by changing equipment
  - (f) Any pertinent information that justifies the use of this machine
- (2) The above information in this exact format must be included in any request to FBIHQ for any additional or change in equipment listed above. Requests not complying with this instruction will be returned.
- (3) If purchase is approved for any of the above, FBI purchase order will be prepared or bids secured at FBIHQ. Prompt acknowledgment on the copy of FBI purchase order is necessary since discount invoices may be involved.

### **6-7.1.6 Local Purchases (See MAOP, Part 2, 6-3 and 6-9.)**

(1) Draft System or Imprest Fund Account

(a) The Draft System or Imprest Fund Account may be used to purchase expendable supplies within prescribed cost limits which are not available through 6-7.1.1 or 6-7.1.2. When the Draft System or the Imprest Fund Account is utilized, the SAC is personally responsible for every transaction. Regulations governing the use of the Draft System and Imprest Fund Accounts are set forth in Part 2, 6-3.6 of this manual.

(b) Procurement authority must be obtained for all purchases in excess of \$500. (See MAOP, Part 2, 6-3.6.)

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(2) Deleted

(3) Reimbursable Work Authorization (GSA Form 2957)

It is necessary that the above-captioned form be submitted for all services and/or equipment requested from GSA. This form is nine pages with each page numbered and predesignated. Procedurally, the Form 2957 is initiated by the ordering agency and includes identifying data pertinent to the agency, as well as a description of the work. The agency identification number for each FBI office will be that number used by FBIHQ Accounting Section as set forth below.

FIELD OFFICE CODES USED BY ACCOUNTING SECTION

3010-Albany	3290-Houston	3580-Oklahoma City
3020-Albuquerque	3310-Indianapolis	3600-Omaha
3030-Anchorage	3320-Jackson	3620-Philadelphia
3040-Atlanta	3330-Jacksonville	3630-Phoenix
3050-Baltimore	3350-Kansas City	3650-Pittsburgh
3070-Birmingham	3370-Knoxville	3670-Portland
3090-Boston	3380-Las Vegas	3710-Richmond
3110-Buffalo	3390-Little Rock	3720-Sacramento
3140-Charlotte	3410-Los Angeles	3730-St. Louis
3150-Chicago	3420-Louisville	3750-Salt Lake City
3160-Cincinnati	3440-Memphis	3770-San Antonio
3170-Cleveland	3460-Miami	3780-San Diego
3180-Columbia	3470-Milwaukee	3790-San Francisco
3190-Dallas	3480-Minneapolis	3800-San Juan
3210-Denver	3490-Mobile	3840-Seattle
3220-Detroit	3510-Newark	3860-Springfield
3240-El Paso	3520-New Haven	3880-Tampa
3280-Honolulu	3530-New Orleans	3920-Washington
	3540-New York City	Metropolitan
	3540-3649-New Rochelle	Field
	3560-Norfolk	

(a) Each successive use of this form within a fiscal year should be numerically sequenced, e.g., 3010-F-1, 3010-F-2, 3010-F-3, etc.

(b) The block for the ordering agency authorizing official should be identified with the name of the agency contact above. Section I (Agency Copy) is torn off and the form forwarded to GSA which completes Section II on page 2, and removes page 2, returning remainder to your office.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) Your office must forward the remainder (pages 3 through 9) to FBIHQ, Attention: Facilities Management Section, for review and funding. This Section will forward your request to Property Procurement and Management Section for approval of Section III. The Property Procurement and Management Section will detach and retain page 3 (Agency Copy) and will return remainder to submitting field office.

(d) The pages remaining (4 through 9) are in turn forwarded to GSA which, upon completion of work, will return page 8 (Agency Hold Copy) completed to field office.

(e) Further instructions on the proper submission of this form are listed on the reverse thereof.

(f) Upon completion of the work being performed, FBIHQ must be advised along with the last copy of work authorized for billing purposes.

**(4) U.S. Government National Credit Cards (SF-149)**

(a) This card may be used to purchase any of the following supplies or services for properly identified U.S. government vehicles, boats, or small aircraft:

1. For motor vehicles - regular and premium grade gasoline, leaded and unleaded; diesel fuel; regular and premium grade lubricating oil; lubricating services; oil filter elements; air filter service; tire and tube repairs; battery charging; washing and cleaning services; mounting and dismounting chains; permanent-type antifreeze; emergency replacement of defective spark plugs, fan belts, windshield wiper arms and blades; lamps; and other minor emergency repairs. Remote resident agencies may use the cards for preventative maintenance (PM) servicing but they should not be used in the larger metropolitan areas. A Blanket Purchase Agreement (BPA) should be established when doing PM servicing in the larger metropolitan areas. (See MAOP, Part 2, 6-8.5.)

2. For boats - regular and premium grade gasoline, leaded and unleaded; diesel fuel; and regular and premium grade lubricating oil.

3. For small aircraft - aviation fuel and lubricating oil.

Use of this card for other than official purposes as stated above is a criminal offense subject to fine and/or imprisonment.

(b) To obtain these credit cards or replacement cards for those that are broken, lost, stolen, or for newly acquired Bureau vehicles, contact should be made with the AMU, FBIHQ, by written memorandum. The field office will identify the card by Bureau car number (not by the field office car number) and why the card is being ordered. The AMU will order from the mandatory Federal Supply Schedule and the card(s) will be forwarded to the requesting field office by the authorized contractor. The cards should be verified immediately upon receipt. All broken, incorrect or expired credit cards should be destroyed within the field office and not forwarded to the AMU, FBIHQ, for destruction.

(c) Use of unassigned "ID" U.S. government national credit cards. Each field office is afforded a limited number of unassigned credit cards to be utilized as follows:

1. May be used as a temporary replacement card for those cards which are broken, lost, stolen, or expired.

2. May be used temporarily for newly acquired Bureau vehicles for which a card has been ordered but not received.

3. May be used for those rental vehicles which have been rented by overt means. Vehicles which are rented utilizing case funding are considered covert vehicles and cards may not be used for these vehicles.

(d) Prohibited uses of the U.S. government national credit cards.

1. May not be permanently assigned to any employee on an individual basis unless approved by the AMU, FBIHQ.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

2. May not be used by designated Bureau-owned undercover vehicles including those vehicles assigned to Special Operations Group, Special Operations Module, or Special Surveillance Groups.

3. May not be used for undercover rental vehicles. All fuel purchases for these vehicles will be made from authorized case funding.

4. May not be used for repairs over \$50.

(e) All other gasoline credit cards which have been issued in the FBI's name by the major oil companies are unauthorized and should be destroyed. If a field office is not able to utilize the U.S. government national credit card to purchase fuel in a geographical area, then written authorization must be obtained from the AMU, FBIHQ, to use other credit cards. Full justification must be included with this request. Undercover gasoline credit cards are exempted from the above criteria.

(5) Deleted

### **6-7.2 Deleted**

### **6-7.3 Disposal of Supplies and Equipment**

(1) Any item that has been determined excess to the need of your division should be reported to PPMS, FBIHQ on Form FD-508. The FD-508 must include a description of the item, manufacturer, model number, national stock number and serial number, if appropriate.

(2) Particular attention should be given to large volumes of property being excess at any one location at one time. To provide sufficient reporting and screening time, large volumes of property should be reported as excess, by execution of Form FD-508, a minimum of 8 weeks in advance of the expected disposition date.

(3) It is especially important that property being declared excess to FBIHQ reflect the true condition of the property as of the date reported excess through assignment of the appropriate code designated below:

CONDITION	BRIEF	
CODE	DEFINITION	EXPANDED DEFINITION
1	Unused - Good	Unused property that is usable without repairs and identical or interchangeable with new items from normal supply sources.
2	Unused - Fair	Unused property that is usable without repairs, but is deteriorated or damaged to the extent that utility is somewhat impaired.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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3	Unused - Poor	Unused property that is usable without repairs, but is considerably deteriorated or damaged. Enough utility remains to classify the property better than salvage.
4	Used - Good	Used property that is usable without repairs and most of its useful life remains.
5	Used - Fair	Used property that is usable without repairs but is somewhat worn or deteriorated and may soon require repairs.
6	Used - Poor	Used property that may be used without repairs, but is considerably worn or deteriorated to the degree that remaining utility is limited or major repairs will soon be required.
7	Repairs required - Good	Required repairs are minor and should not exceed 15 percent of

**SENSITIVE**

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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		original acquisition cost.
8	Repairs required - Fair	Required repairs are considerable and are estimated to range from 16 to 40 percent of original acquisition cost.
9	Repairs required - Poor	Required repairs are major because the property is badly damaged, worn, deteriorated, and are estimated to range from 41 to 65 percent of original acquisition cost.
X	Salvage	Property has some value in excess of its basic material content, but repair or rehabilitation to use for the originally intended purpose is clearly impractical. Repair for any use would exceed 65 percent of the original acquisition cost.
S	Scrap	Material that has no

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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value except for its  
basic material content.

(4) Excess FBI property is declared as such to the General Services Administration on SF-120 and your office is forwarded a copy of same. Under no circumstances should FBI property be destroyed, cannibalized or transferred to any location or agency without prior PPMS approval. When final disposition of the property has been determined by PPMS, your office will be provided with specific disposal instructions. After final disposition has occurred, you must advise FBIHQ, in writing.

(5) When disposing of property, as instructed by FBIHQ, all markings or wrappings identifying this property must be removed prior to disposition. When desks and other furniture or containers are declared excess, they must be searched by an Agent. The combinations to all safes must be reset to the standard combination of 50-25-50. At the time of disposal, this property must again be searched by the Supply Technician.

#### **6-7.4 Sale of FBI Property**

FBI employees are not permitted to submit bids, sealed or otherwise, incident to the sale of any FBI property. It should further be noted that no employee shall knowingly purchase FBI property that has been sold to an individual by the General Services Administration (GSA) or at GSA auctions. This policy does not apply to foreign gifts. Federal regulations allow recipient donors to bid on such property following conclusion of agency use and this practice is permissible.

#### **6-7.5 Lost or Stolen Government Property/Lost or Stolen Personal Property in Government Space (See MIOG, Part 1, 52-1.3(2), 70-4(7); Part 2, 12-6.2 (9).)**

(1) All government property reported lost or stolen and recorded on the Property Management Application must be reported to the employee's assigned division within five calendar days from the date of the event. All divisions have the responsibility of reporting the lost or stolen property to the PMU within ten calendar days from the date of the event. The property is to be reported on an FD-500, Report of Lost or Stolen Property form, and signed by the Accountable Property Officer for the division. (See also MAOP, Part 1, 1-3 (1).)

(a) All uniquely serialized government property reported stolen must be placed in the National Crime Information Center (NCIC). In addition, local law enforcement authorities should be also notified if concurrent jurisdiction exists. If stolen property is entered into NCIC, the date of loss or theft, and the NCIC number are to be recorded on the FD-500. The FD-500 is to include the details surrounding the loss or theft of the property and the Accountable Property Officer's recommendation(s).

(b) If reported stolen, all firearms and laptops must be entered into NCIC. The Accountable Property Officer of the division is responsible for ensuring that the Office of Professional Responsibility is notified by an electronic communication when firearms and laptop computers have been reported lost or stolen. An electronic communication is to be sent to the Security Division when laptop computers have been reported as lost or stolen.

(2) Department of Justice (DOJ) Order 2630.2A, "Protecting and Controlling Federally Controlled Property and Loss/Theft Reporting Procedures," requires the Security Programs Manager (SPM) to submit to the DOJ Security Officer a semiannual report containing the following information:

(a) Description, indicating if government or personal property; (See (3) (a) and (4) (a) below.)

(b) Serial number, if any;

SENSITIVE



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- (c) Dollar value;
  - (d) Date of incident;
  - (e) Location of incident;
  - (f) Results of any investigation conducted by the appropriate agency;
  - (g) Any corrective measures taken to prevent repetition; and
  - (h) Loss or theft of automated data processing (ADP) equipment shall also include the following:
    - 1. A copy of the Federal Protective Service or other investigative report.
    - 2. A statement from the owner/user of the ADP equipment categorizing the information stored on or processed by the equipment's ADP storage media and/or nonvolatile memory devices (for definition, see MIOG, Part 2, 35-12) as either National Security Information (NSI), Sensitive Information (also referred to as "Limited Official Use" or "Law Enforcement Sensitive" information), or nonsensitive information. Sensitive Information is unclassified information that requires protection due to the risk or magnitude of loss or harm that could result from inadvertent or deliberate disclosure, alteration, or destruction of the information, e.g., proprietary information; investigative material; grand jury material; personal information subject to the Privacy Act of 1974; etc.
    - 3. If data was NSI or Sensitive Information, a written assessment reporting the impact of the data if accessed by unauthorized personnel must be prepared and submitted to the FBI SPM as soon as possible after the theft or loss incident. If the data was NSI, a damage assessment may also be required. Refer to MIOG, Part 2, Section 26-13.1, for requirements and instructions.
  - (i) Any special security problems (e.g., inadequate security being provided by a non-FBI contract guard service) which should be brought to the attention of the DOJ Security Officer.
- (3) To facilitate this process, each field office or Information Technology Center (ITC) is to establish an administrative control file specifically for the collection of the above data.
- (a) Upon verification of a loss or theft of government or personal property occurring in General Services Administration (GSA)-leased Bureau space, appropriate notifications as outlined in this subsection are to be made and a copy of a communication setting forth the data in paragraph (2), items (a) - (i), is to be placed in this control file.
  - (b) On December 1 and June 1 of each year, a summarization is to be prepared by the field office or ITC Security Officer, or other individual as designated by the division/office head, setting forth only the above data for each incident and covering only the preceding six-month reporting period. This information is to be submitted to the SPM, FBIHQ, by appropriate communication, which might include a routing slip enclosing a copy of the material prepared pursuant to paragraph (3)(a) above. This material is to be received by the SPM by December 15 and June 15 of each year.
  - (c) Bufile 66-HQ-19476 has been established for the collection of the above data for incidents occurring in a field office, resident agency, or GSA-leased off-site location. The original of the above summarization report is to be submitted by appropriate communication to FBIHQ, marked to the attention of the Security Programs Manager, and captioned "Semiannual Loss/Theft Report." This communication is to be received at FBIHQ within 14 days of the above deadline.
  - (d) In the event there is no incident to report, an appropriate communication setting forth this fact is to be submitted in accordance with the above deadline.
- (4) Bufile 62-122607 has been established for the collection of the above data for incidents occurring at FBIHQ or a GSA-leased FBIHQ off-site location.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(a) In the event of a reportable loss or theft of government or personal property at FBIHQ, or at an off-site FBIHQ function in a facility leased or owned by GSA, appropriate notifications as outlined in the above subsection are to be made. A copy of the communication setting forth the data in paragraph (2), items (a) - (i), is to be prepared by the affected division/office, with a copy directed to the attention of the SPM for filing in Bufile 62-122607.

(b) On December 1 and June 1 of each year, a summarization is to be prepared by the division/office Security Officer, or other individual as designated by the division/office head, setting forth only the above data for each incident and covering only the preceding six-month reporting period. This information is to be submitted to the SPM, FBIHQ, by appropriate communication, which might include a routing slip specifically identifying or enclosing a copy of the material prepared pursuant to paragraph (4)(a) above. This material is to be received by the SPM by December 15 and June 15 of each year.

(c) To comply with the Departmental Order, on January 1 and July 1 of each year, a representative of the SPM shall prepare a report to be disseminated to the DOJ Security Officer summarizing fieldwide data concerning the loss and/or theft of government or personally owned property within Bureau space.

## **6-8 BUREAU VEHICLES**

### **6-8.1 Assignment**

SACs have the prerogative of assigning vehicles allocated to their division in such a manner as to support the investigative requirements. However, in order to ensure that vehicles are being properly maintained and serviced, each vehicle will be assigned to one primary operator. The primary operator will be ultimately responsible for ensuring the vehicle receives both scheduled preventive maintenance servicing within prescribed parameters and unscheduled repairs to maintain the vehicle in a safe and reliable operating condition. Supervisory personnel should periodically review the vehicle files to ensure compliance with scheduled preventive maintenance servicing.

### **6-8.2 Vehicle Utilization**

(1) Form FD-73, Auto Record, will be completed for every vehicle assigned a Bureau car number and should be submitted monthly to appropriate field office personnel. For vehicles assigned to headquarters cities and Metropolitan Resident Agencies, an entry should be made on the form by the vehicle operator covering each period the vehicle is placed into operation. When the vehicle cannot be used due to servicing and/or repairs, an appropriate entry should be made indicating the date(s) and time the vehicle was unavailable for use. Vehicles assigned to resident agency (RA) cities, special operations groups (SOGs) and/or undercover operations are not required to complete the daily utilization portion of the form, but should ensure that all repairs and servicing performed by COMMERCIAL VENDORS are recorded under the "Maintenance Problems" portion of the form. (See 6-8.6(2) for storage in RA cities.) If the Form FD-73 is maintained by the Radio Dispatcher, the principal operator assigned to the vehicle must ensure that the "End of Month Odometer" and "Last Preventive Maintenance Mileage/Date" portions of the form are completed. The designated field office personnel should receive the forms no later than five working days after the end of the reporting month to record the pertinent data. The FD-73 should be maintained in an easily accessible location and may be destroyed after three months. Vehicles assigned to sensitive Group I or foreign counterintelligence undercover operations, that could be jeopardized by maintaining and submitting an FD-73, are exempted. (See MAOP, Part II, 6-8.6, 6-8.7.)

(2) Bureau vehicles may be used to transport ill or injured employees to a hospital or health-care facility, but not to their place of residence (see Part I, 1-3.1(8) of this manual).

**SENSITIVE**

### **6-8.2.1 Vehicle Utilization in a Foreign Country**

(1) Any Bureau vehicle that is to be operated in a foreign country must be covered by a valid liability insurance policy. This private insurance is necessary because the FBI offers no insurance that would cover property damage and/or personal injury to third parties resulting from the negligent operation of Government or privately owned vehicles by a Bureau employee while on official business in a foreign country. (The Federal Torts Claims Act (FTCA), Title 28, United States Code (USC), Sections 1346 (b), and 2671 ET SEQ. specifically states in section 2680 (k) that the FTCA does NOT apply to any claim arising in a foreign country. This is confirmed by the case law (UNITED STATES V. SPELAR, 338 U.S. 217, (1949); MEREDITH V. UNITED STATES, 330 F. 2d 9 (9th Cir. 1964), CERT. DENIED, 379 U.S. 867).) (See MAOP, Part I, 12-4, Part II, 6-2.2.5; Legal Attache Manual, 2-21 & 5-5 (4).)

(2) Further, the Department of Justice Appropriation Authorization Act expressly authorizes expenditures for the purchase of insurance for the operation of motor vehicles in foreign countries on official business.

Any field division that requires this liability insurance protection should perform the following:

- (a) Determine the number of official vehicles that routinely need to travel into this foreign country.
- (b) Obtain three bids from insurance companies that do business in this foreign country to insure these vehicles.
- (c) Submit these bids along with a completed Requisition for Supplies and/or Equipment (FD-369) to FBIHQ, Attention: Finance Division, Room 6863.

Upon receipt of these bids, FBIHQ will issue a purchase order number for the payment of these policies.

### **6-8.3 Servicing and Maintenance (See MAOP, Part 2, 6-5.)**

(1) The primary vehicle operator must ensure that the vehicle receives scheduled servicing and maintenance in a timely manner. On a daily basis vehicle operators are responsible for ensuring that:

- (a) Tires are properly inflated.
- (b) Vehicle has an adequate fuel supply for emergency response.
- (c) Oil and fluid levels are properly maintained.
- (d) Overall exterior and interior of the vehicle are clean.

Vehicle operators are authorized to have performed emergency road repairs costing up to \$750 based on SAC authority; however, this does not include body damage repairs. Authorization must be received from appropriate supervisory personnel prior to any regular repairs to ensure that the repairs are not covered under a repair and/or new car warranty. All repairs costing \$750 or more must have prior authorization from either the Procurement Unit, FBIHQ, or any other field personnel having a delegation of procurement authority. See MAOP, Part 2, Section 6-8.5 for detailed requirements for vehicle repairs.

(2) Every Bureau vehicle is required to adhere to the Preventative Maintenance (PM) program set forth herein. All vehicles in field offices with automotive maintenance facilities will have scheduled PM servings performed in-house unless the vehicle is assigned to an undercover operation, SOG, or a remote RA. Field offices without repair facilities, remote RAs and SOGs should choose an automotive repair facility to perform the scheduled maintenance based upon convenience, cost, prompt service, and reliability. Once a commercial vendor has been selected, the PPMS, Finance Division, should be contacted to set up appropriate reimbursement procedures.

(a) The Automotive Maintenance Employee (AME) or other designated individual will review the Form FD-73 to determine if any vehicles have exceeded prescribed servicing parameters or will require PM servicing within the next month. Vehicle operators and/or their supervisory personnel will be notified to schedule these

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

vehicles for servicing. Each field office should implement follow-up procedures for ensuring that vehicles receive the required PM servicing. The parameters set forth herein for scheduled maintenance and servicing are maximum parameters and should be adjusted for vehicles subjected to extreme weather conditions, extensive idle time or other conditions which would require more frequent servicing.

(b) Unless noted otherwise, every 7,500 miles or six months (whichever comes first) a complete PM servicing, which must include all ten items listed below, will be performed on every Bureau vehicle. For vehicles assigned to Special Operation Groups, Special Operation Modules, Special Surveillance Groups, and vehicles used extensively for surveillance purposes, PM servicing should be performed every 3,000 miles. Limited usage specialty vehicles and vehicles not driven on a daily basis [REDACTED] should be considered under the normal 7,500 -mile servicing. Timely PM servicing is considered to be within 500 miles of the PM servicing parameters (i.e., 3,500 for 3,000 and 8,000 for 7,500).

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This does not preclude any office or the Automotive Maintenance Employee (AME) from doing the required PM servicing at 3,000 or 4,000- mile intervals.

1. ENGINE OIL AND FILTER CHANGE - Oil filter change intervals should be increased if a vehicle is subjected to extreme weather conditions or dusty areas. Under these conditions, change engine oil and filter every 3,000 miles or three months, whichever comes first. Inspect the air filter at each oil change and replace as necessary not to exceed 20,000 miles.
2. CHASSIS LUBRICATION - Lubricate all grease fittings in the front suspension and steering linkage. Lubricate all hinges (doors, hood, deck lid), transmission shift linkage, parking brake cable guides and linkage, throttle linkage, and manifold control valve.
3. FLUID LEVELS - Check the fluid level in the brake master cylinder, transmission, power steering pump, radiator (ensure engine freeze protection is at least at lowest expected outdoor temperature prior to cold weather), rear axle differential, battery, and windshield washer. Add fluid as required, but large fluid loss in any of these units may indicate a more severe problem.
4. ENGINE DRIVE BELTS - Inspect all belts for cracks, fraying, wear and proper tension. Adjust or replace as required.
5. BRAKES - Inspect disc brake pads and drum brake linings for wear and rotors and drums for surface condition when wheels are removed or at least every 15,000 miles. Check parking brake adjustment and inspect brake cylinders, lines and hoses for proper hook-up, binding, leaks, cracks, etc. Replace and/or repair as necessary.
6. TIRES AND WHEELS - Rotate tires at 5,000 miles and every 10,000 miles thereafter. Check tire inflation pressure (including spare) and adjust according to specifications. Check for abnormal wear. (Balance tires and align front end as required.)
7. STEERING, SUSPENSION AND FRONT DRIVE AXLE BOOTS AND SEALS - Inspect front and rear suspension and steering system for damage, wear, or lack of lubrication. Inspect power steering lines and hoses for leaks, cracks, etc. On front drive axles, inspect for torn, damaged or leaking boots. Repair or replace parts as required. Shock absorbers should be replaced as required.
8. EXHAUST SYSTEM - Inspect the complete exhaust system, including catalytic converter, for broken or damaged parts as well as open seams, holes or loose connections which could cause exhaust fumes to seep into the passenger compartment or trunk.
9. COOLING SYSTEM - Inspect hoses and clamps for condition and coolant for strength and cleanliness. Ensure that air conditioning system is operating properly; check for leaks, cracks and excessive wear.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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10. LIGHTING AND OTHER ELECTRICAL EQUIPMENT - Check for proper operation of all interior and exterior lights, turn signals, emergency flash, parking and backup lights, windshield wiper and washers, horn, and dashboard warning lights.

(c) The following scheduled maintenance will be performed on every Bureau vehicle at least within the parameters set forth:

1. Carburetor and fuel injection - Every 30,000 miles or 24 months, check for proper operation of choke and vacuum break and inspect hoses for cracks, decay, etc. Adjust engine idle speed to manufacturer's specifications. (If no specifications are published, no adjustment is necessary.)

2. Ignition system - Every 30,000 miles or 24 months, replace spark plugs with the type recommended by the manufacturer. Clean and replace spark plug wires as needed and inspect for burns, cracks or other damage. Inspect the distributor cap and rotor, if applicable, for cracks, carbon tracking and corrosion. Adjust timing to manufacturer's specifications. Replace parts as required.

3. Emission Control - Every 30,000 miles or 24 months, replace PCV valve; replace air filter and PCV filters; conduct Exhaust Gas Recirculation (EGR) operation system check and cleaning as covered in service manual.

4. Wheel Bearings (Rear Wheel Drive Vehicles) - Clean and repack front wheel bearings at each brake relining or 20,000 miles, whichever comes first.

5. Transmission - Change both the fluid and filter (or service the screen) every 30,000 miles for automatic transmission.

6. Every 24 months or 30,000 miles, drain, flush and refill cooling system with new coolant and test system and cap for proper pressure capacity.

(d) All servicing and repairs performed by AMEs will be recorded on an FD-381, Motor Vehicle Work Order. The form is composed of an original and two copies. For nonwarranty work, the original will be maintained as a serial in the vehicle file and a copy may be maintained by the AME. If a warranty claim is to be made, the original copy of the form will be forwarded to FBIHQ, a copy routed to the vehicle file and the AME may maintain a copy.

(e) A copy of every in-house and/or commercial work order should be maintained as a serial in the appropriate vehicle file.

(f) Deleted

#### **6-8.4 License Plates**

A record should be maintained in each office showing all current license plates issued for official vehicles and a positive check should be made monthly to account for all such license plates.

[REDACTED] should be afforded adequate security and care should be utilized to assure the proper disposition of license plates attached to Bureau vehicles disposed of by sale.

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#### **6-8.5 Repairs and Operations (See MAOP, Part 2, 6-7.1.6(4)(a)1. & 6-8.3.)**

(1) Repair of general investigative and miscellaneous vehicles (no undercover).

(a) All offices have United States Government Credit Cards (SF-149) for purchases of gasoline, oil and minor (under \$50) emergency repairs. All other repairs should be handled as set forth below:

1. Repairs of \$750 or less - Under SAC authority, the Third-Party Draft may be utilized for all repairs of \$750 or less without prior FBIHQ approval.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

2. Repairs between \$750 and \$2,500 - All vehicle maintenance repairs between \$750 and \$2,500 must be approved by those personnel who have a delegation of procurement authority. Personnel assigned to the Procurement Unit, FBIHQ, or the field office's Administrative Officer may approve use of the Third-Party Draft for payment.

3. For repairs over \$2,500 - An FD-369, Requisition for Supplies and Equipment, must be forwarded to the Procurement Unit for issuance of a U.S. government purchase order number prior to the repairs being performed. Three repair estimates are required for repairs over \$2,500 and these should be attached to the FD-369. If competition is not obtained, then complete justification must be submitted with the FD-369. If the lowest bidder is not chosen to perform the repair work, then a detailed justification must also be submitted with the FD-369. For emergency repairs over \$2,500, if possible, contact must be made with the Procurement Unit prior to the work or service being performed.

4. Body damage repairs over \$500 - All body damage repairs over \$500 must have the approval of the Fleet Management and Transportation Services Unit (FMTSU) and authorized procurement personnel. For damages under \$2,500, only one repair estimate is required as long as the price is determined to be fair and reasonable. After appropriate review by FMTSU personnel, proper procurement approval may be obtained from authorized procurement personnel. For body damage repairs over \$2,500, an FD-369 with three repair estimates must be forwarded to FBIHQ for issuance of a U.S. government purchase order. Sole source justification is a requirement if competition is not obtained or the lowest bidder is not selected to perform the repairs. In these cases, detailed justification must accompany the FD-369.

(2) Repair of Special Operation Group (SOG), Special Operation Module (SOM), and Special Surveillance Group (SSG) Vehicles - All repair estimates for SOG, SOM, and SSG vehicles (both body damage and general maintenance) must be obtained [REDACTED] Repairs under \$2,500 must be authorized by either personnel assigned to the Procurement Unit or the field office's Administrative Officer. For all repairs over \$2,500, three estimates should be forwarded to the FMTSU in order that proper procurement authorization may be obtained. If competition is not obtained, then sole source justification must be documented before approval is given. All repairs for SOG, SOM, and SSG vehicles will come from their appropriated funding.

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(3) Repair of Other Undercover Vehicles (not rentals) - All repair estimates for all other undercover vehicles, with the exception of SOG, SOM, SSG, and authorized covert rental vehicles, must be obtained [REDACTED] [REDACTED] Repairs up to \$2,500 may be approved by the field office's Administrative Officer or the Procurement Unit. For repairs over \$2,500, three repair estimates must be forwarded to the FMTSU for review and final approval by either the Procurement Unit, FBIHQ or any other field personnel having a delegation of procurement authority. All repair costs for undercover vehicles will be charged to the appropriate case account.

(4) Repair of Rental Vehicles - If an authorized rental vehicle requires either maintenance or body damage repair, then an assistant division counsel should review the vehicle rental agreement to determine who is responsible for making repairs. Most rental vehicle contracts stipulate that the owning vehicle agency must make all repairs, whether maintenance or body damage. For vehicles which have been rented overtly, either through issuance of a U.S. government purchase order or the vehicle is rented under the FBI name, the FMTSU should be advised by written communication requesting approval with supporting documentation regarding the repair. Supporting documentation shall include a readable and complete copy of the rental agreement, summary of how the damage occurred if repair is for body damage, and assistant division counsel's insert on review of the rental agreement. Vehicles which are rented utilizing case funds are considered undercover vehicles. All expenses regarding these covert rental vehicles for maintenance, body damage, theft, or loss will come from the appropriate case account. Authorization for payment out of cases must be approved by the FMTSU.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(5) Before payment for repairs, it must be confirmed to FBIHQ that repairs were completed satisfactorily. In that regard, the vendor should submit an invoice to the field office having the work done. That division should sign the vendor invoice indicating the work was satisfactorily finished. The field office should thereafter submit the invoice to the Commercial Payments Unit, Accounting Section, Finance Division, for payment unless payment can be authorized utilizing the Third Party Draft. For those repairs where a U.S. government purchase order has been issued authorizing the repair, invoice must be forwarded to the Commercial Payments Unit for payment. Justification for replacement of windshield or other glass on Bureau vehicles need not be furnished to FBIHQ unless breakage resulted from employee negligence or a vehicle accident.

(6) A copy of each invoice for each repair and service provided, except gasoline receipts, for each Bureau vehicle must be retained from the date of acquisition to the date of disposal of the vehicle. Work orders of Bureau mechanics for all repairs and services to each vehicle showing service or repair provided, date provided, material and parts used, and identity of the vehicle must also be retained for entire period vehicle is in the Bureau's possession. If the Bureau vehicle is transferred from one office to another, these records are to be transferred with the vehicle. These records are to be destroyed three years after the vehicle has been disposed of, except in cases in which a lawsuit is pending or may be filed as a result of an accident involving a particular vehicle. (See MAOP, Part 2, 6-8.12 & 6-9.2.6.)

#### **6-8.5.1 Monthly Motor Vehicle Report Vehicle Management Application (VMA) Manual Reporting System (Form FD-111)**

(1) All automotive costs must be entered into the Vehicle Management Application (VMA) by the 16th of the month immediately following the reporting period. Field offices using the VMA are not required to use the FD-111. For the Legats without FBINET capability, the manual Form FD-111 must be submitted to the AMU, Finance Division, FBIHQ, by the 16th of the month. Vehicles used in an undercover capacity are exempt from reporting this information to the Division Automotive Clerk if his/her knowledge will jeopardize the security of the operation. In those instances AMU, Finance Division, FBIHQ, should be contacted to make appropriate arrangements for transmittal of this confidential information.

(2) The monthly motor vehicle report shall include all vehicles that are assigned Bureau car numbers and are not in storage or awaiting sale by the General Services Administration (GSA). This includes vehicles procured by the FBI that are new, used, or forfeited to another government agency and procured by the FBI. Excluded are semitrailers, trailers, and other trailing equipment that are not equipped with a powertrain. Report only those vehicles that are assigned to your division on the last day of the reporting month. If a vehicle is transferred from your division, all cost information and the vehicle file should accompany that vehicle to the division receiving the vehicle.

(3) For Legats submitting the FD-111, vehicles should be reported in order of year of make from oldest to latest by Bucar number. Vehicles need not be separated by make and type of vehicle.

(4) Report mileage in whole numbers and cost data to the nearest dollar.

(5) The total monthly obligated expenditures should be entered into the VMA; do not wait for receipt of the invoice. If the actual invoice shows a different cost, it should be corrected on the subsequent month's entry in the VMA.

(6) An itemization of the data to be included on the monthly motor vehicle report follows:

(a) Indirect Costs Associated with Motor Vehicles.

1. Field Office - Self-Explanatory.

2. Month - Enter month that the expenditures reported were made.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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3. Labor Costs - Include salary cost of time spent by supervisory, clerical and custodial employees who spend 25 percent or more of their time on motor vehicle activities. (Include any portion of an Automotive Maintenance Employee's (AME's) monthly salary that is not included under Direct Labor costs on the monthly motor vehicle report.)

4. Material Costs - Include the costs of motor oil, lubricants and fluids that are not charged as direct expenses when a work order is issued and are not readily identifiable with a specific vehicle. Include all preexpensed items (i.e., clamps, hoses, fuses, light bulbs, etc.).

5. Tools and Equipment - Cost of all automotive repair tools and equipment and any costs associated with repairing, maintaining and operating these tools and equipment.

6. Rental of Space - Include monthly rental for parking facilities and shop space or the Standard Level Users Charge (SLUC) when GSA owns or leases the space. The office's Administrative Officer will have the SLUC printout, which is provided by GSA. (See MAOP, Part 2, 2-1.2.8, 2-1.2.10 & 6-5.1.)

7. Miscellaneous - Include the cost of such items as custodial supplies, solvent, laundry, utility costs, capital improvements to facility, office supplies, and other items not included above or charged to direct operating costs.

(b) Bucar Number. Report the entire six-digit Bucar number, excluding any alphabetic character, for all vehicles assigned to your division.

(c) Odometer. Record the odometer reading for each vehicle at the end of the reporting month.

(d) Deleted

(e) Lubricants, Oil, Fluids - If a repair order is issued (i.e., during a regular preventive maintenance oil change), include cost of oil, fluids, and lubricants in this column. If a repair order is not issued, charge as a miscellaneous indirect cost.

(f) Tires

1. Material - Include cost of replacement tires, snow and studded tires; deduct adjustments or returns.

2. Labor - Include charges for mounting, balancing, tire rotation and repairs in either the commercial or government labor column. Do not include alignment charges.

(g) Commercial Costs - Performed by Commercial Sector

1. Material - Include the cost of all replacement parts installed by a facility other than an FBI facility when a commercial work order (invoice) is issued and can be attributed to a specific vehicle.

2. Labor - Include the cost of all labor for maintenance and repair of a vehicle by a facility other than an FBI facility when a commercial work order (invoice) is used and can be attributed to a specific vehicle. This includes emergency repairs charged to a government credit card.

(h) Government Costs - Performed by Government Personnel

1. Material - Include the cost of all replacement parts for work accomplished by any FBI maintenance facility which can be attributed to a specific FBI-owned vehicle and is reported on an in-house work order.

2. Labor - Include the cost of all labor for the maintenance and repair of a vehicle by any FBI maintenance facility which can be attributed to a specific FBI-owned vehicle and is reported on an in-house work order. Labor should be reported to the nearest half hour. The hourly wage for any mechanic is determined by adding 10 percent to the mechanic's salary and dividing by 2,087 hours per year, i.e., (annual salary + 10 percent) divided by 2,087 ( $24,044.80 + 2,404.48$ ) divided by 2,087 = hourly wage (\$12.67).

**SENSITIVE**



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(i) Accident Repairs - Include all labor, materials, towing, and other expenses resulting from an accident. Deduct payments from insurance companies or others making payments regardless of the date of accident. Include payments for work not performed.

(j) Miscellaneous - Include any items that can be attributed to a specific vehicle that are not covered elsewhere, such as floor mats, chains, washing and waxing, body maintenance, towing, special equipment, modifications to vans, etc.

(k) Deleted

### 6-8.6 Storage

(1) Garage vehicles at night. Bureau vehicles must be stored by Agents on road trips and in cities in which there is no contract garage and by Resident Agents in a safe and secure manner.

(2) Wherever possible, the contract garage, whether in headquarters city or in resident agencies, should be one not requiring that keys be left in the vehicle or in the garage accessible to non-FBI personnel. If such arrangement is not possible, prior FBIHQ notification supported by adequate justification must be given as part of the vehicle security system. In addition, whenever the resident agency vehicles must be stored in space necessitating either leaving keys in the vehicle or overnight in a garage accessible to non-FBI personnel, the daily utilization portion of the FD-73, Auto Record, must be completed. (See 6-8.2, above.)

### 6-8.7 Security of Bureau Vehicle Equipment

SAC has primary and continuing responsibility for security of Bureau vehicular equipment throughout field office territory. SAC must ensure adequate procedures exist covering headquarters and resident agencies, that these procedures are followed, and that system is evaluated to detect and prevent weaknesses. (See 6-8.2 and 6-8.6 for further details.)

#### 6-8.7.1 Security of Undercover and Surveillance Vehicles

(1) [REDACTED]

(2) Each field office will establish a security policy regarding parking of confidential fleet vehicles. This policy will set forth the circumstances under which an Agent working in a covert assignment has a need to be in the field office headquarters as well as the availability of commercial parking in the immediate vicinity of the field office. The policy will be made available to all Agents and reviewed periodically by the SAC when circumstances warrant change.

(3) [REDACTED]

### 6-8.8 General Standards for an Automotive Maintenance Facility (AMF)

(1) CRITERIA FOR ESTABLISHING A NEW AMF

(a) Ensure that there is no plan to relocate the field office in the future. Appropriate contact should be made with GSA regarding possible locations for a repair facility in the vicinity of the field office. Estimates as to the lease/purchase of the facility should be obtained if possible. It should be noted that all acquisitions of new office space must be coordinated through the Space Management Unit, Personnel Division, FBIHQ.

(b) A review of all commercial vehicle maintenance costs for the field office over the last three fiscal years should be conducted. All blanket purchase agreements (BPAs) should be included in the total cost review. The field office should also include any nearby resident agency vehicles when analyzing costs.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) A cost survey for commercial labor rates should be performed. This should include labor rates from dealerships, service stations, and other local and national repair facilities. Contact should be made with the Pay Administration and Support Staffing Unit, Personnel Division, FBIHQ, for applicable government wage grade labor rates for your location. This data should be used in the evaluation process based on pay comparison.

(d) A list of required equipment and tools necessary to open the AMF should be made. The specific equipment required will be based upon the size of the facility, the number of automotive technicians and their skill levels.

(e) Review the distances commercial repair facilities are located from the field office. Calculate the Special Agent (SA) downtime associated with taking the vehicle to be repaired to the repair shop and having another SA bring him/her back to the field office. This can be done by using the hourly pay rate of a GS-13 SA. Be sure to double the cost total to ensure that the return trip to the repair shop to pick up the vehicle is captured.

(f) Once a cost analysis and comparisons are complete, develop a list of the intangible benefits that can be received from establishing an AMF. This list can include, but is not limited to, the following:

1. Our own AMF allows for routine maintenance and repairs to be established with greater flexibility around an SA's workday.
2. There is less SA downtime since they do not have to take the vehicle to a commercial repair shop.
3. Immediate unscheduled routine repairs can be completed faster. If an SA needs a headlight, wiper blades, coolant or tire change, he/she can pull into the AMF and be back out on the road performing his/her investigative mission.
4. Many AMFs have towing capabilities and can respond immediately on breakdowns. This can be a benefit when an SA experiences an after-hours breakdown.
5. Many vehicles are equipped with voice privacy radios, cellular telephones and other sophisticated telecommunications equipment. Many commercial repair facilities do not have the skills to diagnose electrical problems caused by this equipment.
6. We have warranty repair capabilities in our AMFs. Our automotive technicians can perform warranty work immediately, as opposed to calling a dealer and scheduling the work in what may be days later.
7. Increased security by having repairs performed at an AMF for selected vehicles. This could be important based upon the mission of the SA.

**(2) CRITERIA FOR PREVIOUSLY ESTABLISHED AMFS**

For field offices having previously established AMFs, a cost benefits/intangibles review should be conducted whenever the lease for the AMF comes up for renewal. This should include:

(a) A review of all FD-381 work orders filled out by the automotive technician(s). The cost of various repairs or servicing should be compared with the costs of having the repairs performed commercially to ensure that it continues to be cost effective to maintain the AMF. Routine repairs such as brakes, preventative maintenance, tire costs, tuneups and electrical work should be compared to commercial costs.

(b) Conduct a review by contacting SAs in the office to ensure that the intangible benefits that we should be getting are being realized.

**6-8.9 Excess and/or Seized Property**

(1) EXCESS - Any personal property under the control of any federal agency which is no longer serviceable, has been replaced, or for any reason is no longer being fully utilized.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

(a) Excess property may be obtained through interdepartmental transfer by dealing directly with the entity within the other agency. The only exception will be if there is a pending court case, at which time General Services Administration would make application to the courts on behalf of the FBI.

(b) Transfers of excess property would be handled on SF-122.

(2) SEIZED - Property for which the U.S. government does not have title, but which the government has obtained custody or control of in accordance with certain statutes.

(a) If the Bureau seizes the property and does not wish to retain it, the U.S. Marshals Service must be so advised.

(b) Seized property may be obtained through interdepartmental transfer after forfeiture by dealing directly with the entity within the other agency.

(3) Vehicles under both categories may be obtained through interdepartmental transfer by dealing directly with the entity within the other agency and the only exceptions will be -

(a) If there is a pending court case, at which time General Services Administration would make applications to the courts on behalf of the FBI.

(b) If the Bureau seizes the vehicle and does not wish to retain it, General Services Administration must be so advised.

(4) All other transfers of this type would be handled on SF-122. In accordance with the Federal Property Management Regulations 101-43.4, an agency may retain a seized or excess vehicle, devoting it to official use only. Therefore, it loses its identity as forfeited or voluntarily abandoned property and should be considered property of the FBI.

**6-8.9.1 Seized Vehicles (See MAOP, Part 2, 6-8.9.2 (4).)**

(1) Vehicles used in violation of certain statutes may be forfeited to the United States. The relevant statutes over which the FBI has investigative jurisdiction are: Title 18, USC, Section 1955(d) - Prohibition of Illegal Gambling Businesses; Title 18, USC, Section 1963 - Racketeer Influenced and Corrupt Organizations (RICO); Title 21, USC, Section 848 - Continuing Criminal Enterprise (CCE); Title 21, USC, Section 881 - Controlled Substances Act; Title 18, USC, Section 981 - Money Laundering; Title 18, USC, Section 512 - Motor Vehicle Theft Law Enforcement Act of 1984; Title 21, USC, Section 955d - Drugs and Related Assets On Board Vessels; Title 49, USC, Section 782 - Conveyances Transporting Contraband. After forfeiture is complete, the FBI may retain suitable vehicles for official use.

(2) If an automotive vehicle is seized for forfeiture, it should be reported on a Seizure Form (a form generated by the Department of Justice Consolidated Assets Tracking System computer database). See manual entitled "Forfeiture Manual." The record of the vehicle seizure should be forwarded to FBIHQ, Forfeiture and Seized Property Unit, Finance Division (FD), by the field office Paralegal Specialist.

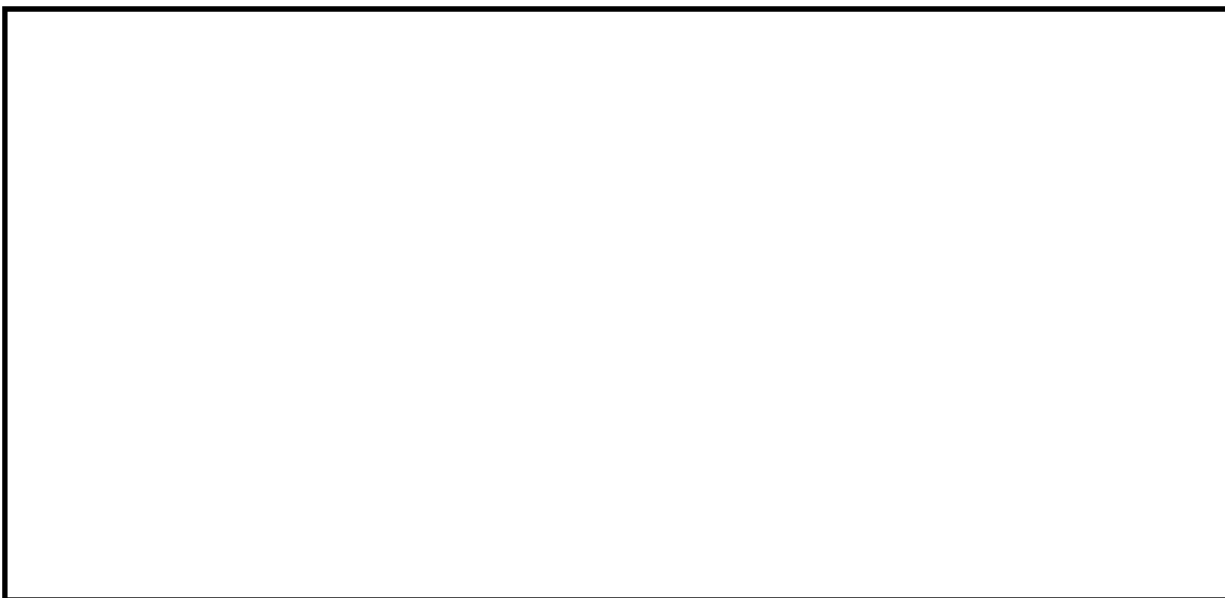
(3) The Forfeiture and Seized Property Unit, FD, in conjunction with the Legal Forfeiture Unit, Office of the General Counsel, will make a determination, based on data reported, as to whether the seized vehicle should be forfeited to the FBI.

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(7) Deleted



(10) Use of seized vehicles prior to the completion of the forfeiture process and receipt of written authorization from FBIHQ is prohibited, except for maintenance of vehicles in storage. The following guidelines are set forth:

- (a) All fluid levels must be checked when placing the vehicle into storage.
- (b) The battery cable should be disconnected to prevent a drain on the battery except when the vehicle alarm is powered by the battery.
- (c) The vehicle should be started once every month and if circumstances allow, the vehicle should be driven for 1/2 to 1 mile.
- (d) The vehicle should be checked periodically for leaks.
- (e) The oil and other fluids should be changed prior to placing the vehicle into service.
- (f) All belts and hoses should be checked prior to placing the vehicle into service.

#### **6-8.9.2 Excess Vehicles**

(1) The General Services Administration (GSA) maintains control of all government property including vehicles which are declared excess by other agencies. It is the function of GSA to screen, list, release, and sell such property. GSA is divided into ten regions and the National Capitol Region (NCR). Located within each region are Area Utilization Officers (AUO) whose functions include screening and listing the excess property located in government installations. This information is then supplied to one of the ten regional offices, which in turn will make the information available to interested agencies.

(2) Each field office located in a GSA Regional Office City should appoint a liaison representative to maintain direct contact with the AUO and determine when excess vehicles are available, where they are located

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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within the region, and the procedures for screening these vehicles. Preferably, personnel associated with undercover activities within the office should be designated as the liaison. When possible, the Automotive Maintenance Employee (AME) should accompany the liaison personnel when screening vehicles. Close personal contact with AUO will greatly assist your office in locating suitable vehicles.

(3) When a field office locates an excess vehicle suitable for use, notify FBIHQ, Attention: Property Procurement and Management Section, Finance Division, by electronic communication setting forth the following vehicle data:

- (a) Year/Make/Model
- (b) Vehicle Identification Number (VIN)
- (c) Description of vehicle (including all optional equipment)
- (d) Holding Agency (Include ZIP Code)
- (e) Location of property (Include ZIP Code)
- (f) Contact Agent of Holding Agency
- (g) GSA Excess Number or Agency file number
- (h) Mileage
- (i) Condition of vehicle
- (j) Existence of probable lien or storage costs and dollar (\$) amount of same
- (k) Color
- (l) Anticipated cost of repairs required to ensure the vehicle is in safe and dependable operating condition.

A field office requesting that the vehicle be assigned to an operation within their division should also include complete justification for retention of the vehicle. All requests to retain excess vehicles within the division must be reviewed and approved by the Undercover Coordinator within the field office.

(4) Upon receipt of this information at FBIHQ, the Finance Division will initiate the necessary steps with GSA to acquire the vehicle if it is cost effective to assimilate the vehicle into the FBI's automotive fleet. Assignment of excess vehicles is made in accordance with the prioritized ranking as set forth in Part 2, 6-8.9.1 of this manual.

**6-8.10 Rental of Motor Vehicles (See MAOP, Part 1, 12-2.2.1(7) and Part 2, 6-1.2.3.)**

(1) Rental of motor vehicles is authorized when necessary to support field office operations [REDACTED]

[REDACTED] Whenever it's anticipated use will exceed 30 days or the cost exceeds \$1000 per rental cumulative per case, prior Procurement Unit, FBIHQ authority must be obtained. Payment for these rentals can be made through the Third-Party Draft using authorized case funding. The SAC should assure that rental of any motor vehicle is completely justified. Rentals of vehicles for 30 days or less per assignment, but at a cost of more than \$1000, must be approved by personnel having delegation of procurement authority.

Each field office shall establish an administrative control file, designated Universal Case File Number 66-HQ-19482, in which copies of all requests for rental or leased vehicles will be filed. This control file should contain copies of the following documents as appropriate: the FD-794, Draft Request Form, along with the justification memorandum for SAC-authorized rentals, a copy of the communication to the substantive desk at FBIHQ requesting authority to rent or lease a vehicle(s) on a long-term basis, and a memorandum

**SENSITIVE**

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b7E

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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documenting [REDACTED]  
[REDACTED]

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(2) For rental or lease of vehicles exceeding \$1000 per case or extending beyond 30 days, requests should be submitted by written communication to FBIHQ. Depending upon the nature of the substantive case, the request will be directed to the Criminal Investigative Division (CID) or the Counterintelligence Division (CD) or the Counterterrorism Division (CTD). Requests for such rentals are not to be submitted to FBIHQ on a UACB basis.

(3) In addition to a complete justification, each request should include the following information: (See (12)(d).)

(a) Purpose [REDACTED]

(b) Year

(c) Make

(d) Model

(e) Body style

(f) Universal Case File Number (66-HQ-19482) and Case Code Name when applicable

(g) Monthly cost and estimated total cost

(h) Lease period

(i) A copy of the lease agreement

(j) FD-369 for the rental/lease.

Any of the above information that is not available at the time of the initial request, or changes after receiving approval, should be forwarded to FBIHQ, Procurement Unit, Finance Division (FD), by written communication.

(4) [REDACTED]  
[REDACTED]

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The leasing field office should be aware of the "Indemnity Clause" contained in standard leasing agreements which exempts the lessor from his/her negligent acts or omissions. This clause transfers liability to the lessee by requiring the lessee to indemnify the lessor for any judgments or claims brought against him/her. In those instances where the "Indemnity Clause" is contained in the lease agreement, the field office should attempt to have the clause removed.

(5) [REDACTED] the requesting office will rent or lease passenger carrying vehicles from vendors listed on the General Services Administration (GSA) Schedule. When there are no vendors listed on the GSA Schedule, or a local vendor can provide the required vehicle at a cost savings over the GSA Schedule, or the GSA vendor cannot supply the field office with the type of vehicle required, the submitting field office will obtain three bids which are to be submitted with the original request.

When the field office leases a vehicle from a vendor other than one listed on the GSA Schedule, they should be aware of the "Indemnity Clause" contained in standard leasing agreements. This clause exempts the lessor from his/her negligent acts or omissions transferring liability to the lessee by requiring the lessee to indemnify the lessor for any judgments or claims brought against him/her. It should be noted that many of the nationwide leasing and renting companies have agreed to delete the indemnity clause from lease

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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agreements with the FBI. In any instance where the "Indemnity Clause" is contained in the lease agreement, the field office should negotiate to have the clause removed.

(6) Upon receiving the incoming communications, the CD, CTD, or CID will prepare an addendum and forward the incoming request and FD-369 to PPMS, FD, where the FD-369 will be entered in the accounting system. When applicable, a copy of the lease agreement will be forwarded to the Contract Review Unit, FD.

(7) Deleted

(8) The request will then be forwarded to the Procurement Unit, FD. If the request has been given a favorable recommendation by the substantive desk and all procurement requirements have been met, the purchase order will be issued by the Procurement Unit and signed by an authorized contracting officer. The signed purchase order will be forwarded to the requesting field office authorizing them to lease the vehicle(s). PPMS will draft and execute a Determination and Finding (D&F) [REDACTED]

(9) [REDACTED] PPMS will return all supporting documentation to the Accounting Section which will wire the necessary funds directly to the field office.

(10) Deleted

(11) Deleted

(12) Emergency authority to rent or lease a vehicle may be obtained telephonically from FBIHQ provided:

(a) The circumstances of the case mandate an immediate need for a vehicle which preclude a written request.

(b) The telephonic request is first cleared through the substantive desk of CID, CD, or CTD and the Procurement Unit, FD.

(c) The request is cleared and approved by a contracting officer in PPMS.

(d) A written communication confirming that emergency authority was granted is submitted to FBIHQ with copies designated to the substantive desk of CID, CD, or CTD, and PPMS, FD. The communication should include all information required in paragraph (3) in addition to the name of the authorizing official, and will be routed as would a normal request as outlined above.

(13) Upon termination of an operation that has utilized a leased vehicle(s), the field office will immediately notify FBIHQ, Attention: Procurement Unit, FD, advising of the time remaining on the lease. Under no circumstances will the leased or rented vehicle(s) be kept by the field office [REDACTED] [REDACTED] without complete justification and approval from FBIHQ.

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### **6-8.11 Sale of Cars**

(1) Authority to dispose of a vehicle must be obtained from FBIHQ. Furnish the following information when requesting such authority -

(a) Make; model; mileage; and general condition

(b) Whether vehicle is operable

(c) City in which vehicle is located if other than headquarters city

(d) Any information which might make it advantageous to the government for FBIHQ to handle the sale rather than GSA.

(2) By GSA -

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(a) In most instances the sale will be handled by GSA. In some cities GSA has a consolidated sales site and the vehicle may be transported to this site when agreed to by GSA. At other locations, it is necessary to retain possession until the sale is completed. In these cases, it will be necessary to provide for the inspection by prospective bidders and Bureau must bear cost of care and handling of vehicles pending their disposal.

(b) Vehicles should be reported to GSA by means of SF-126, Report of Personal Property for Sale, and SF-126A, Continuation Sheet. These forms may be obtained from GSA in the usual manner. The reports should be filled in as follows:

Space No. 1 - Name and address of field office

2 - Number for the report should be Fedstrip activity address code, Julian date, line items numbered consecutively beginning with number 001.

3 - Current date

4 - FSC Group 23

5 - Total acquisition cost of all units listed

6 - If you retain possession of vehicle, show name and telephone number of individual to contact. If vehicle is taken to GSA sales site, leave blank.

7 - Physical location of vehicle, if in your possession. Leave blank otherwise.

8 - Region number and address of GSA regional office covering your area

9 - (a) (2) No

10 - (a) Yes

11 - (a) Yes

12 - Send executed documents to: Notice of sale - name & address of field office and Headquarters.  
Reimbursement - FBI Room 6863 935 Pennsylvania Avenue, Northwest Washington, D.C. 20535-0001

13 - 15F3875(02)

14 - 15-02-0001

15 - Signature and title of SAC

16 - List each vehicle as a separate item, giving make, model, motor number and Bureau car number.

17 - To be signed by GSA if vehicle is taken to GSA sales site, one copy returned to your office.

18 - To be signed by GSA and one copy returned to your office.

(c) The original SF-126 should be submitted to the regional GSA office; one copy should be maintained in the vehicle file; and one copy forwarded to FBIHQ, Attention: Fleet Management and Transportation Services Unit, Finance Division (FD), Room 6863. The field office should ensure that the Bureau Car Number and the Vehicle Identification Number (VIN) are reported for each vehicle listed on the SF-126. FBIHQ will make the appropriate changes to the field office's automotive vehicle inventory to reflect transfer of the vehicle to GSA.

(d) The information set forth on the SF-126 will be maintained by FBIHQ. Once the field office receives the GSA Form 27 or the proceeds from the sale of a Bureau vehicle, they should forward same to FBIHQ, Attention: Fleet Management and Transportation Services Unit, FD. Upon receipt of GSA Form 27 or the proceeds from the sale of a vehicle, FBIHQ will make the appropriate adjustment to the field office's vehicle inventory. A

**SENSITIVE**



**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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copy of the GSA Form 27 will be forwarded to the field office and should be posted as the final serial in the vehicle's administrative file. Each field office should review the Quarterly Motor Vehicle Report to ensure all inventory adjustments have been made. Any discrepancies should be reported immediately to the Fleet Management and Transportation Services Unit, FD.

#### **6-8.12 Transfer of Motor Vehicles (See MAOP, Part II, 6-8.5 (6).)**

The Automotive Management Unit, Property Procurement and Management Section, Finance Division (FD), will review and authorize the transfer of all Bureau automotive vehicles between field offices. Upon authorizing the transfer of a vehicle, FBIHQ will make the appropriate inventory changes. The field office transferring the vehicle should ensure that the administrative file is transferred with the vehicle to the receiving office. If a vehicle is being transferred intraoffice to or from a resident agency, the field office should advise FBIHQ, Attention: Automotive Management Unit, FD, of same.

#### **6-8.13 Motorcycle Training**

(1) Motorcycles owned, leased, or operated by the FBI may only be operated by personnel who have successfully completed a law enforcement motorcycle training school or its equivalent. Employees requiring training should locate a law enforcement motorcycle training school or contact the Finance Division (FD), Property Procurement and Management Section (PPMS), Automotive Management Unit (AMU), for information concerning enrollment in an equivalent training school. Motorcycle training programs must include riding conditions similar to those likely to be encountered while utilizing a motorcycle or law enforcement and surveillance purposes.

(2) Only personnel successfully completing an approved motorcycle training course may utilize a motorcycle in an official FBI capacity.

(3) Proof of completion of the motorcycle course must be submitted to FBIHQ, FD, PPMS, AMU.

#### **6-8.14 Valid State Motorcycle Operator's License**

Each employee must have a valid motorcycle operator's license endorsed by the state before he/she can enroll in a motorcycle training program.

#### **6-8.15 Required Safety Equipment**

(1) Each employee must wear the safety equipment mandated by the state in which the motorcycle is being operated.

(2) Even in states where it is not mandatory for the motorcycle operator to wear a helmet, FBI employees are expected to wear a helmet while operating a motorcycle on official FBI business. SAC authority must be obtained prior to any employee not wearing a helmet if the use of a helmet would compromise an operation.

#### **6-8.16 Fuel (Gas) Purchases for Bureau Vehicles**

(1) Bulk Fuel Purchases - All bulk fuel purchases must be purchased through the Defense Logistics Agency contracts where available. Bulk fuel purchases are restricted to 87 octane. Vehicles that require a higher octane are allowed to purchase fuel at a commercial retail service station.

(2) Commercial Retail Fuel Purchases

(a) Self-service pumps must be used at commercial retail service stations where available. Operators should use service stations that accept the U.S. Government Credit Card. The following exceptions from this policy apply:

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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1. The unavailability of self-service pumps;
2. The cost of fuel at a full-service station is the same or lower than the cost of fuel at a self-service station;
3. The physical limitations of the vehicle operator;
4. The refusal by a service station to honor the U.S. Government Credit Card for fuel pumped at self-service pumps;
5. Severe weather conditions.

(b) Commercial fuel purchases should be at the octane level recommended by the vehicle manufacturer. Premium gasoline should not be used in vehicles except for those vehicles that require premium. The use of mid-grade fuel for vehicles with a recommended octane rating of 87 is restricted for those vehicles that are subject to irregular driving conditions.

**6-9 PAYMENT FOR SERVICES AND GOODS (See MAOP, Part II, 6-7.1.6; MIOG, Part II, 23-6.13.)**

Authorized purchases in small amounts may be paid from the Draft System or Imprest Fund maintained in each office. Regulations governing use of the Draft System and Imprest Fund Accounts are set out under Part II, 6-3 of MAOP. All other reimbursements to vendors supplying goods and services to the FBI are accomplished through the submission of vouchers (SF-1034) or invoices.

**6-9.1 Public Voucher for Purchases and Services Other Than Personal Form, SF-1034 - Medical Examinations of Prisoners and Subjects**

(1) If no warrant was issued, SF-1034 may be issued to the physician. If warrant was issued, the U.S. Marshal will pay for the service. If the physician refuses to accept SF-1034, physician may be paid in cash and the amount reclaimed in Agent's expense account (SF-1012). If the expense is so claimed, SF-1012 must contain the statement, "No warrant issued - subject released."

(2) Original and one copy (on SF-1034a) executed by physician and approved by SAC to be forwarded to FBIHQ. Certification by payee not required.

**6-9.2 Invoices**

Invoices will serve as vouchers in all other instances. SF-1034 is not to be prepared by field offices to support invoices.

**6-9.2.1 Copies**

The original and one copy of invoices are to be forwarded to FBIHQ. (See one exception under 6-9.2.6, (3)(d), below, for gas and oil purchases in Maryland.) If the payee desires a copy of the invoice to be mailed with the check in payment thereof, one additional copy, designated as being for that purpose, must be forwarded. Use of this additional copy can be avoided by having the payee place a number to identify the account on the invoice and arranging to have this identifying number shown on the check.

**6-9.2.2 Date**

The date the invoice was received in the field office should be stamped on the FBIHQ (i.e., carbon) copy. The original invoice must bear the approval of the SAC. This can be done by affixing a rubber stamp, on the reverse side if no space available on the front, as follows:

"Approved by \_\_\_\_\_ (signature) Special Agent in Charge"

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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### **6-9.2.3 Certification**

Certification of invoices as to correctness and nonpayment is required only on invoices submitted by transportation companies.

### **6-9.2.4 Contract or Purchase Order Number**

When contracts or purchase orders have been written covering the invoiced item, the contract or purchase order number must appear on the invoice.

### **6-9.2.5 Discount Purchases or Services**

A special tag should be stapled to each invoice on which a discount is allowed if paid within a specified time. Discount terms must be shown on the special tag.

### **6-9.2.6 Invoices Covering Vehicle Services**

(1) Original of invoice covering purchases of gas and oil must be accompanied by copies of sales tickets; if possible, also furnish duplicate sales tickets with duplicate invoice. Sales ticket must contain name and address of vendor, signature of purchaser, quantity purchased, price, and date. Purchases must be broken down by date. Tickets supporting original bills from gas and oil companies must be matched to customer's copy of the tickets turned in by the purchaser to ensure that the billing only includes purchases actually made for use in Bureau vehicles, and that all discrepancies or unauthorized purchases are detected and resolved. If no invoice is furnished, the sales ticket must be in duplicate. The sales tickets and invoices must be reviewed in the field to be sure the above requirements have been met.

(2) Federal tax on gasoline and oil must be paid.

(3) State tax -

(a) Some states exempt the Federal Government from their taxes. The field office is responsible for determining whether the Federal Government may reclaim taxes. If the tax is levied by the state on the wholesaler, the Government is not exempt.

(b) In states which exempt the Federal Government from taxes, the SAC is to execute a U.S. Government tax exemption certificate, SF-1094, and deliver it to vendor. The number of the tax exemption certificate, quantity of gasoline, amount of tax excluded, and the name of state must be typed on each invoice.

(c) In the State of Maryland the Federal Government must pay the tax and then claim a refund when the vendor will not honor the SF-1094. In these instances, the SF-1094 is executed by the SAC as outlined above to indicate the amount of tax included, certified by an authorized representative of the vendor, and forwarded to FBIHQ with each invoice.

(d) The field office covering Maryland should furnish an additional copy of invoices covering purchases of gasoline and oil, for use in securing refund of taxes.

(e) If SF-1094 is not applicable, so state on invoice.

(4) Storage - Identity of vehicle stored, days on which vehicle was in storage, and monthly or daily rate must be shown. List storage separately from other services.

(5) Other vehicle services - Invoice must show type of service provided, date provided, total hours of labor, hourly rate, material used, unit cost of same, identity of vehicle involved, total cost of each item and total cost.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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### **6-9.2.7 Telephone Service**

Submit to FBIHQ original telephone invoice with the itemized toll listings for long-distance telephone calls. Maintain at field headquarters one copy of these invoices and toll listings for at least three years. (See MAOP, Part II, 2-4.5.12.)

### **6-9.2.8 Equipment Labor Charges**

Labor charges must be itemized to show hours of labor, rate per hour, and total labor charge; material charge must be itemized to show unit cost. If the claim for services rendered is on a job basis, it must be so indicated on the invoice. Bills for repairs must show that repair was to Government property.

### **6-9.3 Submission of Invoices and Bills to FBIHQ**

The Prompt Payment Act (Public Law 100-496), requires Federal agencies to pay their bills on time, pay interest penalties when payments are made late, and take discounts only when payments are made within the discount period. The Prompt Payment Act was implemented to effect timely payments, better business relationships with suppliers, improved competition for Government business, and reduced cost to the Government for goods and services.

#### **6-9.3.1 Policy**

(1) The Prompt Payment Act requires that when a specific payment due date is provided or a discount is taken, that payment be made as close as possible to, but no later than the due date. If no payment due date is specified, then payments must be made within 30 calendar days from either the date an invoice is received in an FBI office or by the designated employee specified within the contract or purchase order. The Act stipulates that if the date received is not recorded, then the 30-day period will be computed based on the invoice date.

(2) When payments are not made on time or when discounts are taken after the discount period has expired, an interest penalty of \$1 or more must be paid automatically without regard to whether the vendor has requested payment of the penalty. The penalty should be included with the payment at the "Renegotiation Board Interest Rate" applicable on the day after the invoice became overdue. The cost center associated with the delinquent invoice shall be charged with the interest penalty.

#### **6-9.3.2 Determining the Payment Due Date**

For the purpose of determining a payment due date and the date on which interest will begin to accrue, payment is due either:

(1) On the date specified in the contract, or

(2) If a payment due date is not specified, payment must be made within 30 calendar days from either the date an invoice is received in an FBI office or by the designated employee specified within the contract or purchase order. Only seven days are allowed from the date goods are delivered or services rendered to indicate rejection.

(3) In limited situations, payment may be made without evidence that supplies have been received. Certification that supplies have been shipped may be used as a basis for authorizing payment when individual orders do not exceed \$25,000. This payment procedure may be employed only when all of the following conditions are present:

(a) Deliveries of supplies are to occur where there is both a geographical separation and a lack of adequate communication between Government receiving and disbursing facilities, which makes it impracticable to make timely payments based on evidence of Federal acceptance.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(b) The contractor agrees to replace, repair, or correct supplies either not received at destination, damaged in transit, or not conforming to purchase requirements.

(c) Internal controls are in place to ensure that supplies acquired under these procedures are promptly inspected, that receiving reports and invoice documents are matched, and that steps are taken immediately to correct discrepancies.

### **6-9.3.3 Review of Invoices**

(1) Payment will be made based on receipt of proper invoices or satisfactory performance of contract terms. Acceptance is considered to have been made no later than seven days from the date goods are delivered or performance of service. Invoices should be reviewed as soon as possible for accuracy to facilitate the reimbursement process within the 30-day period.

(2) Improper invoices should be returned to the vendor not later than seven days from receipt of the invoice identifying the reason(s) that has prevented payment. When the agency fails to notify the vendor of an improper invoice within the seven-day period, the number of days allowed for payment of the corrected invoice will be reduced by the number of days between the seventh day and the day notification was transmitted to the vendor. Therefore, it's absolutely essential that the invoice and supporting documentation be promptly reviewed and submitted to FBIHQ so that payment can be made in accordance with the law. Invoices referred to FBIHQ for payment are required to be submitted with the following information (if applicable):

(a) Date invoice was received in the office.

(b) Date goods were received or service rendered.

(c) Date invoice was forwarded to FBIHQ for payment.

(d) Date invoice was returned to vendor, if improper, for payment.

(e) Date corrected invoice was received.

(3) Payment for invoices paid through the Draft System or Imprest Fund Accounts must be dated on or before the 30th day from the date invoice was received in the office to be in accordance with the Prompt Payment Act. Invoices that are not processed within the 30-day period must be forwarded to the Commercial Payments Unit, FBIHQ, for processing and issuance of payment.

### **6-9.3.4 Discounts**

Agencies offered discounts by a vendor from an amount due under a contract for property or services in exchange for payment within a specified time may pay the discounted amount only if payment is made within that specified time. When a discount is taken, payment will be made as close as possible to, but not later than, the discount date. Discounts should be taken whenever economically justified.

### **6-9.3.5 Making the Payment**

(1) Payment of an invoice can be made no earlier than seven days prior to the payment due date, unless approved by the agency, on a case-by-case basis that an earlier payment is necessary.

(2) Checks issued for payment must be dated on or before the 30th day. Whenever possible, the agency shall seek to enter into an agreement with the vendor for transmission of payments in excess of \$25,000 by Electronic Funds Transfer.

(3) Payments due on Sunday and legal holidays may be paid on the following business day without incurring late payment interest penalties. However, payments due on Saturday must be made on the preceding business day to avoid interest penalties.

**SENSITIVE**

### **6-9.3.6 Paying Interest Penalties**

(1) The temporary unavailability of funds to make timely payments for property or services does not relieve the agency from the obligation to pay the interest penalty or the additional penalties when incurred. An interest penalty of \$1 or more must be paid automatically, without a request from the vendor for late payments and discounts when taken improperly. Interest will be calculated at the rate applicable on the day after the due date and computed through the payment date.

(2) When the agency pays a late payment interest penalty, the payment must be accompanied by a notice stating the amount of the interest penalty included in the payment, the rate by which the penalty was computed, and the number of days used in calculating the penalty.

(3) When the agency takes a discount after the discount date, the interest payment will be calculated on the amount of the discount taken for the period beginning the day after the discount date through the payment date.

(4) The interest penalty shall be charged to the cost center associated with the delinquent invoice. The Prompt Payment Act does not authorize the appropriation of additional amounts to pay penalties.

### **6-9.3.7 Additional Penalties**

(1) The vendor shall be entitled to an additional penalty payment equal to 100 percent of the original late payment interest penalty when interest on late payments is not paid in a timely manner. The agencies are allowed up to ten days following payment of an invoice to effect payment of the late payment interest penalty. If payment is not made within ten days, the interest penalty is doubled.

(2) The vendor is required to make a written request no later than 40 days after the date on which the payment was due to effect reimbursement of the double payment penalty.

(3) The additional penalty does not apply to the payment of utility bills because late payment penalties for these bills are determined through the rate-setting process.

### **6-9.3.8 Reporting**

At the end of each fiscal year, no later than November 15th, a report must be filed with the Director of Office of Management and Budget, setting forth the following information:

(1) Invoices subject to the Prompt Payment Act.

(a) Dollar Value

(b) Number

(2) Invoices paid after due date.

(a) Dollar Value

(b) Number

(3) Number, total amount, and relative frequency of payments made 1-7 days after the due date and payments made 8-15 days after the due date.

(4) Number and total amount of interest penalties.

(5) Reasons that interest penalties were incurred in order by the frequency of the occurrence.

(6) Discounts.

(a) Number available

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(b) Number not taken and reason why; and

(7) An analysis of the progress made, problems identified and corrective actions taken to improve the timeliness of payments.

## **6-10 PHYSICAL INVENTORIES OF PROPERTY, PLANT AND EQUIPMENT**

(1) The Department of Justice Property Management Regulations require all bureaus to conduct a physical inventory of all nonexpendable personal property annually, but the inventories may be performed every two years if directed by the bureau head.

(2) The FBI will conduct a yearly inventory of all capitalized assets and sensitive property items which are central processing units, COMSEC equipment, firearms, jewelry and laptops. Biannually, the FBI will be required to conduct a full wall- to-wall inventory of all property, plant and equipment.

(3) The Finance Division will notify each division when to commence the yearly and biannual inventories and the deadline for completion. At the conclusion of the inventories, the Finance Division, Property Management Unit, will review and submit the inventory results to the Executive Assistant Director - Administration and the Department of Justice.

### **6-10.1 Nonexpendable Inventory**

(1) Complete instructions, procedures and policies regarding the accountability of nonexpendable property, capital leases, service contracts and warranties are set forth in the Accountable Property Manual.

(2) The policy and procedures for the acquisition of excess nonexpendable property from other Government and military entities are also set forth in the Accountable Property Manual. The Property Management Officer (Chief, Property Procurement and Management Section) is the only individual who has been delegated authority by the Director to approve the acquisition and transfer, by SF-122, of all nonexpendable and expendable property.

### **6-10.2 Issued Personal Property**

All Bureau property such as credentials, badges, weapons, clothing, etc., issued and in the possession of an FBI employee must be maintained on the Bureau Personnel Management System, Issued Personal Property (IPP) System and Form FD-281, Receipt of Government Property, must be executed. Authorized users in each office have the capability to query all information concerning property assigned to an employee within their division.

(1) Authorized personnel have the capability to add, change, and/or delete information in the following fields:

(a) DRIVER'S LICENSE NUMBER; EXPIRATION DATE

(b) CELLULAR PHONE

(c) BEEPER NUMBER

(d) KEYS

(e) OTHER PROPERTY

When an employee is issued any of the following government property, he/she must execute Form FD-281 and forward it to the Property Management Unit (PMU), Property Procurement and Management Section (PPMS), Finance Division (FD): badges, credentials and identification badges. PMU will implement any additions, corrections and/or deletions to the Bureau Personnel Management System (BPMS), Issued Personal Property Subsystem (IPP), from the executed Form FD-281. A separate FD-281 should be executed for telephone calling cards and submitted to the Telecommunications Services Unit (TSU),

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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Operations Section (OS), Information Resources Division (IRD). The TSU will implement any changes to the BPMS, IPP. A separate FD-281 is required for the Bureau travel card. The FD-281 should be forwarded to the Travel Advance and Payment Unit (TAPU), Accounting Section, FD. The TAPU will implement any changes to the BPMS, IPP Subsystem.

(a) through (g) Deleted

When an employee transfers to another field office, the employee must return any issued building access badges, keys, beepers, and/or other equipment assigned to the employee by his/her division.

When weapons are issued by the Weapons Management Facility, National Firearms Program Unit (NFPU), Training Division, an executed FD-281 must be returned to the NFPU. Personnel who are issued weapons from the division gun vault are to execute an FD-281 which must be maintained on file by the division. Ballistic Protective Undergarments (BPU's) are issued to field divisions by the NFPU. When BPU's are issued by the divisions, an FD-281 is to be executed and maintained by the division.

(2) A physical inventory of issued personal property for each employee must be conducted the year following the Bureauwide inventory of property, plant and equipment. The Finance Division will advise all divisions when to commence the inventory.

(a) Each division must conduct a physical inventory of issued personal property assigned to their employees during February of every odd-numbered year. The inventory should be conducted by the SAC or a designated management representative. At FBIHQ, the division head's designated representative will conduct this inventory. To assist personnel conducting this inventory, Individual IPP reports should be executed through the Bureau Personnel Management System. The property of each employee must be actually checked and verified against the computer printouts.

In addition, when an employee is officially transferred, an inventory must be conducted by the office from which the employee is departing. However, the Property Management Officer or his/her designee may conduct an inventory at any time.

(b) When the physical inventory has been completed, each division must submit Form FD-672, along with the discrepancies for Agent badges, credentials and identification badges to the PMU, PPMS, FD. An FD-672, along with the discrepancies for the telephone calling cards, are to be sent to TSU, OS, IRD. Form FD-672 and discrepancies for the Bureau travel card are to be submitted to TAPU, AS, FD. All discrepancies for weapons issued by the TD should be sent to the NFPU, TD, with an FD-672.

(c) Deleted

(d) Deleted

(3) When disposing of property, the following property must be returned immediately to the PMU: credentials (Agent and non-Agent) and badges. They must be packed separately from any other item and forwarded to FBIHQ, Attention: PMU, PPMS, FD, by registered mail, with an FD-367 (original). All telephone calling cards must be returned immediately to FBIHQ, Attention: TSU, OS, IRD, by registered mail, with an FD-367 (original).

(a) FBI identification cards, U.S. government license, and FBI Employees Handbook should be disposed of by each field division. Each field division must immediately notify the PMU by submitting an FD-367 for any of the above property.

(b) Weapons and Ballistic Protective Undergarments must be packed separately and forwarded directly to FBI Academy, Room 110, DN Building, Quantico, Virginia 22135, by registered mail, along with a copy of FD-367. A notation must be made on the original FD-367 that the property has been forwarded directly to Quantico under separate cover. (See MAOP, Part 1, 17-1.7.1, Part 2, 2-4.5.21; MIOG, Part 2, 12-5.)

**SENSITIVE**



**SENSITIVE**

**ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(4) Manuals that are returned to FBIHQ, Attention: Manuals Desk, must have Form FD-474 attached to each manual returned. (See MAOP, Part 1, 17-1.7.2.)

### **6-10.3 Deleted**

### **6-11 ADIC/SAC AUTHORITY TO APPROVE LIMITED CONFIDENTIAL EXPENDITURES FOR INVESTIGATIVE OPERATIONS (ALSO SEE FBI CONFIDENTIAL FUNDING GUIDE; MIOG, Part 2, 10-14, 10-14.1.1, 10-14.1.2 & Legal Attache Manual, 2-7.)**

(1) ADICs/SACs may authorize up to \$100,000 per fiscal year for confidential expenditures incurred in connection with any single investigative matter. ADIC/SAC authority in the amount of \$100,000 is automatically renewed for each case, informant, or asset at the beginning of each succeeding fiscal year, unless advised to the contrary by FBIHQ. No restrictions, except as noted below, are being set forth as to the particular types of expenditures which may be made. It is recognized that, dependent on circumstances at the time of disbursement, a particular type of expenditure may be appropriate in one case and inappropriate in others. ADICs/SACs must, as part of their executive responsibilities, act in good faith and exercise sound judgment in approving each expenditure. When the ADIC/SAC is unavailable, the ASAC may authorize expenditures if specifically designated by the ADIC/SAC.

The FBI is prohibited from any type of financial involvement with its employees, relatives or friends of employees, business concerns or organizations owned or substantially owned or controlled by one or more employees, unless specifically approved by FBI Headquarters in advance. All such requests must be submitted in writing to the Accounting Section, Finance Division. The restriction on government agencies which prohibits financial involvement with its employees or relatives of employees is to avoid either actual or perceived conflicts of interest which may arise with respect to the government showing favoritism or preferential treatment toward its employees. (See MAOP, Part 1, 1-14.2.)

(2) If expenditures are projected to exceed ADIC/SAC authority of \$100,000 during the fiscal year, a request for additional authority must be sent to the appropriate substantive program manager at FBIHQ to request ADDITIONAL AUTHORITY in the amount of expenditures that are anticipated for the remainder of the fiscal year. Each request must include a statement as to the availability of funds in the field office budget. If the balance of available budgeted funds is insufficient to support planned expenditures, the authority request must include a request to reallocate funds from another budget category or to supplement the total field office budget. The date upon which additional authority was granted must be noted on each advance or expense request in excess of \$100,000. In those specific cases, usually undercover operations (UCO), for which written authorization is obtained from FBIHQ to expend a specified amount of funds, the \$100,000 ADIC/SAC case authority is rescinded. Payments to informants and directly related expenses must be charged to the field office informant budget and NOT the case or UCO budget.

Employee certifications of expenditures submitted to cover confidential purchases in situations where obtaining a receipt was not feasible or prudent will no longer be acceptable if there is a reasonable expectation that the average customer would have received a receipt. In the current environment of computerized cash registers, even in the smallest of businesses, there is a realistic and reasonable expectation of receiving at least one, possibly two receipts (if a credit card is used) for all purchases. The submission of certifications will require written justification on the FD-794, Draft Request Form, or on the certification. Also, written justification must be submitted regarding all attempts made to replace lost receipts.

(3) Although it is not possible to set forth guidelines as to the particular types of confidential expenditures which may be made in all cases, it must be clearly understood that all expenditures, regardless of type, must meet the following criteria:

(a) Each expenditure must be in direct support of investigation.

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(b) Each expenditure must require confidentiality or be directly related to an operation or activity requiring confidentiality. The confidentiality arises from the need to conceal the FBI as the source of the payment from the vendor, or from third parties or from the public, to avoid compromising covert activity.

(c) Each expenditure must be necessary in the circumstances apparent at the time of expenditure.

(d) Each expenditure must be reasonable as to type and amount based on value received and overall circumstances present at the time of expenditure.

(4) The ADIC/SAC must ensure that each disbursement is supported by adequate, written documentation which clearly identifies that the disbursement conforms to the criteria listed above. This documentation is considered an integral part of confidential records.

(a) If the ADIC/SAC is in doubt as to the propriety of using confidential funds, the matter should be referred to the appropriate unit within the Finance Division at FBIHQ.

(b) Questions concerning the proper level of authority required and the operational use of confidential funds should be referred to the appropriate investigative division at FBIHQ for determination.

(5) The types of transactions which are prohibited or should at least be referred to FBIHQ for specific approval are as follows:

(a) Purchase of real property;

(b) Lease of real property where obligation will be in excess of 60 days. See MAOP, Part 2, 6-5.1 (5);

(c) Execution of contracts obligating funds of the FBI. Such contracts must be executed by a contracting officer at FBIHQ or at your field office depending upon the dollar value of the contract. See MAOP, Part 2, 6-5.2;

(d) Deleted

(e) Expenditure of funds for insurance on government property or property utilized by the government except in instances where such expenditures are necessary for cover purposes; and

(f) Expenditure of funds for maintenance of equipment or vehicles provided on a loan or use agreement with private industry.

(g) Deleted

(h) Deleted

(i) Deleted

(6) The purchase of evidence with confidential funds must meet the following criteria:

(a) The purchase of evidence in excess of ADIC/SAC authority will require prior FBIHQ approval.

(b) The ADIC/SAC, or the ASAC in the ADIC's/SAC's absence, may personally approve the purchase of drug evidence up to \$20,000 in confidential case fund authority. At the discretion of the ADIC/SAC, this authority may be delegated to an ASAC so long as the delegation is documented. Prior FBIHQ authority is required for any single drug purchase of \$20,000 or more.

All drug buys in any case are counted against the field office drug evidence purchase budget. (Also see MIOG, Part 1, Section 281-4.1.2.)

1. Deleted

2. In all instances where funding has been approved by FBIHQ for any single purchase of \$20,000 or more, a separate communication must be submitted to FBIHQ within ten workdays after each additional drug purchase is consummated, including the date and amount of drugs purchased, the price paid, the identity of

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

the subject(s) from whom drugs were purchased, and a brief explanation of the investigative and/or prosecutive objectives furthered by purchasing the drugs. This communication should document FBIHQ authority for the purchase.

(c) In the event that the victim or a third party has an interest in the evidence to be purchased, only funds of the victim or interested third party are to be used at the time of purchase. Use of FBI funds to be reimbursed with funds from the victim or third party is prohibited. Very limited exceptions to this policy may be authorized by FBIHQ in emergency situations where necessity and justification are fully documented. Prior to requesting approval, the field office must obtain a written agreement for each transaction from the victim or interested third party describing the following:

1. the details of the transaction and the purpose for which the funds are to be used, including the specific property/evidence to be recovered.
2. a promise from the victim or interested third party to furnish the funds.
3. the legitimate and articulated financial interest of the victim or third party in the property/evidence to be recovered.
4. an acknowledgement that the FBI, acting as a conduit, is not in possession of the property, is not selling the property and cannot guarantee the nature or condition of the property recovered with the third party funds.

(d) In addition, the office must obtain documented operational authority from the appropriate substantive desk at FBIHQ and documented administrative authority from the Office of the Chief Contracting Officer (OCCO), Property Procurement and Management Section, Finance Division. Approval from the appropriate substantive desk and OCCO will only be granted after the written agreement from the victim or interested third party has been obtained.

(e) FBI funds cannot be utilized to purchase stolen property. Third party funds must be obtained prior to the transaction.

(7) All employees using confidential funds should be aware of three limiting factors:

(a) Budget Limits - The amount of funds available to support confidential expenditures is set by FBIHQ. This amount cannot be exceeded unless the ADIC/SAC requests a supplement or the reallocation of funds.

(b) Operational Authority - Authority limits of the ADIC/SAC and operational divisions at FBIHQ are operational in nature. They are set on a case-by-case basis with the understanding that sufficient funds must exist in the appropriate budget category to support expenditures.

(c) Source of Funds - Appropriated funds required to pay confidential expenditures may be obtained from the Draft System or from an advance of funds from FBIHQ. All expenditures, regardless of the source of appropriated funds, reduce the balance of available budgeted funds and the amount of operational authority granted for the case. Funds may also be provided by third parties and from proceeds from undercover operations. The expenditure of these funds reduces the balance of operational authority granted for the case, but does NOT reduce the balance of available appropriated funds.

## **6-12 ADVANCE OF FUNDS - CENTRALIZED CONTROL SYSTEM (See MIOG, Part 2, 10-14 & 10-14.4.)**

Each office must designate an employee to record all advances from FBIHQ for confidential expenditures in a centralized control system under the direct supervision of the SAC or ASAC. The system will contain summary financial and administrative data to allow the SAC to determine the balance, voucher status, audit status, and date of the last cash count for all funds advanced to that office. The control system will consist of an advance of funds control file for all bureau communications which authorize and confirm advances of

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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funds from FBIHQ, a journal which records the receipt of all advances and transmittal of related vouchers, and a ledger containing an individual page for each case which has received an advance of funds from FBIHQ.

### **6-12.1 Advance of Funds Control File**

Each office will open a "66F" control file to be captioned "Advance of Funds Control File" to be maintained by the person assigned to manage the centralized control system under the direct supervision of the SAC or ASAC. The file must be maintained in a secure location and access must be limited to essential personnel only. The file should be maintained with one copy of each Bureau communication authorizing and confirming each advance of funds. The Bureau will assist in this effort by adding an extra copy to each authorizing communication and each confirming communication and by adding "(66F- ) Advance of Funds Control File" to the copy count of these outgoing communications.

### **6-12.2 Advance of Funds - Journal**

Form FD-915, titled "Centralized Control System Advance of Funds Journal," is to be used to record the receipt of all advances and the transmittal of related vouchers in chronological order. The following information should be included in the journal.

- (1) Date of transaction.
- (2) Amount of transaction.
- (3) Universal case file number.
- (4) Accountable Officer.
- (5) Description of transaction.
- (6) Description of advance involved in transaction.
- (7) Deleted

### **6-12.3 Advance of Funds - Ledger**

- (1) Form FD-914, titled "Centralized Control System Advance of Funds Ledger," is to be used to create a ledger which will contain a separate page for each case which has received an advance of funds.
- (2) The ledger should be segregated into two sections, one for cases which have advance balances outstanding and one for advances which have been completely liquidated.
- (3) Each ledger page (FD-914) must contain the following information regarding the case: (See MAOP, Part 2, 6-12.4(2)(c).)
  - (a) Universal Case File Number
  - (b) Case Caption
  - (c) Case Agent/Accountable Officer (d) Location of Funds
  - (e) Date
  - (f) Date Sent
  - (g) Description/Type of Entry
  - (h) Amount of Transaction
  - (i) Outstanding Balance

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(4) Each ledger page (FD-914) will contain the following regarding each advance received for that specific case: (See MAOP, Part 2, 6-12.4(2)(c).)

- (a) Date Advance Received
- (b) Date of Authorizing Communication
- (c) Any restrictions on expenditures specified in the authorizing communication
- (d) Date of Confirming Communication
- (e) Amount of Advance

(5) Each ledger page (FD-914) will contain the following information regarding the vouchering of expenses from the advance: (See MAOP, Part 2, 6-12.4(3)(a).)

- (a) Date Voucher Was Signed
- (b) Period Covered by the Voucher
- (c) Amount of Expenses Claimed on the Voucher (Amount on Line 8b of Voucher, SF-1012, or the Amount Reported on an FBIHQ Blue Slip, FD-37)

(6) Each ledger page (FD-914) will reflect the most current balance outstanding for the case. The balance must agree with the balance outstanding (Line 8d) on the last voucher submitted and with the actual cash on hand as of the end of the period reported on that voucher.

(7) Each ledger page (FD-914) will reflect the date of each monthly cash count and the identity and title of the employee who physically counted the cash.

(8) Each ledger page (FD-914) will reflect the date each internal audit was completed and the period subjected to audit.

### **6-12.4 Control System Procedures**

(1) Each office is to assign an employee the responsibility for maintaining the centralized control system under the direct supervision of the SAC or ASAC.

(2) Upon receipt of an advance of funds each office will:

- (a) Ensure that a copy of the authorizing communication has been filed in the Advance of Funds Control File.
- (b) Record the date the funds were received on the copy of the confirming communication that is to be filed in the Advance of Funds Control File.
- (c) Utilize the authorizing and confirming communications to prepare or update a ledger page (FD-914) for the advance, recording on the ledger page (FD-914) the information detailed in 6-12.3 (3) and (4).

(3) Upon submission of a Voucher (SF-1012) or Blue Slip (FD-37) to FBIHQ each office will:

- (a) Record on the appropriate ledger page (FD-914) the information detailed in 6-12.3 (5).
- (b) Determine the outstanding balance due (subtract the amount claimed from the previous balance outstanding) and ensure that the balance on the ledger page (FD-914) agrees with the balance outstanding on Line 8d of the voucher.

(4) Upon submission of a cashier's check or wire transfer to FBIHQ, each office will determine the balance outstanding and record on the ledger page (FD-914):

- (a) The Amount Returned
- (b) The Date Returned

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(c) The Date of the Transmittal Communication

(d) The New Outstanding Balance

(5) Unannounced, independent cash counts are required at least once a month for all advanced funds maintained or held in the form of cash. These cash counts are to be documented on the form FD-917, titled "Cash Count Certification Report." The amount certified on each FD-917 will be included on the form FD-916, titled "Cash Count Summary Report," which summarizes all cash, not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. An FD-916 is to be provided monthly to executive management via electronic communication, highlighting any discrepancies, safeguarding weaknesses, or irregularities noted during the cash counts. All cash counts are to be documented on the appropriate Centralized Control System ledger page (FD-914).

(a) It is the responsibility of each division's Audit Coordinator to review the Centralized Control System journals and ledgers, Third Party Draft system records, and each divisional form FD-913 to identify other cash in the division to be counted. These steps will allow the Audit Coordinator to locate and identify all cash not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. Once located, the Audit Coordinator will arrange for an independent, monthly count of this cash. These cash counts are to be documented on the form FD-917, titled "Cash Count Certification Report."

(b) Deleted

(c) Deleted

The actual cash count sheet must be retained in the case file.

(6) Upon completion of an internal audit, as required by the CONFIDENTIAL FUNDING GUIDE or requested by the SAC or the Bureau, each office will record on the ledger page (FD-914):

(a) The Period Subjected to Audit

(b) The Dates the Audit Commenced and was Completed

(c) The Title and Identity of the Auditor

## **6-13 SUBMISSION OF CASH, CHECKS, AND MONEY ORDERS BY FIELD OFFICES AND LEGAL ATTACHE OFFICES TO FBI HEADQUARTERS**

### **6-13.1 Time Limits for Submitting Checks and Money Orders to FBIHQ**

(1) A ten-day turnaround time period shall be observed between the purchase of money orders or cashier's checks by field and Legal Attache offices and the submission of these items to FBIHQ for processing.

(2) A ten-day turnaround time period shall be observed between the receipt of cash, checks, or money orders by the field or Legal Attache office and the submission of checks or money orders to FBIHQ for processing.

### **6-13.2 Procedures for Submitting Checks and Money Orders to FBIHQ**

(1) When submitting money orders or cashier's checks, the field or Legal Attache office should retain the purchaser's copy in the event that the instrument is misplaced, lost, or stolen in transit.

(2) When purchasing money orders or cashier's checks, the payee section should be completed with the inscription "Federal Bureau of Investigation," or "FBI." Under no circumstances should remitters (field and legal attache offices) make checks payable to individual officers or employees of the Government by name (Treasury Financial Manual 5.2020).

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(3) Occasionally, checks are received from sources outside of the FBI, e.g., checks relating to jury duty, Bureau car accidents, and certain confidential transactions. When submitting checks which have been endorsed over to the FBI, a limiting endorsement should be used to restrict payment to the FBI. The endorsement should read "Pay to the Order of the FBI," followed by the signature of the endorser so as to match exactly the payee spelling on the check.

(4) Checks or money orders that are submitted by the Legal Attaches to FBIHQ should always be denominated in U.S. currency and payable on a U.S. bank.

### **6-13.3 Tracking the Submission of Checks and Money Orders to FBIHQ**

A central log should be maintained by the Office Services Manager or his/her designee in each field office showing when monetary items are received/purchased and when submitted to FBIHQ. This log should be reviewed at regular intervals by supervisory personnel to ensure that monetary items are submitted to FBIHQ on a timely basis.

### **6-13.4 Submission of Cash to FBIHQ**

Except when submitting cash as evidence, cash should never be sent to FBIHQ, regardless of the amount. Instead, a money order or cashier's check should be purchased and forwarded to FBIHQ.

### **6-13.5 Inquiries Regarding Wire Transfers of Funds**

Follow-up calls from FBIHQ regarding the wire transfer of funds should be considered priority requests since the FBI cannot utilize such funding until it is placed in the proper appropriation account.

### **6-13.6 Submission of Deposit Ticket for Wire Transfers**

If funds are wired to FBIHQ through a Federal Reserve Bank rather than a contact bank, and an SF-215 Deposit ticket is issued, one copy should be made for retention by the field office and the original copy should be sent to FBIHQ. Unless this procedure is followed, FBIHQ will have no supporting documentation for the transaction and will not be able to utilize the funds.

### **6-13.7 Returning Advances of Show Money or Buy-Bust Funds**

When returning advances of show money or buy-bust confidential funds, the entire corpus of the advance should be returned - Example: If \$30,000 is wired out to a field office, the entire \$30,000 should be wired back. Any costs associated with the return of funds, such as wiring fees or costs incident to the purchase of cashier's checks or money orders, should be paid out of the Draft System or Imprest Fund Account.

### **6-13.8 Returning Funds in Excess of \$25,000**

Funds in excess of \$25,000 should be wired to FBIHQ. Refer to the CONFIDENTIAL FUNDING GUIDE for instructions on the wiring of funds.

### **6-13.9 Identifying Data to Accompany Submission of Checks and Money Orders**

Transmittal documents (electronic communications, routing slips, etc.) should provide sufficient identifying information so that the correct appropriation account can be credited. In addition to basic identifying data, such as the name of the field office submitting the monetary items, the following minimum descriptive information should be provided, along with any enclosures specified:

- (1) Commercial Refund:
- (a) Copy of invoice (if available).

**SENSITIVE**

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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- (b) Date monetary item received.
- (c) Vendor name.
- (d) Invoice number.
- (e) Invoice amount.
- (f) Complete address of vendor.
- (g) Purchase Order number.
- (h) Reason(s) for the refund.
- (2) Confidential Expense Refund:
  - (a) Month and year originally vouchered.
  - (b) Purpose for expenditure (e.g., utility deposits, lease deposits, security deposits).
- (3) Confidential Case Advance: (includes wire transfers)
  - (a) Case number.
  - (b) Identification of recipient field office.
  - (c) Amount of original advance.
  - (d) Date advance received.
  - (e) Name of case Agent.
  - (f) Indication if show money or buy-bust.
- (4) Travel/Transfer Advance:
  - (a) Date advance received.
  - (b) Original amount of advance.
  - (c) Name of recipient.
  - (d) Purpose of travel.
- (5) Miscellaneous: (e.g., court-ordered restitutions, Bucar accidents, witness fees).
  - (a) Reason why funds submitted (be specific).
  - (b) Amount.
  - (c) Date funds received.
- (6) Evidence: Follow guidelines for submitting evidence as enumerated in Part 2, Section 2-4.4, of this manual.

**6-13.10 Where to Send Checks and Money Orders**

- (1) Monetary items associated with travel and/or transfer matters (including imprest fund matters and airline refunds) should be forwarded to FBIHQ, Attention: Travel Advance and Payment Unit.
- (2) Monetary items associated with commercial activities (including vendor refunds) should be forwarded to FBIHQ, Attention: Commercial Payments Unit.

**SENSITIVE**



**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(3) Monetary items associated with confidential expenditures should be forwarded to FBIHQ, Attention: Confidential Services Unit.

(4) Monetary items associated with activities not mentioned above should be forwarded to FBIHQ, Attention: General Ledger Unit.

#### **6-14 ACCOUNTABILITY FOR OTHER FUNDS RECEIVED BY THE FBI**

(1) On occasion, the FBI will receive project-generated income, cash reimbursements, third party source funds, victim funds, victim company funds, other agency funds, cooperative source cash, proceeds from covert operations, and cash maintained separately from the sale of covert inventory. These funds, when maintained in the form of cash, must be kept in a cash box, equipped with two keys, and stored in a relatively nonmovable safe or storage facility with a three-position-dial combination feature when not being utilized. Form FD-913, titled "Access Log - Safes and Storage Facilities Containing Cash and Valuables," is to be used to document those individuals having access to the funds stored in a safe or storage facility. The combination and duplicate key to the cash must be placed in a sealed, signed, and dated envelope and placed in the safe of the SAC. Cash boxes must be kept locked at all times and combinations changed at least annually or whenever there is a change in accountable officer. Other funds received, held in the form of cash, should not be stored in file cabinets with key locks or employee desk drawers.

(2) It is the responsibility of each division's Audit Coordinator to review the Centralized Control System journals and ledgers, Third Party Draft system records, and each divisional form FD-913 to identify other cash in the division to be counted. These steps will allow the Audit Coordinator to locate and identify all cash not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. Once located, the Audit Coordinator will arrange for an independent, monthly count of this cash. These cash counts are to be documented on the form FD-917, titled "Cash Count Certification Report." The amount certified on each FD-917 will be included on the form FD-916, titled "Cash Count Summary Report," which summarizes all cash not maintained in a bank account or in tamper-resistant, appropriately witnessed, sealed containers in the custody of the Evidence Control Technician. An FD-916 is to be provided monthly to executive management via electronic communication, highlighting any discrepancies, safeguarding weaknesses, or irregularities noted during the cash counts.

**SENSITIVE**

## SECTION 7. NATIONAL CRIME INFORMATION CENTER (NCIC) |(See MIOG, Part 1, 91-13.4 (7); Part 2, 10-3, 21-14.)|

| NCIC is a computerized index of documented criminal  
| justice information available 24 hours a day, 365 days a year. NCIC  
| is a nationwide system dedicated to serving and supporting local,  
| state, and federal criminal justice agencies in their missions to  
| uphold the law and protect the public.|

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

### | 7-1 PROPERTY (INCLUDING VEHICLES, LICENSE PLATES, GUNS, ARTICLES, SECURITIES, BOATS AND VEHICLE/BOAT PARTS)|

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

#### 7-1.1 Inquiry to Determine if Record of Property is on File in NCIC

(1) Ordinarily, an inquiry of an NCIC property file will be made through the terminal located in field office. However, an inquiry may be made through a local agency's terminal when it is more advantageous or convenient. The identifier of the field office for which the inquiry is being made should be used. If the field office makes an inquiry for a local agency, the local agency's identifier should be used.

(2) Where an operational inquiry concerning property results in a valid positive response(s) (hit(s)), contact the originating agency of each record possibly identical with the property in question to confirm the hit(s). Following confirmation with the originating agency(s), a locate message must be transmitted for each record on file which is identical to the property inquired upon. Also, retain original of terminal-produced printout showing inquiry message transmitted and record(s) on file in NCIC in exhibit envelope of substantive case file or other appropriate file.

\*\*EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

#### 7-1.2 Entry of Property Record

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

The case Agent should ensure that a record for each uniquely serialized property item reported stolen in a Bureau case is promptly entered in the appropriate NCIC file by the office covering

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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the location where the theft occurred. Timely entry of an article, boat, gun, license plate, vehicle/boat part file, securities, and vehicle file record means as soon as possible once the minimum data required for entry and the record documentation is available. Information about stolen license plates and vehicles should be verified through the appropriate motor vehicle registration files prior to record entry if possible. However, if motor vehicle registration files are not accessible, the record should be entered into NCIC and verification should be completed when the registration files become available. The case Agent should furnish information concerning property to be entered in NCIC to supervisor by one of the following means (Note: NCIC notations should not be made on documents of evidentiary nature.):

(1) Teletype, electronic communication (EC), report or Form FD-71 (complaint form) which sets forth descriptive data concerning item(s) to be entered in NCIC. (See (2) below.)

(a) Supervisor will stamp serial containing entry information with NCIC activity block, check "Entry" on block, initial, and route to terminal operator.

(b) After entering property, terminal operator will initial and date NCIC activity block and record NCIC number in appropriate space. Terminal operator will place a check mark on the NCIC line or stamp "NCIC" on the case file cover, insert NCIC Activity Log (FD-487) as top serial in case file, and place "entry" data on first line of log. Terminal operator will attach serial containing entry information to original of terminal-produced printout showing entry message transmitted, computer's acknowledgment confirming acceptance of entry, and any additional NCIC records relating to the property.

(c) Information Management Assistant will serialize document (form containing entry information, original of terminal-produced printout(s), and any other attached information). He/She will also stamp "NCIC" on case file jacket, insert NCIC Activity Log (FD-487) as top serial in case file, and complete "entry" data on first line of log if not accomplished by terminal operator.

(d) Case Agent will verify accuracy of entry by comparing terminal printout with entry information and initial NCIC activity block on serial containing the entry information; initiate any necessary investigative action with respect to any additional record(s) relating to property in NCIC. Terminal printout is to be filed in substantive case file.

(2) Case Agent will complete one copy of appropriate entry form FD-414, FD-415, or FD-416 in legible hand printing and follow instructions in Section 7-1.2(1)(a) thru (d), above.

\*\*EffDte: 11/05/2002 MCRT#: 1240 Div: D1

Cav:

SecCls:

**SENSITIVE**

### **7-1.3      Modification of Property Record**

|                    |An NCIC property record should be modified as soon as  
| possible following the detection of erroneous data in an existing  
| record or the receipt of data not already stored in the record.|

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing changes, additions, or deletions of identifying data; check "Modify" and initial where appropriate on block; specify what data is to be added, changed, or deleted, e.g., "Add VIN, see p. 3"; "Add model"; and route to terminal operator.

(2) After modifying record, terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "modify" data on NCIC Activity Log. Terminal operator will attach office file copy of communication to original of terminal-produced printout showing modify message transmitted and computer's acknowledgment confirming modification of record.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout(s)) and complete "modify" data on NCIC Activity Log (FD-487).

(4) Case Agent will verify proper modification of record by review of terminal printout and initial NCIC activity block on serial containing modify information. Terminal printout is to be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1                    Cav:                    SecCls:

### **7-1.4      Cancellation of Property Record**

When NCIC record is determined to be invalid, or there is no longer a need to be advised if property is recovered, or the case file is destroyed according to established file destruction criteria, the record should be immediately canceled by office having record on file in NCIC.

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing cancellation information, check "Cancel" and initial where appropriate on block, and route to terminal operator.

(2) After cancelling record, terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "cancel" data on NCIC Activity Log. Terminal operator will attach office file copy of communication to original of terminal-produced printout showing cancellation message transmitted and computer's acknowledgment confirming cancellation of record.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout(s)) and will complete "cancel" data on NCIC Activity Log and make slash mark through "NCIC" on file jacket.

(4) Case Agent will verify proper cancellation of record by review of terminal printout and initial NCIC activity block on serial containing cancel information. Terminal printout is to be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

### **7-1.5 Clearance of or Placing of a "Located" in Property Record**

\*\*EffDte: 08/14/1986 MCRT#: 0 Div: D1 Cav: SecCls:

#### **7-1.5.1 Property Recovered in Territory of Office Which Has Record on file in NCIC**

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing property recovered, check "Clear" and initial where appropriate on block, and route to terminal operator. (See MAOP, Part 2, 7-1.5.2 (2)(a).)

(2) Terminal operator will make operational inquiries of NCIC to determine all records on file for property, transmit clear message for office's NCIC record, and place "located" in all other records for property in NCIC. Terminal operator will also initial date, and record NCIC number on NCIC activity block and may enter "clear" data on NCIC Activity Log. Terminal operator will attach office file copy of communication to original of terminal-produced printout showing clear and "located" messages transmitted and computer's acknowledgment confirming clearance of record and acceptance of "located" messages for other records, if any, in NCIC.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout(s)), complete "clear" data on NCIC Activity Log (FD-487), and make slash mark through "NCIC" on file jacket. (See MAOP, Part 2, 7-1.5.2 (2)(c).)

(4) Case Agent will verify proper clearance of record and placing of "located" messages in other records in NCIC, if any, by review of terminal printout and will initial NCIC activity block on serial containing recovery information. Terminal printout is to be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

### **7-1.5.2 Property Recovered in Territory of Office Other Than One Which Has Record On File In NCIC**

(1) Responsibility of office recovering property:

(a) Supervisor will stamp NCIC activity block on office file copy of communication showing property recovered, check "Locate" and initial where appropriate on block, and route to terminal operator.

(b) Terminal operator will make operational inquiries of NCIC to determine all records on file for property, transmit "located" message for record(s) of property in NCIC. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and attach office file copy of communication to original of terminal-produced printout showing "located" message(s) transmitted and computer's acknowledgment confirming acceptance of "located" message(s) for record(s) in NCIC.

(c) Information Management Assistant will serialize document (office file copy of communication and original terminal-produced printout(s)).

(d) Case Agent will verify proper placing of "located" message(s) on record(s) in NCIC by review of terminal printout and will initial NCIC activity block on serial containing "located" information. Terminal printout is to be filed in substantive case file.

(2) Responsibility of office having record on file in NCIC:

(a) Follow instructions in Section 7-1.5.1 (1), above.

(b) Terminal operator will make administrative inquiries of NCIC to determine if all records on file for property have "located" messages, transmit clear message for office's NCIC record and place "located" in all NCIC records for property not having "located" messages. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and may enter "clear" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication to original of terminal-produced printout showing clear and "located" messages, if any, transmitted and computer's acknowledgment confirming clearance of record and acceptance of "located" messages.

(c) Follow instructions in Section 7-1.5.1 (3), above.

(d) Case Agent will verify proper clearance of

record and placing of "located" messages, if any, by review of terminal printout and will initial NCIC activity block on serial containing recovery information. Terminal printout is to be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

### **7-1.6 Validation of Property Records**

(1) Every month each office will be furnished a listing of its NCIC property records (validations to be performed on-line after NCIC 2000 becomes operational) in "located" status followed by those in active status. (See Validation Schedule in the NCIC 2000 OPERATING MANUAL, Introduction, Section 3.4.) The field office will receive these listings from the appropriate state control terminal agency. The field office must follow appropriate receipt acknowledgment and certification procedures set forth by the state or metropolitan area control terminal. Validation certification must be completed within state or metropolitan area control terminal agency time frame requirements.

(2) Records in the listing are to be promptly validated for correct content and status. Supervisor will designate personnel to handle validation. Necessary modifications, clears, and cancels are to be promptly made via office's terminal. Where active records do not contain all available information, data should be added by use of a modify message. When validation is complete, reviewer will date and initial NCIC Activity Log (FD-487) in each case file.

\*\*EffDte: 11/05/2002 MCRT#: 1240 Div: D1 Cav: SecCls:

### **7-1.7 Retention Period for Property Records**

Bureau records on file in NCIC property files will be retained in NCIC as specified in the NCIC OPERATING MANUAL. Each office may reenter purged property records if a specific case warrants reentry.

\*\*EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

## **7-2 FUGITIVE**

\*\*EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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## **7-2.1 Inquiry**

(1) Ordinarily, an inquiry of NCIC Wanted Person File will be made through terminal located in field office. However, an inquiry may be made through a local agency's terminal when it is more advantageous or convenient. The identifier of the field office for which the inquiry is being made should be used. If the field office makes an inquiry for a local agency, the local agency's identifier should be used. (Where a check of Bureau fugitive indices and Criminal Justice Information Services Division records is deemed desirable, follow procedures set out in MIOG, Part 2, 14-12, 14-15, and 21-22.)

(2) Where an operational inquiry concerning an individual results in a valid positive response(s) (hit(s)), contact the originating agency of each record possibly identical with the individual in question to confirm the hit(s). Following confirmation with the originating agency(s), a locate message must be transmitted for each record on file which is identical to the individual inquired upon. Also, retain original of terminal-produced printout showing inquiry message transmitted and record(s) on file in NCIC in exhibit envelope, FD-340, FD-340b and/or FD-340c, of substantive case file or other appropriate file.

\*\*EffDte: 01/21/2004 MCRT#: 1315 Div: D1 Cav: SecCls:

## **7-2.2 Entry of Fugitive Record**

\*\*EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

### **7-2.2.1 Fugitive Deserter (FUDE), Parole Violator (PV), and Mandatory Release Violator (MRV) (See MIOG, Part 1, 42-6; 2, 21-14.)**

Records for these three types of fugitives are no longer entered in NCIC By FBIHQ. In FUDE cases, FBIHQ will forward the absentee wanted form DA-3835 (Army) or DD-553 (other services) to the field office for NCIC entry and appropriate investigation. Lead offices having an interest in the subject will also receive the appropriate military Request for Investigation forms from FBIHQ. (See MIOG, Part 1, Section 42 and Section 76, for further details.) In PV and MRV matters, warrant information including preformatted NCIC entry data will be transmitted to the field office by electronic communication (EC). NCIC entry should be made immediately (within 24 hours) when: (1) The decision to arrest or authorize arrest has been made; and (2) The decision has been made as to whether and how far to go for extradition. Exceptions to this rule would be if imminent arrest is expected or other clear, identifiable operational reasons would preclude immediate entry (e.g., insufficient descriptive data). Any exceptions to delayed entry in NCIC must be minimized and

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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documented. Information from office files may have to be supplemented with data from other sources before adequate descriptive data is available. The following are procedures for entry of FUDE, PV, and MRV records:

(1) Upon receipt of appropriate Request for Investigation form or EC, Information Management Assistant (IMA) must search indices immediately, open a case, and prepare an indices record.

(2) The supervisor will assign the case, stamp NCIC activity block on the form or EC, check "Entry," and initial where appropriate on block. The supervisor will also at this time indicate on the form or EC that an administrative inquiry (message key ZW) on the subject be made to obtain any other NCIC records relating to the fugitive and route to terminal operator.

(3) After entering the FUDE, PV, or MRV record and making an administrative inquiry (message key ZW), the terminal operator will attach the entered record printout and the printout of the administrative inquiry (ZW) with its response to the form or EC. Terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "entry" data on NCIC Activity Log (FD-487).

(4) IMA will serialize document (all attached entry and inquiry printouts) and complete "entry" data on first line of log if not accomplished by terminal operator.

(5) Case Agent will verify accuracy of entry by review of terminal printout, initial NCIC activity block on serial containing entry information, and initiate any necessary investigative action with respect to any additional record(s) in NCIC relating to the fugitive. Terminal printouts are to be filed in substantive case file.

\*\*EffDte: 11/05/2002 MCRT#: 1240 Div: D1

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SecCls:

**| 7-2.2.2 Fugitives (Including Escaped Federal Prisoners (EFP), Probation Violators (PBV), and Bond Default) in all Classifications other than FUDE, PV, and MRV |(See MIOG, Part 2, 21-4.)|**

Case Agent will prepare FD-65. Fugitive must be entered in NCIC prior to submission of FD-65 to FBIHQ if sufficient data for entry is available. Where FD-65 does not show sufficient data for entry of fugitive in NCIC, case Agent must promptly forward FD-65 to FBIHQ and develop sufficient data to enter fugitive at earliest possible time. In these instances, case Agent or supervisor is to place notation substantially as follows on original and office file copy of FD-65, "Not entered in NCIC due to insufficient data." When sufficient data is developed, case Agent should furnish file copy of initial FD-65, which contained insufficient data to enter fugitive in NCIC, and all copies of supplemental FD-65 to supervisor for entry

**SENSITIVE**

process as follows:

(1) Supervisor will review FD-65 to determine if field on FD-65 has been marked to indicate Interstate Identification Index (III) inquiry was conducted, and that data from positive responses, including FBI number and possible aliases and other numerical identifiers, is included on FD-65. Supervisor will stamp NCIC activity block on office file copy of FD-65, check "Entry" and "III," initial where appropriate on block, and route FD-65 to terminal operator. (Writing of NCIC codes on FD-65 to assist in placing subject in NCIC may be done on office file copy.

(2) Terminal operator should utilize name of case Agent requesting III record noting a manual or automated log of requests must be maintained for a minimum of one year. After entering record in NCIC, terminal operator is to: (1) record NCIC number assigned to entry in block labeled "NCIC #" on FD-65; (2) initial and date NCIC activity block and record NCIC number in appropriate

space on block; and (3) attach office file copy of FD-65 to original of terminal-produced printout showing entry message transmitted, computer's acknowledgment confirming acceptance of entry and any additional NCIC record(s) already in NCIC relating to subject.

(3) Information Management Assistant/Clerk will serialize document (office file copy of FD-65, original terminal-produced printout(s), and other attached information), place a check mark on the NCIC line or stamp "NCIC" on the case file cover, insert NCIC Activity Log (FD-487) as top serial in case file and complete "entry" and "III" data on appropriate line of log.

(4) Case Agent will verify accuracy of entry by comparing terminal printout with entry information, initial NCIC activity block on serial containing the entry information, review printout of "III" inquiry, and initiate any necessary investigative action with respect to any additional NCIC record(s) relating to subject. Terminal printouts are to be filed in substantive case file.

\*\*EffDte: 08/10/2001 MCRT#: 1131 Div: D1 Cav: SecCls:

## **7-2.3 Changes in Office of Origin (OO)**

\*\*EffDte: 08/14/1986 MCRT#: 0 Div: D1 Cav: SecCls:

### **7-2.3.1 All Fugitives Except FUDE, PV, and MRV**

Office where process filed and warrant issued is to maintain record in NCIC for fugitive under its NCIC identifier regardless of change in OO. In an EFP case where subject escapes after conviction and no warrant is issued, the original OO should

maintain record in NCIC for fugitive under its NCIC identifier regardless of change in OO.

\*\*EffDte: 08/14/1986 MCRT#: 0      Div: D1      Cav:      SecCls:

### **7-2.3.2    FUDE, PV, and MRV Matters**

(1) When FBIHQ authorizes change of OO, new OO is to promptly enter record for subject in NCIC as follows:

(a) Supervisor will stamp NCIC activity block on incoming FBIHQ communication authorizing change of OO; check "Entry," indicate that administrative inquiry (ZW) should be made prior to entry to retrieve former OO's record in NCIC, and initial where appropriate on block; and route communication to terminal operator.

(b) After entering record in NCIC, terminal operator is to initial and date NCIC activity block, record NCIC number in appropriate space on block, and attach FBIHQ communication authorizing change in OO to original of terminal-produced printout showing entry message transmitted, computer's acknowledgment confirming acceptance of entry, and any additional NCIC record(s) relating to subject already in NCIC.

(c) Information Management|Assistant|will serialize document (FBIHQ communication, original terminal-produced printout(s), and other attached information), place a check mark on the NCIC line or stamp "NCIC" on the case file cover, insert NCIC Activity Log (FD-487) as top serial in case file, and complete "entry" data on first line of log.

(d) Case Agent will verify accuracy of entry by comparing NCIC terminal printout of entry with printout of former OO's NCIC record for subject; initial NCIC activity block on FBIHQ communication authorizing change in OO, and initiate any necessary investigative action with respect to any additional record(s) in NCIC relating to the fugitive. Terminal printouts are to be filed in substantive case file.

(2) Former OO will cancel its NCIC record after determining by administrative inquiry (ZW) that new OO has entered record. Former OO will follow cancellation procedures set forth in Section 7-2.5, below.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1      Cav:      SecCls:

### **7-2.4    Modification of Fugitive Record**

\*\*EffDte: 10/19/1990 MCRT#: 0      Div: D1      Cav:      SecCls:

### **7-2.4.1 Caution Statements**

| (1) Immediately|(within 24 hours)|modify fugitive's NCIC record to show caution statements where facts substantiate need for such statements subsequent to entry of record in NCIC by OO.

(2) See MIOG, Part II, Section 21, for procedures regarding notifying FBIHQ, interested offices, and local agencies assisting.

\*\*EffDte: 02/14/1997 MCRT#: 626 Div: D1 Cav: SecCls:

### **7-2.4.2 Aliases and Identifying Data (See MIOG, Part 2, 21-14.)**

(1) Within 24 hours modify fugitive's NCIC record to show aliases and changes, additions, or deletions of identifying data developed subsequent to entry of record in NCIC by OO.

| (2) See MIOG, Part 2, Section 14, re use of fugitive |electronic communication|(FD-65). See Part 2, Section 10, of this manual, regarding aliases in title of case.

(3) Upon developing new descriptive data regarding a subject, it should be "flagged" for the office having the fugitive's record on file by setting forth a lead to modify NCIC. Wording such as: "Lead: WFO at WFO: Modify NCIC" or "Lead: WFO at WFO: Modify NCIC re new SOC/123456789 and new alias John Doe" can be used.

| (4) After the issuance of an identification order, wanted flyer, or|circular letter,|the number of same, i.e., "I.O. #0000," should be entered into NCIC in the Miscellaneous Field which will serve as an additional flag concerning the individual's dangerous propensities and alert inquirers that an I.O., etc., is readily available.

\*\*EffDte: 08/10/2001 MCRT#: 1131 Div: D1 Cav: SecCls:

### **7-2.4.3 Sources of Data for Modification**

Data for modification of fugitive's NCIC record may be furnished by one of the following means:

| (1) Supplemental FD-65 prepared by case Agent.

| (2) |Electronic communication|

(3) Form 1-374 (transmittal routing slip for identification record)

When an identification record or background information from an identification record is furnished to field by Form 1-374 and is positively identified with a Bureau fugitive, review this data for any necessary modification of fugitive's NCIC record. Add FBI number and NCIC fingerprint classification (if not already shown in record), along with any other pertinent data, to subject's NCIC record.

(4) Deleted

\*\*EffDte: 08/10/2001 MCRT#: 1131 Div: D1                      Cav:                      SecCls:

#### **7-2.4.4 Modification Procedure (See MIOG, Part 2, 21-14.)**

Following is the procedure for modification of a fugitive's NCIC record:

(1) Modification of NCIC records must be made immediately (within 24 hours) following the detection of erroneous data in an existing record, the receipt of data not already stored in the record, or upon receipt by the inputting agency/office of the information prompting the change.

(2) Supervisor will stamp NCIC activity block on office file copy of communication or form showing changes, additions, or deletions of identifying data; check "Modify" and initial where appropriate on block; specify what data is to be added, changed, or deleted; e.g., "Modify NCIC-add aliases" or "Modify NCIC-add Social Security number"; and route to terminal operator.

(3) After modifying record, terminal operator will initial, date, and record NCIC number on activity block. Terminal operator may enter "modify" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication or form to original of terminal-produced printout showing modify message transmitted and computer's acknowledgment confirming modification of record.

(4) Information Management Assistant will serialize document (office file copy of communication and original terminal-produced printout) and complete "modify" data on NCIC Activity Log.

(5) Case Agent will verify proper modification of record by review of terminal printout and initial NCIC activity block on serial containing modify information. Terminal printout is to be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1                      Cav:                      SecCls:

### **7-2.5 Cancellation of Fugitive Record (See MAOP, Part 2, 7-2.3.2 (2); MIOG, Part 2, 21-14.)**

NCIC record concerning Bureau fugitive must be immediately (within 24 hours) cancelled by office with record on file when outstanding process is dismissed prior to subject being located/apprehended. (Note: When federal process is dismissed in favor of local prosecution in unlawful flight fugitive matters, fugitive's NCIC record is to be cleared based on apprehension data.) The procedure for cancelling a fugitive record is as follows:

(1) Supervisor will stamp NCIC activity block on office file copy of communication showing cancellation information, check "Cancel" and initial where appropriate on block, and route to terminal operator.

(2) After cancelling record, terminal operator will initial date, and record NCIC number on activity block. Terminal operator may enter "cancel" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication to original of terminal-produced printout showing cancellation message transmitted and computer's acknowledgment confirming cancellation of record.

(3) Information Management|Assistant|will serialize document (office file copy of communication and original terminal-produced printout), complete "cancel" data on NCIC Activity Log, and make slash mark through "NCIC" on file jacket.

(4) Case Agent will verify proper cancellation of record by review of terminal printout and initial NCIC activity block on serial containing cancel information. Terminal printout is to be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

### **7-2.6 Clearance of or Placing of a "Located" in Fugitive Record**

\*\*EffDte: 08/14/1986 MCRT#: 0 Div: D1 Cav: SecCls:

#### **7-2.6.1 Fugitive Located/Apprehended in Territory of Office Which has Record on File in NCIC**

Responsibility of office having record on file in NCIC is as follows:

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(1) Supervisor will stamp NCIC activity block on office file copy of communication showing fugitive located/apprehended, check "Clear" and initial where appropriate on block, and route to terminal operator. (See MAOP, Part 2, 7-2.6.2 (2)(a).)

(2) Terminal operator will make operational inquiries of NCIC to determine all records on file for fugitive, immediately (within 24 hours) transmit clear message for office's NCIC record, and place "located" in all other records for fugitive in NCIC. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and may enter "clear" data on NCIC Activity Log (FD-487). Terminal operator will attach office file copy of communication to original of terminal-produced printout showing clear and "located" messages transmitted and computer's acknowledgment confirming clearance of record and acceptance of "located" messages for other records, if any, in NCIC.

(3) Information Management Assistant will serialize document (office file copy of communication and all original terminal-produced printouts), complete "clear" data on NCIC Activity Log, and make slash mark through "NCIC" on file jacket. (See MAOP, Part 2, 7-2.6.2 (2)(c).)

(4) Case Agent will verify proper clearance of record and placing of "located" messages in other records in NCIC, if any, by review of terminal printout and will initial NCIC activity block on serial containing location/apprehension information. Terminal printout is to be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1

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### **7-2.6.2 Fugitive Located/Apprehended in Territory of Office Other Than One Which Has Record on File in NCIC**

(1) Responsibility of office locating/apprehending fugitive is as follows:

(a) Supervisor will stamp NCIC activity block on office file copy of communication showing fugitive located/apprehended, check "Locate" and initial where appropriate on block, and route to terminal operator.

(b) Terminal operator will make operational inquiries of NCIC to determine all records on file for fugitive, transmit "located" message for record(s) of fugitive in NCIC. Terminal operator will also initial, date, and record NCIC number on NCIC activity block and attach office file copy of communication to original of terminal-produced printout showing "located" message(s) transmitted and computer's acknowledgment confirming acceptance of "located" message(s) for record(s) in NCIC.

**SENSITIVE**

(c) Information Management|Assistant|will  
serialize document (office file copy of communication and original  
terminal-produced printout(s)).

(d) Case Agent will verify proper placing of  
"located" message(s) on record(s) in NCIC by review of terminal  
printout and will initial NCIC activity block on serial containing  
location/apprehension information. Terminal printout is to be filed  
in substantive case file.

(2) Responsibility of office having record on file in  
NCIC is as follows:

(a) Follow instructions in Section 7-2.6.1 (1),  
above.

(b) Terminal operator will make administrative  
inquiries of NCIC to determine if all records on file for fugitive  
have "located" messages, immediately (within 24 hours) transmit clear  
message for office's NCIC record and place "located" in all other NCIC  
records for fugitive not having "located" messages. Terminal operator  
will also initial, date, and record NCIC number on NCIC activity block  
and may enter "clear" data on NCIC Activity Log (FD-487). Terminal  
operator will attach office file copy of communication to original of  
terminal-produced printout showing "clear" and "located" messages, if  
any, transmitted and computer's acknowledgment confirming clearance of  
record and acceptance of "located" messages.

(c) Follow instructions in Section 7-2.6.1 (3),  
above.

(d) Case Agent will verify proper clearance of  
record and placing of "located" messages, if any, by review of  
terminal printout and will initial NCIC activity block on serial  
containing location/apprehension information. Terminal printout is to  
be filed in substantive case file.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

## **7-2.7 Fugitives Located Outside U.S.**

NCIC records should not be cleared or cancelled nor should  
a "located" be placed against record. NCIC record is to remain active  
until subject is in Federal custody in the United States, regardless  
of whether substantive case is in pending or pending-inactive status.

\*\*EffDte: 08/14/1986 MCRT#: 0 Div: D1 Cav: SecCls:

### **7-2.7.1 Deleted**



\*\*EffDte: 08/14/1986 MCRT#: 0      Div: D1      Cav:      SecCls:

### **7-2.7.2 Deleted**

\*\*EffDte: 08/14/1986 MCRT#: 0      Div: D1      Cav:      SecCls:

## **7-2.8 Validation of Fugitive Records**

(1) A portion of all Wanted Person File records are validated every month pursuant to the schedule contained in the NCIC OPERATING MANUAL, Introduction, Section 3.4. Validation means that the originating agency reviews each record to determine: (1) that records which are no longer current have been removed from NCIC; (2) that all records contain all available information; and (3) that all information contained in each record is accurate.

(2) Each field office receiving a validation request from its appropriate control terminal agency should follow appropriate receipt acknowledgment and certification procedures set forth by that agency. Each record in the listing is to be promptly validated. Supervisors will designate personnel to handle validation. Necessary modifications, clears, and cancels are to be made promptly via the office's terminal. When a record does not contain all available information, data should be added by use of a modify message.

(3) On completion of validation, the reviewer will date and initial the NCIC Activity Log (FD-487) in each case file.

\*\*EffDte: 11/18/1999 MCRT#: 933      Div: D1      Cav:      SecCls:

### **| 7-2.8.1 Deleted |**

\*\*EffDte: 11/24/1989 MCRT#: 0      Div: D1      Cav:      SecCls:

### **| 7-2.8.2 Deleted |**

\*\*EffDte: 11/24/1989 MCRT#: 0      Div: D1      Cav:      SecCls:

## **7-2.9 Retention Period for Fugitive Records**

FBI fugitive records on file in NCIC Wanted Person File will be retained in NCIC as specified in the NCIC OPERATING MANUAL.

\*\*EffDte: 11/24/1989 MCRT#: 0      Div: D1      Cav:      SecCls:

### **| 7-2.10 Foreign Fugitive, U.S. Secret Service|Protective, Deported Felon, Convicted Person on Supervised Release, and Convicted Sexual Offender Registry|Files (See MIOG, Part 1, 175-16(5) and Part 2,|16-16.5, 16-16.6,|16-16.8.)**

For inquiries only. For instructions on inquiries and proper handling of positive responses from the Foreign Fugitive File, the U.S. Secret Service Protective|File, the Deported Felon File, Convicted Person on Supervised Release File, and Convicted Sexual Offender Registry File,|see the NCIC|2000|OPERATING MANUAL.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1      Cav:      SecCls:

## **7-3 MISSING PERSON**

\*\*EffDte: 11/24/1989 MCRT#: 0      Div: D1      Cav:      SecCls:

### **7-3.1 Inquiry**

Where an operational inquiry of the Wanted Person File (message key QW) or of the Vehicle File (message key QV) results in a valid positive response (hit) on a missing person record other than an FBI|kidnapping|victim entry, follow Bureau procedures for handling investigative matters not within FBI jurisdiction. Retain original of terminal-produced printout showing inquiry message transmitted and record(s) on file in NCIC in exhibit envelope,|FD-340, FD-340b and/or FD-340c,|of substantive case file or other appropriate file.

\*\*EffDte: 01/21/2004 MCRT#: 1315 Div: D1      Cav:      SecCls:

### **7-3.2 Entry of Missing Person Record**

(1) Field office may enter an NCIC Missing Person File record for the victim in a|kidnapping|case where such entry is deemed beneficial to the case. In such a case, the record should be entered using message key|EMI|(Missing Person - Involuntary). The entry of a missing person record should be made in a timely manner in accordance with NCIC policy. Timely entry of a Missing Person File record means as soon as possible once the minimum data required for entry and the

appropriate record documentation is available.

(2) Field office may enter a Missing Person File record upon request from an individual provided certain guidelines are followed. (Use Forms FD-626 and FD-630. These forms should be placed in the 79-0 administrative control file after NCIC entry has been made by the field office. These forms are intended for field office use and should not be forwarded to FBIHQ.) (See the MIOG, Part 1, Section 79 and Part 2, 16-16.3.)

\*\*EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

### **7-3.3 Modification, Cancellation, Location, and Clearance of Missing Person Records**

Follow instructions in NCIC OPERATING MANUAL for modification, cancellation, location, and clearance of NCIC Missing Person records. Use NCIC activity block stamp, "NCIC" stamp, and NCIC Activity Log (FD-487) in the same manner as for NCIC property and fugitive record transactions.

\*\*EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

### **7-3.4 Validation of Missing Person Records**

(1) A portion of all Missing Person File records are validated every month pursuant to the schedule contained in the NCIC | 2000|OPERATING MANUAL, Introduction, Section 3.4. Validation means that the originating agency reviews each record to determine: (1) that records which are no longer current have been removed from NCIC; (2) that all records contain all available information; and (3) that all information contained in each record is accurate.

(2) Each field office receiving a validation request from its appropriate control terminal agency should follow appropriate receipt acknowledgment and certification procedures set forth by that agency. Each record in the listing is to be promptly validated. Supervisors will designate personnel to handle validation. Necessary modifications, clears, and cancels are to be made promptly via the office's terminal. When a record does not contain all available information, data should be added by use of a modify message.

(3) On completion of validation, the reviewer will date and initial the NCIC Activity Log (FD-487) in each case file.

\*\*EffDte: 11/05/2002 MCRT#: 1240 Div: D1 Cav: SecCls:

#### **| 7-3.4.1   |Deleted|**

\*\*EffDte: 11/24/1989 MCRT#: 0      Div: D1              Cav:              SecCls:

#### **| 7-3.4.2   |Deleted|**

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1              Cav:              SecCls:

### **7-3.5      Retention Period for Missing Person Records**

FBI missing person records on file in NCIC Missing Person File will be retained in NCIC as specified in the NCIC Operating Manual.

\*\*EffDte: 11/24/1989 MCRT#: 0      Div: D1              Cav:              SecCls:

## **7-4      INTERSTATE IDENTIFICATION INDEX (III)**

\*\*EffDte: 11/24/1989 MCRT#: 0      Div: D1              Cav:              SecCls:

### **7-4.1      Inquiry**

(1) The III allows on-line accessibility of criminal arrest records through the use of your NCIC computer terminal. The III maintains index records which contain personal descriptive data of the subject of the criminal history record. The location of the data base(s) which stores the criminal history record is also part of the Index. Records available through the III include: subjects arrested with dates of birth 1956 or later and all individuals arrested for the first time on or after July 1, 1974, regardless of their dates of birth AND SELECTED older records converted to the automated system for certain fugitives and repeat offenders. (See MIOG, Part 2, 10-5.)

(2) Detailed instructions for conducting name searches and record retrievals are set forth in the NCIC OPERATING MANUAL. The state control terminal officer within your state can respond to any questions or problems you might have concerning the operation of your NCIC computer terminal.

(3) All field offices are encouraged to use III in their daily operations.

(4) If no record is located through the III File, check with the FBI Criminal Justice Information Services Division since it maintains additional records not available through III.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

## **7-5 OTHER SERVICES PROVIDED BY NCIC**

\*\*EffDte: 11/24/1989 MCRT#: 0 Div: D1 Cav: SecCls:

### **7-5.1 Off-Line Search (See MIOG, Part 2, 16-16.1.)**

An off-line search (inquiry) is a special query of the NCIC computer for information which cannot be obtained through the use of an on-line inquiry. An off-line search of NCIC data may be conducted and/or coordinated by the state control terminal agency or the Criminal Justice Information Services Division, Programs Support Section, in West Virginia at the request of the case Agent or field supervisor. For more details, see the NCIC pamphlet, "NCIC Off-Line Search."

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

### **7-5.2 National Law Enforcement Telecommunications System, Inc. (NLETS)**

Criminal Justice Information Services Division, Programs Support Section in West Virginia may be contacted via the NLETS using the identifier DCFBIWAQ9. (See MIOG, Part 2, 16-15 and 16-16.)

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1 Cav: SecCls:

### **| 7-5.3 Canadian Police Information|Centre|(CPIC)|System (See MIOG, Part II, 16-16.2.)|**

| The|CPIC System may be accessed through NLETS. Refer to  
| your State Operating Manual for guidelines to access this database.|

\*\*EffDte: 08/18/1994 MCRT#: 291 Div: D1 Cav: SecCls:

### 7-5.3.1 Canadian Vehicle Index (CVI)

The CVI will match all NCIC Vehicle and Boat Inquiries against CPIC Vehicle and Boat records. For details, see the NCIC OPERATING MANUAL, Vehicle File.

\*\*EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

### 7-5.4 NCIC Publications List

NCIC maintains a list of all NCIC publications available. Contact Criminal Justice Information Services Division, Programs Support Section in West Virginia for a copy.

\*\*EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

### 7-5.5 NCIC Policy for Distribution of Criminal Justice Information Services Division Newsletter, NCIC OPERATING MANUAL, and NCIC CODE MANUAL

The distribution of the above publications will be as follows:

(1) Each field office is furnished two copies of the Criminal Justice Information Services Division Newsletter, unless additional copies are requested. Contact CJIS, Programs Support Section in West Virginia to increase the number of copies furnished.

(2) The distribution of the NCIC CODE MANUAL and NCIC OPERATING MANUAL and subsequent revisions is left to the discretion of the SAC of each office. The SAC should promptly notify CJIS, Programs Support Section in West Virginia of any desired changes to the current amount received by the field office.

\*\*EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

### | 7-5.6 Unidentified Person File |(See MIOG, Part 2, 16-16.4.)|

For information on the Unidentified Person File, see the NCIC OPERATING MANUAL.

\*\*EffDte: 11/18/1999 MCRT#: 933 Div: D1 Cav: SecCls:

### 7-5.7     Originating Agency Identifier (ORI) File

          The ORI File contains pertinent data on local, county, state, and federal law enforcement and criminal justice agencies nationwide. Refer to the NCIC OPERATING MANUAL for details on accessing this file.

\*\*EffDte: 11/18/1999 MCRT#: 933    Div: D1                    Cav:                    SecCls:

### 7-5.8     Violent Gang and Terrorist Organization File (VGTOF) (See MIOG, Part 2, 16-16.9.)

          The VGTOF is an automated national index of known members and reference information on violent gangs and terrorist organizations. This file is for investigative purposes. For details, see the NCIC OPERATING MANUAL.

\*\*EffDte: 11/18/1999 MCRT#: 933    Div: D1                    Cav:                    SecCls:

### | 7-5.9     |Protection Order File (POF)

|           The POF contains information concerning protection orders issued by both civil and criminal courts. For details, see the NCIC OPERATING MANUAL.

\*\*EffDte: 11/18/1999 MCRT#: 933    Div: D1                    Cav:                    SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

## **SECTION 8. TRAINING**

### **8-1 AGENT'S TRAINING**

#### **8-1.1 New Agent's Training**

##### **8-1.1.1 Oath of Office**

The Oath of Office is administered to new employees reporting for new Agents' training by the Assistant Director, Training Division, or a designated representative of the Training Division at the FBI Academy.

##### **8-1.1.2 Indoctrination (See MAOP, Part 1, 2-4.)**

When newly appointed Special Agents (SA) report to the FBI Academy, they are administered the Oath of Office. A representative of the Security Countermeasures Program will afford them an introductory security awareness briefing covering the hostile threat to the United States and the notification requirements pertaining to employee marriages to non-Bureau persons, unofficial foreign travel and unofficial contacts with foreign nationals from specified hostile countries. Thereafter, the SA trainees will execute all necessary forms incidental to entry on duty. The trainees undergo a rigorous training program of at least 83 training days. Trainees attend classes from 7:45 a.m. until 5 p.m., Monday through Friday, with routine evening and weekend training classes. New Special Agents are initially indoctrinated in a comprehensive New Agents' training course with counselors providing guidance and observation of the trainees' progress.

##### **8-1.1.3 Scope and Nature of New Agent's Training Program**

The New Agent's Training Program generally consists of four parts: classroom instruction, defensive tactics and physical training, firearms training, and practical applications. Each trainee is carefully observed and evaluated during the program. Failure to demonstrate the competencies required of a Special Agent trainee will result in dismissal. The minimum passing grade on each of the academic examinations is 85 percent.

##### **8-1.1.4 Outright Disqualifying Conditions**

- (1) Two failures on the same subject matter.
- (2) Two outright failures.
- (3) Deleted.
- (4) Failure to demonstrate proficiency in defensive tactics.
- (5) Failure to attain a passing score on all qualifying firearms courses.
- (6) Deleted.
- (7) Deleted.
- (8) Deleted.



## **8-1.2 Probationary Agent Program (PAP)**

### **8-1.2.1 Program Intent and Objectives (See MAOP, Part I, 5-4.3.)**

New Special Agent trainees, upon successful completion of training school, continue in a probationary status for a full two years (one year for trainees appointed before December, 1994) from the date they enter on duty. See MAOP, Part I, 21-1. The program is designed to:

- (1) Provide the Probationary Agent (PA) a comprehensive job-related curriculum to be completed in training sessions throughout the probationary period,
- (2) To provide the PA a comprehensive range of core criminal investigative skill experiences in preparation for future complex specialized assignments,
- (3) To evaluate the PA's training and job performance and provide remediation where necessary, and
- (4) To appraise the PA's performance and complete the Special Agent Selection process.
- (5) Deleted

### **8-1.2.2 Program Administration**

Although the SAC is responsible for the overall supervision of the program and is to personally approve the final selection of each new Special Agent, the squad supervisor has first-line responsibility for program implementation. Each office will designate an experienced Special Agent as the Probationary Agent Training Coordinator who will be responsible to maintain program manuals, resource materials, training curriculum and to coordinate the training sessions. Each office will also designate several mature, experienced and highly successful Special Agents to serve in the role of Field Training Agent. These Agents are to work with the PA and provide guidance and instruction in the application of investigative techniques as well as informal critiques of the PA's performance and written work product. The PA will maintain a "training log" to assist program administration.

### **8-1.2.3 Program Actions (See MAOP, Part 1, 5-4.3, 21-7 (6); 2, 1-1.4 (2), & 1-3.13.3.)**

- (1) Newly arrived PAs should be greeted personally by the SAC or, in SAC's absence, the ASAC, in which case the SAC is to meet the PA at the first opportunity.
- (2) During the first 40 workdays in the new office of assignment, after routine orientation the PA is to be assigned to work full time, for 20 full workdays, with a Field Training Agent and/or other experienced, successful Agents on "interview-intensive" matters.
- (3) The job-related curriculum, as well as the core criminal investigative skill experiences as outlined in the program manual, should be completed during the probationary period. At a minimum, skill experiences 1-9 should be completed during the probationary year and the balance before the end of the second year.
- (4) File reviews with PAs are recommended every 30 days but must be conducted at least every 60 days. See program manual for additional details regarding documentation. A PA's first annual Performance Appraisal Report (PAR) is to be issued upon his/her completion of the first year on

duty; the PA's second annual PAR is to be issued upon his/her completion of their second year on duty. Complete narrative summaries, including specific examples of the PA's accomplishments and deficiencies, are to be included for each critical element rated at the Does Not Meet Expectations rating level in the first and second annual PARs. Subsequent annual PARs are issued in accordance with established Performance Appraisal System policy. (See MAOP, Part 1, 5-4.3.)

(5) Prior to leaving the FBI Academy, the PA will be issued a training log which will contain a checklist of the required core skill experiences and the training topics. At the end of the probationary period, after completion of the experiences, curriculum and appraisal, the original of the log is to be maintained in the field office PAP control file for two years. (In the event the PA is serving a one-year probationary period, and the experiences are not completed within the one-year period, filing of the log should be done upon completion but no later than the end of the PA's second year.)

#### **8-1.2.4 Public Relations and News Media Matters**

New Special Agents assigned to a field office may, in certain circumstances, be contacted directly by aggressive members of the news media. In order for them to be fully prepared for such contacts, each SAC shall ensure that all new Agents in that division have a working knowledge of the rules and regulations governing public relations and news media matters as set forth in Part II, Section 5, of this manual. They should also be familiarized with any individual policies of the SAC regarding such matters.

#### **8-1.2.5 Assignment of Probationary Agents (See MAOP, Part I, 5-4.3.)**

(1) Although the SAC has full flexibility in the assignment of the PA, the PA's assignment must allow availability and opportunity for participation in the core skill experiences and training sessions. The assignment must also allow the availability of a Field Training Agent or other competent, experienced Special Agent to work with and should provide supervisory continuity for proper training administration, appraisal, and selection. Periodic squad rotations should not be necessary.

(2) During the probationary period, new Special Agent Accountants (SAA) should receive a well-rounded range of core criminal investigative skill experiences through their full participation in the PAP. Upon successful completion of their probationary period, new SAAs should receive assignments which fully develop and utilize their investigative and accounting expertise.

### **8-1.3 Agent's Field Training Program**

#### **8-1.3.1 Testifying in Court**

(1) All Agents must be afforded an opportunity to testify in Federal court, before a Federal grand jury, or at a U.S. Magistrate's hearing.

(2) SACs may grant any Special Agent, regardless of years of service, approval to attend trials in Federal court whenever it is determined to be of benefit to the overall development of their testifying skills. Preference should be given to Federal trials involving FBI cases.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(3) SAC is to determine whether an Agent made a satisfactory witness on Agent's first appearance in Federal court. Record in Agent's personnel file:

- (a) Facts as to what kind of a witness he/she made
- (b) The title of the case

**8-1.3.2 Agent's Annual General Conference (See Legal Attache Manual, Part 1, 2-12.1.)**

(1) A conference of Agents is to be held annually during working hours. (The Senior Resident Agent or a designated Agent may represent the resident agencies at these conferences.) If the technology is available, these conferences may be videotaped and/or video conferenced for the convenience of the resident agencies and for the personnel unable to attend.

(2) SAC is to hold other conferences of all personnel whenever circumstances dictate.

(3) Agents are to be advised of important matters on a current basis at squad conferences (or office conferences in small offices) and at such gatherings as firearms sessions, etc. (See MAOP, Part 2, 8-2.2.)

(4) At the conference, recent SAC memoranda, policy changes, and legal and ethical problems are to be discussed. The role of the Shooting Incident Review Group (SIRG), Criminal Investigative Division (CID), and the Office of the General Counsel, in shooting investigations must be discussed as part of the curriculum, so that Agents can better understand and appreciate the complexities involved in such investigations. Additionally, all Agents should be introduced to and familiarized with Bureau shooting incident guidelines as set forth in MIOG, Part 2, 12-11.1 through 12-11.9. (Items regarding Equal Employment Opportunity as contained in Part 1, 4-7.1, of this manual are to be reiterated.) Matters in Phase 2 of Security Awareness Program (See *Security Policy Manual*, Policies, Security Awareness.) A presentation from the divisional Employee Assistance Program (EAP) Coordinator or Regional EAP Program Manager, on the EAP, including availability and accessibility of EAP resources for FBI employees and family members, program confidentiality, and other psychological services provided by the Employee Assistance Unit, Administrative Services Division, must be included as part of the conference. Other subjects for discussion are to be solicited from the Agents in advance of the conference. Wherever practical, the seminar approach should be utilized. (See MAOP, Part 2, 8-2.2; MIOG, Part 1, 261-2 (2).)

(5) Deleted

(6) The SAC personally must direct the conference, except whenever FBIHQ otherwise directs.

(7) Documentation (handwritten or otherwise) of meetings should be maintained in the appropriate administrative file.

(8) Deleted

(9) Deleted

**8-1.3.3 Deleted**

SENSITIVE

**8-1.4 Training at a Non-Government/Government Facility (See MAOP, Part 1, 22-2.1 (3).)**

On occasion an employee may receive training with prior Bureau approval and at the Bureau's expense. Such training, usually arranged under the Government Employees' Training Act (GETA), must be related directly to the FBI's mission, i.e., the FBI's Strategic Plan, and requires him/her to first sign an agreement to remain in the service a specified length of time following completion of the training. His/Her voluntary departure before completing this agreed period of service obligates him/her to repay the costs of the training. If the employee receives salary covering the training period, he/she will serve in the FBI three times the length of the training period. If the employee receives no salary during the training period, he/she will agree to serve the FBI for a period equal to the length of training, but in no case less than one month. Under certain circumstances, the length of the continued service agreement may not be determined by the above schedules but may be otherwise established. Should an employee be unable to attend the training session, which was approved by the GETA, the employee is responsible for notifying the GETA Program Manager, Training Division, of his/her inability to attend scheduled training so that the FBI can obtain a refund.

**8-1.5 Deleted****8-1.6 In-Service Training - FBI Academy****8-1.6.1 Purpose**

The primary purpose of the FBI in-service program is to help furnish all Bureau employees with the necessary skills, attitudes, and knowledge to enable them to perform their job professionally, economically, effectively, and efficiently.

**8-1.6.2 In-Service Schedule (Formerly 8-1.6.3)**

(1) Each year, the Training and Development Division (TDD) sends a training survey to the FBIHQ divisions, requesting a comprehensive list of all Bureau in-service training for state, local, or international law enforcement that each division wishes to sponsor. Based upon the available travel funding and dormitory and classroom space at the FBI Academy, the TDD uses the results of the survey to formulate the annual training schedule. Each training class that has been scheduled is the responsibility of an employee of the sponsoring division, the class coordinator. The training schedule is available on the Quantico Student Information System (QGIS), under "Advanced Professional Training Catalog."

(2) Approximately 90 days prior to the start of each class scheduled, the class coordinator will receive an e-mail from the Training Services Unit (TSU), TDD, with detailed information, including the class name, the travel authorization number, the number of slots available for paid travel and accommodations, the travel dates, the class code for In-Service Training and Registration (ITAR) use, and other pertinent information. Each class coordinator receiving the e-mail must respond within two weeks to either confirm the accuracy of the data or request that changes be made.

(3) As soon as possible after the receipt of the e-mail, each class coordinator should send out an electronic communication to the appropriate field offices and/or FBIHQ divisions to notify them of the details of the upcoming class and training slots available to each.

### **8-1.6.3 ITAR Policy: Requesting In-Service Training**

All FBI personnel requesting attendance at an in-service training class must complete a self-nomination form (FD-878), or their supervisor can submit a supervisory nomination form (FD-879). These forms must be submitted to the designated training personnel within each office or division, who must then enter the information into the ITAR system. All students must be entered into ITAR regardless of the type of in-service training. This includes all executive training, management and non-management training and basic in-services.

(1) The office or division management must take appropriate action to approve or disapprove the training request such as holding a career board, if required by policy, to make a selection. The specific action taken by management must then be entered into ITAR. All of this must be completed prior to close of business on the Tuesday of the week preceding the class start date. If requests/applications and the approval or disapproval of those requests are not entered into the ITAR system, the division or office will be precluded from participation in the in-service training.

(2) Additionally, all non-FBI students, e.g. Joint Terrorism Task Force students, must also be registered in ITAR. The class coordinator and/or sponsoring field office must ensure all non-FBI students are registered in ITAR. In accordance with current security regulations, non-FBI students will not be permitted access to the FBI Academy unless they are properly registered for a training class.

(3) If an FBI or non-FBI student arrives at the FBI Academy and is not registered for a specific class, the student will be instructed to return to his/her field office. A letter will be sent to the SAC advising of the unapproved arrival of the student and Training and Development Division (TDD) will not reimburse the student for expenses incurred as a result of the unauthorized travel.

(4) Exceptions to the above policy will only be granted if approval is received from the Assistant Director or the Deputy Assistant Director of TDD.

(5) All students should make their travel arrangements to coincide with bus transportation scheduled from Washington Reagan National Airport. The bus schedules are provided to all training technicians in each field office via e-mail. In accordance with current policy, TDD will not reimburse students for rental cars or shuttle service.

(6) General information regarding scheduled in-services and bus schedules can be obtained by calling the in-service hot line at (703) 632-3083.

(7) The designated class coordinator will make selections and create the class roster from the list of students approved by management as shown on ITAR. The class coordinator will also notify the divisions of the attending students.

(8) All lodging assignments at the FBI Academy are made by TDD using the ITAR records as a source. Therefore, if a potential student is not registered through ITAR, no lodging arrangements will be made.

SENSITIVE

ManI-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(9) Each class coordinator is responsible for making sure all potential students are entered into ITAR. By COB Tuesday, six days before the start of the class, each class coordinator must make selections on ITAR of those students who will be attending and transfer the information from the ITAR to the Quantico Student Information System (QGIS). Each class coordinator must also ensure that all non-FBI attendees and instructors or counselors are entered into ITAR before transferring the information to QGIS.

(10) Class coordinators are locked out of ITAR and unable to make any changes after COB Tuesday of the week before the class, and no lodging changes will be accepted after this date.

(11) The class coordinator is also responsible for advising all students of any changes in the schedule, such as cancellations, and ensuring all students badges are returned at the conclusion of their class.

(12) The class coordinators are responsible for providing a final attendance roster to TSU to ensure students are graduated and received credit in BPMS.

(13) Each student is responsible for checking with their field office/division's training technician or training coordinator to see if they were selected for training prior to traveling to Quantico. Only students on the approved Quantico training roster will be allowed to attend training. Confirmation from the class coordinator is not a guarantee that you have been selected and approved in to QGIS which is the official record. Training technicians and training coordinators can check ITAR to determine if a student has been selected for training. As previously stated, students arriving at Quantico who are not on the approved list will be instructed to return to their respective field office.

#### **8-1.6.4 Selection of Attendees (Formerly 8-1.6.2)**

(1) Field offices and FBIHQ divisions that have personnel attending in-service training are not required to submit any paperwork to the Class Coordinator of the training, although some may ask for additional information from offices wishing to send students to the class. The In-Service Training and Registration (ITAR) System will be the mechanism to register for the class.

(2) The designated Class Coordinator will make selections and create the class roster from the list of students approved by management as shown on the ITAR System. The Class Coordinator will also make appropriate notifications back to the divisions. The Class Coordinators should ensure that all students, instructors, and counselors are selected for input on the ITAR System and the information is transferred into the Quantico Student Information System at least six calendar days prior to the start of the class.

#### **8-1.6.5 Lodging at the FBI Academy**

(1) All lodging assignments at the FBI Academy will be made by the Training Division using the ITAR records as a source. Any additional information or changes to the roster after the Class Coordinator has submitted it via ITAR should be E-mailed to the Academy Lodging E-Mail Account.

(2) Lodging assignments for Bureau personnel can be obtained by running the report "Quantico Lodging Assignments of Your Division" which is available on QGIS the Thursday and Friday of the week immediately preceding the start of the week in question.

SENSITIVE

**8-1.6.6 In-Service Curriculum (Formerly 8-1.6.4)**

In-service training is highlighted by coordinated planning and implementation of training programs designed to meet our critical priorities. Input is solicited on an annual basis from each field office relative to the in-service programs most needed by the field. In-services will be scheduled on the basis of FBIHQ priorities, as well as the needs of our field divisions.

**8-1.6.7 In-Service Control File (Formerly 8-1.6.5)**

Each office will maintain a file to serve as a repository for all communications pertaining to in-service training. This file should include such items as the FD-878 and FD-879 forms submitted by office personnel, and the reply to any in-service surveys sent out by FBIHQ divisions.

**8-2 SUPPORT PERSONNEL****8-2.1 Deleted****8-2.2 Support Personnel Conferences (See Legal Attache Manual, Part 1, 2-12.3; Correspondence Guide - Field, 1-2.)**

(1) At FBIHQ - All divisions are required to hold annual conferences for all employees to be refreshed on policy and other changes. Items regarding Equal Employment Opportunity as contained in Part 1, 4-7.1, of this manual, are to be reiterated. The larger divisions are permitted at their discretion to conduct such conferences on a sectional or unit basis where the number of employees in the division warrants such to ensure maximum benefit to the employees.

(2) In field offices - (See MAOP, Part 2, 8-1.3.2 (4); MIOG, Part 1, 261-2; National Foreign Intelligence Program Manual, Part 1, 8-1.1.)

(a) Held annually and supervised by SAC; ASAC to attend if in headquarters city.

(b) Program to be prepared in advance and based on suggestions made by both support personnel and Agents and discussion handled by them. In all conferences, items regarding Equal Employment Opportunity as contained in Part 1, 4-7.1, of this manual, are to be covered. Wherever practical the seminar approach should be utilized.

(c) Matters in Phase 2 of Security Awareness Program (See *Security Policy Manual*, Policies, Security Awareness.)

(d) A presentation from the divisional Employee Assistance Program (EAP) Coordinator or Regional EAP Program Manager, on the EAP, including availability and accessibility of EAP resources for FBI employees and family members, program confidentiality, and other psychological services provided by the Employee Assistance Unit, Administrative Services Division, must be included as part of the conference.

(e) Longhand notes to be taken but are not graded.

(f) Suggestions made to be handled as those made during Agents' annual conferences.

(g) The program, containing a handwritten notation that it was held, is to be filed administratively.

### **8-2.3 Training for Foreign Assignment**

See Part I, 11-15, of this manual for information concerning this training.

### **8-2.4 Training for Certified Public Accountants (CPA) Support Personnel**

The following criteria is set forth concerning the reimbursement of CPA review courses for support personnel.

- (1) Employees must be assigned to Auditor, GS-510 Accountant, or Financial Analyst positions. Employees must be a GS-9 or higher, have been at the GS-9 level at least one year, and have been in position at least one year. Employee must also possess a four-year undergraduate accounting degree.
- (2) Deleted
- (3) Before the Bureau will reimburse an employee for a CPA review course, all parts of the review course and 90 percent of assigned homework must be satisfactorily completed. Travel costs will not be reimbursed.
- (4) Eligible employees desiring to participate in this program must prepare an SF-182 "Request of Training" and submit same to the Training Office at least 30 days prior to training commencement date. Upon completion of the course, the employee should submit receipts showing payment of tuition, and a grade slip or statement from the instructor showing the course was successfully completed. No reimbursement for training costs will be made for employee failing to successfully complete the course unless the course is discontinued for official purposes.
- (5) Deleted

## **8-3 FIELD POLICE TRAINING PROGRAM**

### **8-3.1 Purpose**

The Field Police Training Program (FPTP) serves as the foundation for the FBI's Comprehensive Law Enforcement Training Program. The goal of this program is to improve the investigative, managerial, technical, and administrative capabilities of local, county, and state law enforcement and other criminal justice personnel by providing, upon request, education and training programs in local, state, and regional facilities throughout the United States by qualified FBI police instructors. The specific objective of the FPTP is as follows:

- (1) Contingent upon field office expertise, instructor availability, and budgetary constraints, provide training assistance to improve the investigative, management, technical, and administrative skills of local, county, and state law enforcement and other criminal justice personnel.
- (2) To create and maintain the requisite conditions to facilitate cooperation between FBI and local agencies in areas of mutual concern and interest.
- (3) Through the training, technical assistance, and liaison process, improve the effectiveness of FBI field investigative operations.



### 8-3.2 Policy

(1) The Bureau will provide training assistance for duly constituted state, county, and local criminal justice agencies based on either assessment of agency training needs or relevancy to division investigative programs and provide training assistance to only those agencies who lack instructional expertise. Training assistance should be limited to those areas in which the FBI has the required expertise and personnel qualified to provide assistance. Field office efforts should concentrate on courses designed to "train the trainer." This is of particular importance in such labor-intensive areas as firearms and defensive tactics.

As a general rule, instructional and technical assistance should be distributed throughout the field office territory and not localized or limited to a few agencies. SAC or his/her designee is expected to participate in local, county, state, and regional training associations, advisory boards, etc.

(2) Police training commitments may be solicited on a conservative basis; however, no law enforcement executive should be given the impression they must schedule training schools and utilize FBI assistance.

(3) A record of schools conducted should be recorded on the automated PTS (Police Training System) and a paper copy for each school should be maintained in appropriate field office file.

(4) The primary thrust of FBI police training activities should be to provide training assistance for full-time local, county, and state police officers. Therefore, specific prior FBIHQ approval must be obtained before scheduling EXTENSIVE training assistance for part-time criminal justice groups or for other federal agencies. Your communication requesting approval to conduct extensive training for these agencies should be directed to FBIHQ, Attention: Training Division, and should set forth full justification as to how such training will benefit the criminal justice community. Communication should be directed to the Bureau UACB. Specific FBIHQ approval is not required to furnish a short, one-time presentation such as "Jurisdiction of the FBI" before a part-time criminal justice group or other federal agency. Discretion must be used in committing police training resources to such activity.

(5) As a general policy, the Bureau cooperates with colleges and universities in police training if the training is conducted in cooperation with law enforcement, attendance is restricted to regular law enforcement personnel, and no actual tuition, other than nominal fees for registration, supplies, room and board, is charged. You may receive requests for police training assistance at these institutions which do not conform to our general policy. If you believe it would be in the best interest of law enforcement for the Bureau to participate, submit full justification and recommendations to FBIHQ, Attention: Training Division, for review prior to making any commitment. FBI instructional resources should be allocated only to criminal justice-related matters. This training policy does not restrict nor apply to appearances at colleges and universities which are speeches or purely academic and educational endeavors; however, such activities will not be charged to police training under the Time Utilization Recordkeeping System.

(6) Attendance at police schools should be limited to individuals connected with duly constituted local, county, or state criminal justice organizations. The number in attendance should be sufficient to justify the time of Bureau instructors. Police schools in which Bureau personnel participate must

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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have nondiscriminatory enrollment policies and training practices insofar as race, sex, color, and national origin are concerned.

(7) The Bureau does not participate in schools charging fees or tuition except in instances in which nominal charges are necessary for room, board, supplies and custodial services.

(8) Only qualified personnel are to be utilized instructors in this program. All qualified instructors may teach general subjects; however, additional training is required to teach the specialty areas such as firearms, fingerprints, laboratory, photography, etc. Agents assigned to highly confidential duties, particularly in the security field, should not be used in police schools. Agents in a probationary status should not be used as police instructors without FBIHQ approval. If feasible, the maximum use of all qualified instructors is advocated in lieu of a selected few personnel. This provides for the greatest amount of contact with local police establishments.

It is the SAC's responsibility to ensure that developmental opportunities are provided for both incumbent and aspiring field instructors. This would include the participation of employees in FBI Academy courses as well as external training sessions. The SAC should ensure that supervisors support the FPTP by allowing instructors to participate in the program.

(9) Only approved firearms instructors will instruct firearms courses for law enforcement agencies. Any range utilized will be fully inspected by the instructor to ensure that it meets Bureau-specified safety standards. Under no circumstances will an unsafe range be utilized for training.

(10) Instruction on legal matters will be conducted by Bureau-approved legal instructors only.

(11) SAC is responsible for implementing measures to ensure the quality of instruction is maintained. This would include the periodic auditing of instructors by the SAC or his/her designee. Appropriate instructions regarding these periodic audits should be recorded in appropriate field office file. To remain a qualified FBI instructor, an individual must participate in the FPTP. If an individual does not instruct a class during a 12-month period, he/she will no longer be authorized by the sponsoring FBIHQ division to participate in the program. However, individuals may requalify by application to the National Academy Unit, Training Division. (See (13) below.)

(12) All requests for FBIHQ instructional assistance in field training programs should be forwarded to Training Division. Detailed justification is to be included in request. Any division from FBIHQ conducting a field police training school must submit a communication to the Training Division, National Academy Unit, Attention: Field Police Training Program, and to the attention of the Training Coordinator in the field office territory to which they are traveling. (See (15) below.)

(13) The SAC or ASAC should audit presentations made by instructors at the annual Agent's conference, annual support personnel conferences, and similar meetings. Results of audits should be made the subject of an electronic communication (EC) for assistance in preparing performance appraisals. ECs should include pertinent suggestions or constructive criticisms made, and SAC should follow through and ensure any recommendations have been carried out. Subsequent audits should show extent of progress made. At a minimum instructors who normally handle lecture assignments should be audited on an annual basis at least. If not possible to audit a particular instructor during appraisal period, special effort should be made to audit the instructor during the next appraisal period. (See (11) above.)

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(14) Deleted

(15) INSTRUCTOR LOAN PROGRAM - All requests for instructional assistance from another field office must be approved by Training Division. Field offices in need of a particular expertise may request a neighboring office to provide an instructor to conduct such training. Quantico will pay the expenses of travel. The Travel Advance and Payment Unit has been advised that this practice will be utilized on a limited basis and only when offices receive requests that cannot be met due to lack of expertise. The field office requesting the instructor must submit a communication to Training Division, National Academy Unit, Attention: Field Police Training Program, to get a travel request number for entry on travel documents and to authorize such travel. The communication must include: dates of school, title of school, instructor's name, stated approval of both SACs, and an estimate of the costs. A copy of the voucher submitted by the instructor must be sent to the attention of the FFTP manager at Quantico as soon as possible after the travel is completed. (See (12) above.)

(16) MASTER POLICE INSTRUCTOR - At the end of each Fiscal Year nominations should be sent in to the FFTP manager at Quantico for Master Police Instructor. The Master Police Instructor designation is designed to recognize these instructors who have significantly contributed to the FFTP. These contributions include innovative teaching methods, special activities and instructional programs, and materials developed and/or successfully used by the instructor.

ELIGIBILITY REQUIREMENTS

- (a) Must have been an instructor for seven years and participated in the FFTP each of those years.
- (b) Must have taught at least 60 hours a year in the FFTP during the last three years.
- (c) Must have more than one instructor specialty.
- (d) Must have received high evaluations by the Police Training Coordinator on classroom presentations and be recommended by the SAC.
- (e) Must meet the yearly training required of employees.
- (f) Must develop a training program and/or instructional materials for the FFTP.
- (g) Must be assigned to the field office submitting the nomination. The staff at the FBI Academy should not be recognized in this program as they are recognized by their status as instructors at the Academy.
- (h) Must be an active FBI employee at the time of his/her nomination who presently meets or has met the above eligibility requirements.

**8-3.3 In-Service Extension Program for Police Instructors**

Any Agent who is an instructor may, upon request, be considered for this program. The program is designed to allow Agents who are active instructors and who are otherwise at Quantico attending an in-service class, seminar or assessment session to extend their stay at the FBI Academy for the purpose of conducting research, preparing lesson plans or creating training aids which will be available for use by FBI instructors.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (1) The application for participation in this program must contain a detailed description of the proposed project including the number of days needed, the resources to be used at Quantico and the amount of work that has already been performed toward completing the project. In addition, the application must be approved by the Police Training Coordinator and the SAC prior to submission and it must be submitted well in advance of any projected travel to Quantico.
- (2) Training Division will review the plan and, if judged to be feasible and worthwhile, will assign a faculty advisor who will communicate with the instructor for purposes of planning the project.
- (3) After approval by Training Division, the instructor will be allowed to reside at the FBI Academy for a specific number of days during which the Academy's resources will be available to complete the project. Priorities will be given to the most active instructors and to those projects which have the widest potential utilization in the Field Police Training Program.
- (4) Inquiries or applications should be directed to the attention of the National Academy Unit, Training Division.

#### **8-3.4 Publicity and Press Coverage**

- (1) Each SAC is encouraged to issue press releases concerning schools in which the FBI participates. These releases should be made jointly with the sponsoring law enforcement official or officials. FBIHQ has no objection to the taking of news or feature pictures before and after closed sessions of police schools, but press representatives should not be present during a police school. The SAC and appropriate officials of the host agency should have a firm understanding in advance of the school that outsiders, including press representatives, will not be admitted to the school. No Bureau employee should try to evict anyone from a classroom in which the school is conducted.
- (2) Forward to FBIHQ, Attention: Training Division, newspaper clippings relating to police schools in which the Bureau participates when there is some unusual feature about the publicity. Newspaper clippings relative to such schools shall be filed in the pertinent school files. These clippings may be destroyed after a period of two years.
- (3) The SAC, or his/her representative, should be present at the graduation ceremonies for police schools in which the FBI participates.

#### **8-3.5 Files on Police Schools**

- (1) Individual files on police schools shall be maintained under name of police departments unless school is sponsored by a state or regional academy or criminal justice planning agency in which case files under appropriate title shall be maintained.
- (2) Comprehensive lesson plans for subject matter taught at schools shall be maintained in a field office resource library for accessibility to the instructors' corps. The training technician in each field office should ensure that material in the resource library remains current by periodic trips to outside resources for research purposes.
- (3) Routine correspondence relative to police schools may be destroyed after a period of five years. (See MAOP, Part II, 2-4.5.11.)

SENSITIVE

### **8-3.6 Police School Statistics**

The following rules are set forth concerning the compilation of statistics for police training schools:

- (1) Any one group of police officers afforded training in an organized school is to be counted as one school.
- (2) If one group of police officers is given training in an afternoon session, and a second group in an evening session, these groups are to be counted as two schools, even though the same subject matter is presented to both groups. In other words, a school is a group of officers organized and instructed for a designated period.
- (3) A school which begins in any given month is to be considered as a school for that month. If it continues into a second month, it is not counted as a separate school, since to do so would inflate the annual statistics.
- (4) If more than one FBI instructor is utilized during the same period, as in a team teaching situation, the number of hours of training received by the class should be counted rather than the number of hours expended by the FBI personnel conducting the class.
- (5) Count participation in a police school in those instances in which any one or all of the following services are provided:
  - (a) FBI instructors
  - (b) Visual aids or other training aids
  - (c) Consultation in preparing a program in which FBI provided neither instructors nor training aids.
- (6) Teleconference downlinks will be counted in a separate category for reporting purposes. They will not be counted in the final total for schools at the end of the year.
- (7) Schools conducted internationally by certified FPTP instructors may be entered into the Police Training System (PTS) database.

## **8-4 ADVANCED SPECIALIZED TRAINING FOR CRIMINAL JUSTICE PERSONNEL AT THE FBI ACADEMY (NON-FBI NATIONAL ACADEMY)**

### **8-4.1 Selection Criteria**

- (1) Training Division's primary mission is to provide educational and training programs to develop the human resources of FBI personnel. In this regard, the FBI Academy is very selective in the scheduling of Academy-based training for the police community. Although it is recognized that SACs require sufficient latitude to address legitimate division liaison priorities, to include geographic distribution of Academy training slots, every effort should be made to select only those local law enforcement personnel who have the requisite background and demonstrated agency need for an FBI Academy training experience.
- (2) Students for the specialized scientific and forensic support schools are selected by FBIHQ from an application system. Selection is based on the date of receipt of the application; geographic distribution; as well as affording consideration to any documented special needs of the requesting department or forensic laboratory. Selection of students for the Gambling Technology Police

School is coordinated through the Police Training Coordinator in the respective field offices and does not require the submission of an application.

#### **8-4.2 Certification Requirements**

In order to ensure that local law enforcement agencies participating in Academy-based training are in compliance with applicable Federal discriminatory laws, FD-682, Certification of Nondiscrimination, is to be executed by all local, state or county law enforcement agencies whose employees are selected to attend training courses at the FBI Academy. Local law enforcement agencies are to be informed that failure to provide requested certification will preclude their department's participation in Academy-based training programs. The certification form (FD-682) is to be maintained in an appropriate field office file.

#### **8-5 ATTENDANCE OF FBI PERSONNEL AT POLICE CONFERENCES (See MAOP, Part 1, 1-3.1 (4).)**

SACs may designate or approve attendance of their Agent personnel at meetings and conferences of FBI National Academy Associates, meetings of Chiefs of Police or Sheriff's associations, and conferences sponsored by state or local law enforcement groups when these events are held within the field office territory. It is expected that good judgment will be exercised in making such assignments, and SAC must coordinate travel to meetings and conferences held outside their field office territory with and obtain approval from the SAC of the office covering territory to be visited. Spouses and families may accompany Bureau personnel to these meetings where no increase in costs to the Government would result and there exists no other factors requiring disapproval. In this regard, an SAC may authorize on a case-by-case basis an Agent's spouse to travel in a Bureau automobile while the Agent is en route to and from a function in which the Agent has an official role, provided the Bureau vehicle is used exclusively as basic transportation to and from the FBI sanctioned function. The foremost consideration in granting such a request should be whether such travel would be considered to be in the best interest of the Government. Among the factors to be considered are length of time of the function and distance to be traveled.

#### **8-6 MOVED TO MIOG, PART 2, 30-1.7**

#### **8-7 MOVED TO MIOG, PART 2, 30-2.6**

#### **8-8 MOVED TO MIOG, PART 2, 30-3.6**

#### **8-9 MOVED TO MIOG, PART 2, 30-3.8 (5)**

**8-9.1 Moved to MIOG, Part 2, 30-3.8 (5)**

**8-9.2 Moved to MIOG, Part 2, 30-3.5**

**8-9.3 Moved to MIOG, Part 2, 30-3.8 (5)**

**8-9.4 Deleted**

**8-9.5 Deleted**

**8-9.6 Deleted**

**8-10 MOVED TO MIOG, PART 2, 30-3.9**

**8-10.1 Moved to MIOG, Part 2, 30-3.9**

**8-10.2 Moved to MIOG, Part 2, 30-3.9.1**

**8-10.3 Moved to MIOG, Part 2, 30-3.9.1**

**8-10.4 Moved to MIOG, Part 2, 30-3.9.1**

**8-10.5 Moved to MIOG, Part 2, 30-3.9.1**

**8-10.6 Moved to MIOG, Part 2, 30-3.9.1**

### **8-11 INTERNATIONAL POLICE TRAINING (IPT)**

(1) OLIA has been designated as the FBIHQ coordinating entity for all IPT requests. All IPT requests should be sent to FBIHQ, Attention: IPT Coordinator, OLIA; upon receipt, OLIA will coordinate with the appropriate FBIHQ entity.

(2) All IPT requests should be coordinated, by the requestor, with the respective U.S. Embassy component to ensure that the Embassy interposes no objection to the training. A statement to this effect should be included in the submission of all IPT requests. Additionally, no assurances should be given to the requestor of the training until final approval is obtained from FBIHQ.

### **8-12 CORE TRAINING**

(1) Regardless of the investigative program in which an Agent is working, Agents must possess certain basic and central skills to be successful. Those core areas that transcend investigative programs are interviewing and interrogation, informant/asset development and case management. An Agent is considered to have met the Core Training mandate when he/she has successfully and satisfactorily met the requirements of the Bureau's Probationary Agent Program.

(2) Deleted

### **8-13 CONTINUING EDUCATION PROGRAM FOR FBI EMPLOYEES**

- (1) All FBI employees will participate in the Continuing Education Program. Failure to participate may result in a rating of "Does Not Meet Expectations" in the critical element "Acquiring, Applying, and Sharing Job Knowledge" under the FBI Performance Appraisal System (PAS).
- (2) FBI employees must complete no fewer than 15 hours of developmental training or education annually.
- (3) The Continuing Education Program will coincide with the employee's annual performance appraisal period.
- (4) Continuing Education credits will only apply to the rating period in which the training or education was attended. Credits for courses which span PAS periods will apply at either the beginning or conclusion of the course as previously agreed to by both the supervisor and employee. Continuing Education credits earned in excess of the 15-hour minimum will not be applied to subsequent years.
- (5) Any learning opportunities approved under this program must pertain to the furthering of an employee's abilities. This does not include any training or learning opportunities which are mandated by the FBI for all Special Agents and/or support employees to remain current in job skills, proficiencies, qualifications or legal/employment matters.
- (6) Employees may engage in a variety of traditional and nontraditional learning opportunities to meet Continuing Education requirements.
- (7) Employees will be expected to use the most cost-effective learning opportunities to meet Continuing Education requirements.
- (8) Learning opportunities must be related to job performance or career-enhancement and should be consistent with the goals and objectives of the employee's development plan under the PAS to apply toward Continuing Education credits.
- (9) Supervisory approval is required for all learning opportunities to be applied toward Continuing Education credits.
- (10) Consideration for all training requests will be based upon supervisory approval, employee work demands, and financial resources available at the time of the request.
- (11) Employees are not relieved from completing their Continuing Education requirements should their initial request for education or training be denied. Employees must find other learning alternatives which will allow them to meet their Continuing Education requirements for that rating period.
- (12) Employees may be permitted time during regularly scheduled work hours to engage in independent learning opportunities with prior supervisory approval.
- (13) Supervisors should make every effort to allow employees to participate in training opportunities during regularly scheduled work hours to meet developmental and Continuing Education requirements. Failure to encourage professional development through training may result in a rating of "Does Not Meet Expectations" in the critical element "Supervising" under the PAS.



SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(14) Employees may engage in learning and developmental opportunities such as an academic program at a local college or university, at the employee's own expense, and receive continuing education credit for the rating period, with supervisory approval.

(15) Supervisors may permit employees to adjust normal work schedules in order to participate in learning and developmental opportunities being paid for by the employee. Employees may not attend self-paid developmental opportunities during scheduled work hours. Supervisors may approve the use of flex hours, alternate work schedules, or annual leave for employees attending self-paid developmental opportunities. Work hours may not be modified to complete "homework" assignments.

(16) The number of continuing education credits to be awarded will be determined by consensus between the employee and supervisor before the employee engages in the learning activity. Where a consensus cannot be reached, the supervisor will establish the number of credits to be awarded.

(17) Employees participating in an organized educational experience, whether face-to-face or through real-time distance learning delivery, will receive one hour of Continuing Education credit for each hour of employee participation.

(18) For self-paced learning opportunities which may include books, periodicals or computer-based learning, the number of continuing education credits will be determined by reasonable agreement between the employee and supervisor. In the case of written publications, the number of credits awarded should not exceed 15 hours per publication.

(19) Employees who complete training which is assigned Continuing Education Units (CEUs) through the International Association for Continuing Education and Training (IACET) will earn credit for Continuing Education hours equal to the assigned CEUs. The IACET standard is one CEU for every 10 contact hours of training (ratio 1:10).

(20) Employees are responsible for maintaining records supporting the completion of learning activities by completing the Continuing Education Certification Form (FD-932).

(21) Supervisors are responsible for verifying that completed learning activities have been documented by the employee on the Continuing Education Certification Form (FD-932).

(22) Each division and field office should maintain a copy of each completed Continuing Education Certification Form (FD-932) in a central repository for recordkeeping purposes.

#### **8-14 REGIONAL TRAINING (See MAOP, Part 2, 6-1 (3).)**

Regional Training is defined as a conference or training event that does not take place at the FBI Academy and is Bureau sponsored. Regional Training may take place in Bureau controlled space, or at a non-FBI offsite facility. Employees who complete the training will receive credit for such in their personnel files.

##### **(1) Approval to Hold Regional Training**

If a Travel Request (TR) number is to be issued for the attendees of a training event, then the following procedures must be followed to receive approval to hold the event away from the FBI

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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Academy, since it is almost always more cost effective to have the event at the FBI Academy when the majority of participants are on travel status.

(a) The TDD has been mandated to schedule, coordinate, track, and report all training conducted by the FBI and all expenses associated with that training. The TDD has the responsibility of ensuring all conferences, meetings, and training events are held in the most cost efficient manner and in compliance with regulations outlined in the Federal Travel Regulations, Section 301-74. The Training Services Unit (TSU), TDD is the designated point of contact to coordinate approval for Regional Training in Bureau Controlled Space and in non-FBI offsite facilities.

(b) The TDD has identified many logistical issues related to the scheduling and coordination of these events. The TDD will locate a facility, FBI or non-FBI, that will offer the lowest overall cost to the government and provide reasonable and necessary accommodations (meals, lodging, convenience of conference location, adequacy of conference space and equipment for attendees). This will also ensure space at the Academy and other FBI space is fully utilized by scheduling as many events as possible in FBI space.

(c) The requesting division shall submit an EC to TDD, (sample on TDD intranet web site), directing it to the attention of TSU; requesting to sponsor an event; and setting a lead to TDD, TSU, to conduct training. The Event Information Form (available on the TDD intranet web site) is to be submitted as an enclosure to the EC. The requirements for the event are to be set forth in the Event Information Form. A copy of the EC is to be designated for file 1A-HQ-C1301962.

(d) Upon completion of this process, TDD will initiate contract approval with the Operational Support Services contract Unit, Finance Division (FD), to ensure proper procurement and/or policies are followed. After FD approval, TSU will coordinate logistical support requirements with the requesting divisions/Field Office Training Officer (i.e., training technician support, material preparation, student registration) with requesting division.

**(2) Scheduling and Registering for Regional Training**

(a) The Training Officer of the sponsoring field office or FBIHQ division must schedule the Regional Training into the In-Service Training and Registration (ITAR) system. If a suitable class code is not available, a code should be requested from the TSU. The TSU Program Manager for Scheduling and Registration will ensure the class code is entered into the ITAR system.

(b) All employees requesting attendance to the training must complete an FD-878, or their supervisor must complete an FD-879, and the request must be entered into the ITAR system. The code signifying management approval of the employee to attend must also be entered into ITAR, or the request will not appear on the class roster.

(c) TSU will graduate these employees into the Quantico Student Information System (QSIG) where records will be transferred into the Bureau Personnel Management System (BPMS).

**8-15 FBI ACADEMY'S TOUR POLICY**

The policy and administrative procedures set out below are to be used by FBIHQ divisions, field offices, and employees for requesting tours of the FBI Academy buildings and overall training

SENSITIVE

SENSITIVE

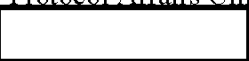
Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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complex, i.e., Hogan's Alley, the ranges, and the Tactical Emergency Vehicle Operation Center (TEVOC). Tours can be categorized as family and group tours, briefings, and VIP tours.

(1) International Delegations

Requests for tours for embassy/international delegations should be coordinated through the Protocol Affairs Unit, International Operations Section, Office of International Operations, FBIHQ,



(2) National Academy Graduates

A new program pertaining to their visits is being developed and guidance will be forthcoming. Direct any questions pertaining to graduates' tours to Strategic Planning and Policy Unit,(SPPU).

(3) First and foremost, it is the intent of the TDD to continue to provide exemplary service to the Department of Justice community, our federal, state and local law enforcement partners, our Marine Corps neighbors, and the public sector. Therefore, forward all requests for tours and briefings in writing to the Tour Office, Public Affairs Officer at the FBI Academy, Quantico, Virginia. The written request must include:

- (a) A description of the need for the tour and information briefing
- (b) The proposed time and date of the event
- (c) The number of attendees
- (d) The phone number and address of a single point of contact
- (e) Any special requirements associated with the event.

(4) Upon receipt, the Tour Office will check the existing schedule and notify the requester if the tour and/or briefing can be accommodated by the FBI Academy. If the requested tour can be met, the Tour Office will coordinate the scheduling, security, and other administrative details.

(5) The TDD recognizes the high visibility and importance associated with VIP tours and information briefings, but is committed to following proper protocol. Every effort will be made to accommodate the desired tour date and requested participation in briefings and/or instructional events. The TDD recognizes that the FBI Academy's active participation in visitor tours can add value to all parties involved. Further, this joint participation establishes a link to the public sector and epitomizes the FBI Academy worldwide as the nation's premier law enforcement training facility and fosters the American public's trust and confidence in the Federal Bureau of Investigation.

(6) The Tour Office will keep the TDD Assistant Director and Deputy Assistant Director informed about all approved tours. In addition, the Tour Office will notify and coordinate with the DAD of the FBI Academy on all requests for tours and briefings related to instructional components. The SAC will review and approve/decline the use of FBI Academy instructional resources in tours and briefings.

(7) Additionally, it is requested that FBI employees who choose to escort family members around the FBI Academy buildings and training complex contact the Tour Office via e-mail requesting information regarding FBI Academy escort procedures.

SENSITIVE

**SENSITIVE**

**Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(8) For further information on scheduling tours and/or briefings at the FBI Academy, please contact the Tour Office at

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**SENSITIVE**

## SECTION 9. DISSEMINATION OF INFORMATION

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

### 9-1 RESPONSIBILITY (See MIOG, Part 2, 34-7.)

The proper utilization of information received by the FBI, either through investigation or otherwise, is foremost among our responsibilities. Such information may be of vital interest to another Government agency and/or local law enforcement agencies. Of course, there are certain restrictions which must be observed as to type of information disseminated and recipients to whom disseminated. This section sets forth guidelines to be followed in this respect. In all matters relating to dissemination, good judgment and common sense should prevail. It is FBI policy to disseminate vital and important information to which other agencies, including local law enforcement, are justifiably entitled. There must be no indiscriminate or arbitrary dissemination. Cases of doubt should be brought to the attention of a supervisory official.

#### 9-1.1 Briefing Material Prepared for Presentation Outside the FBI

Briefing material prepared for presentation outside the FBI or testimony by Bureau officials should include the name and initials of the senior Bureau official approving the material and the date it was prepared. Additionally, divisions responsible for the preparation of the material are required to maintain records reflecting the source of information used in the preparation of the briefing material and the names of the individuals who drafted the material.

### 9-2 BASIS FOR DISSEMINATION

FBIHQ serves as clearinghouse for information affecting the internal security of the United States.

#### 9-2.1 Internal Security Matters

Presidential directives have specifically requested all law enforcement officers to report information regarding espionage, sabotage, subversive activities and related matters to the FBI. These directives have charged the FBI with responsibility of correlating material and referring matters under jurisdiction of the other federal agencies to the appropriate agencies. (For further details, see Manual of Investigative Operations and Guidelines and National Foreign Intelligence Program Manual (NFIPM).)

#### 9-2.2 Delimitations Agreement Between the FBI and Armed Forces Intelligence Agencies

Delimitations Agreement between the FBI and armed forces intelligence agencies provides for exchange of information of mutual interest. The agreement provides that where there is doubt as to whether or not one of subscribing agencies is interested in information collected, it should be resolved in favor of transmitting the information. (For further details, see National Foreign Intelligence Program Manual (NFIPM).)

### **9-2.3 National Security Act - 1947**

National Security Act of 1947 provides that upon written request from Director of Central Intelligence Agency (CIA), the FBI shall make available information for correlation, evaluation and dissemination essential to national security.

### **9-2.4 Executive Order 10450**

Establishes procedures for checking FBI records for names of applicants and incumbents of departments or agencies of the Executive Branch. It also sets forth responsibilities for dissemination of loyalty and suitability information to other Government agencies.

### **9-2.5 Departmental Order 3464, Supplement No. 4 (Revised)**

Supplement No. 4 (Revised) of Departmental Order 3464 (now superseded) signed by Attorney General on January 13, 1953, designated all official records and information of the FBI as confidential. However, it has been long-standing policy concurred in by the various Attorneys General, for the FBI to furnish pertinent information coming to our attention during conduct of investigations to other interested agencies of the Executive Branch.

### **9-2.6 Memorandum of Understanding Between Departments of Justice and Defense**

Memorandum of Understanding entered into in 1984, by the Department of Justice and Defense, requires the FBI to make results of certain investigations available to the military authorities.

### **9-2.7 Agreement Between the FBI and Secret Service Concerning Protective Responsibilities**

Other agreements such as the Agreement Between the FBI and Secret Service concerning protective responsibilities require that we disseminate certain information.

### **9-2.8 Identification Records (See MAOP, Part II, 9-3.1.1.)**

Authority for the FBI to perform identification functions is contained in Title 28, USC, Section 534. (See MIOG, Part II, 14-4, "DISSEMINATION GUIDELINES FOR FBI CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) DIVISION RECORDS.")

## **9-3 INFORMATION TO BE DISSEMINATED (See MIOG, Part I, 62-3.3(6), 190-3.2; Part II, 34-7.)**

(1) In the majority of instances, information received by the FBI will be of interest and should be furnished to one or more agencies of the Executive Branch of government. Care should be taken, however, not to disseminate information to any field branch of another government agency where there is a known lack of security. FBIHQ must be promptly advised should any such situation arise.

(2) Dissemination is ordinarily restricted to federal agencies in the Executive Branch. However, there are situations within which dissemination to federal judicial and legislative agencies, as well as to state and local agencies, is appropriate, with due regard for Privacy Act guidelines. Provided that such dissemination does not jeopardize any pending FBI investigations or informants and does not violate the Privacy Act, these agencies should be furnished pertinent information.

Dissemination of information to the federal judicial and legislative branches should be cleared with

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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FBIHQ. FBIHQ elements and Field Offices will ensure timely dissemination of information to enhance public safety and national security in conformance with Attorney General Memorandum dated September 21, 2001, "Disseminating Information to Enhance Public Safety and National Security." Dissemination of information in order to prevent or disrupt a credible threat to public safety or national security should not be delayed merely to maintain the viability of a criminal investigation or avoid compromising a source of information. (AG Memo dated 9/21/2001, "Disseminating Information to Enhance Public Safety and National Security.")

(3) Dissemination of FBI information to a legitimate agency of a foreign government may be made where the FBI determines that the information is relevant to that agency's responsibilities, dissemination serves the best interests of the U.S. government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected and is not prohibited by law.

### **9-3.1 Dissemination to State and Local Criminal Justice and Noncriminal Justice Agencies**

(1) Dissemination to any state or local government agency should be restricted as a general practice to those agencies directly engaged in the criminal justice process, e.g., police, prosecution, penal, probation, and parole and the judiciary, and only where access is directly related to a law enforcement function of the recipient agency, e.g., in connection with a lawful criminal or intelligence investigation, or making a determination concerning an individual's suitability for employment as a state or local law enforcement employee, or concerning a victim's compensation under a state statute. Disclosure to a state or local government agency not directly engaged in the criminal justice process, or for a licensing or regulatory function, is considered on an individual basis only under exceptional circumstances. Such determinations are made at FBIHQ.

(2) The procedures discussed in 9-3.1 through 9-3.1.5 do not apply to the day-to-day exchange of information between the FBI and local law enforcement agencies which is of joint criminal investigative interest to both agencies. The values and principles discussed here, however, should be taken into consideration during such informal exchanges of information (no dissemination of irrelevant or inaccurate information should ever take place).

(3) The procedures discussed in 9-3.1 through 9-3.1.5 are to be applied in a manner consistent with Attorney General Memorandum dated September 21, 2001, "Disseminating Information to Enhance Public Safety and National Security" as referenced in 9.3 (2). (AG Memo dated 9/21/2001, "Disseminating Information to Enhance Public Safety and National Security.")

#### **9-3.1.1 Dissemination to State and Local Criminal Justice Agencies (See MAOP, Part II, 9-3.1(2); MIOG, Part I, 190-3.2.)**

When a state or local criminal justice agency desires information from FBIHQ files, a written communication on the agency's letterhead and signed by an appropriate official of the agency must be submitted containing the following:

- (1) The nature and scope of the specific information desired.
- (2) The law enforcement function to be served by the requested information.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(3) Sufficient identifying information to ensure a proper search of FBIHQ indices and an intelligent review of files (Name, Date of Birth, Place of Birth, Social Security Account Number, Residence, Employment, etc.). (See MAOP, Part II, 9-3.1.2(4).)

The above procedure applies to requests for information from FBIHQ files and does not affect established procedures in the field for responding to formal or informal requests, as noted in 9-3.1(2), for information from the files of the field office. Established procedures as in 9-2.8 and MIOG, Part II, 14-4, for obtaining information or assistance from the Criminal Justice Information Services Division at FBIHQ also remain unaffected.

**9-3.1.2 Dissemination to State and Local Noncriminal Justice Agencies (See MAOP, Part II, 9-3.1(2) and 9-3.1.4.)**

Requests for information submitted by a noncriminal justice agency are considered at FBIHQ on an individual basis in all cases, even if only field office records are sought. This requires a showing of exceptional circumstances under subsection (b)(3) of the Privacy Act of 1974, Title 5, USC, Section 552a, and 58 Federal Register 51,870 (Oct. 5 1993). To meet that standard, requests must be in writing on agency letterhead signed by an appropriate official of the agency. They must include:

- (1) The nature and scope of the specific information desired.
- (2) The exceptional circumstances on which the request is based, i.e., the circumstances which indicate that failure to disclose could reasonably be expected to permit an individual or organization to engage in probable criminal activity or activity which could adversely affect the public welfare.
- (3) The agency's functions which will be served by the requested information.
- (4) Sufficient identifying data as outlined under 9- 3.1.1(3).

These requests should be directed to FBIHQ, Attn: Administrative Law Unit, Office of the General Counsel (OGC).

**9-3.1.3 FBIHQ Processing Guidelines (See MAOP, Part II, 9-3.1(2).)**

(1) There can be no dissemination to a state or local agency of classified or otherwise privileged information, such as informants' identities. Federal grand jury information can be disseminated to a state or local agency only pursuant to Fed. R. Crim. P. 6(e) (see MIOG, Part II, 2-9.5 (5)). Information disseminated will be reviewed to ensure it is accurate, complete, timely, and relevant insofar as it is reasonably possible.

(2) Telephone requests cannot be honored.

(3) Requests which have been forwarded to FBIHQ will be returned to the requesting agency through the field office which submitted it, or the field office which covers the territory.

(4) Copies of the response to requests submitted directly by the agency to FBIHQ will be designated for the field office which covers the territory, together with a copy of the agency's request.

SENSITIVE



#### **9-3.1.4 Field Office Responsibility (See MAOP, Part II, 9-3.1(2).)**

When requests are submitted to field office, the following applies:

- (1) Requests meeting the above requirements in 9-3.1.2 should be acknowledged and the agency advised their request has been forwarded to FBIHQ.
- (2) When forwarding requests from state and local agencies seeking FBIHQ records, forward any field office information pertinent to the requests to FBIHQ in a form suitable for dissemination (for example, letterhead memorandum) so that it may be reviewed at the same time FBIHQ records are searched and reviewed.
- (3) If there is no information in the field office files, this should be so stated in the cover communication forwarding the request. A single dissemination will be made by FBIHQ when there are both field and FBIHQ records involved. A control file to record dissemination of information should be maintained. Copies of dissemination by the field office, or by FBIHQ through the field office, should be kept in the file. Since the control file is for dissemination, it is not necessary to record "no record" responses. When a main file exists in the field office for the subject of the inquiry, copies of the response should also be filed in that main file.
- (4) Questions may be addressed to Administrative Law Unit, Office of the General Counsel, or to the Field Services Unit, Information Resources Division.

#### **9-3.1.5 Privacy Act Considerations**

The Privacy Act of 1974 governs collecting, maintaining, and disseminating information about an individual. It applies when the subject of the request is an individual or when the response would include identifying information about the individual. The term "individual" is defined in the Privacy Act as "a citizen of the United States or an alien lawfully admitted for permanent residence." Every dissemination of information by the FBI to federal, state and local agencies must be in accordance with the statute. Most requests from state and local criminal justice agencies for law enforcement purposes are handled under subsection (b)(3) and, to a lesser extent, under subsection (b)(7). Requests from state and local agencies not part of the criminal justice system, or from state and local criminal justice agencies but not for law enforcement purposes, can be handled only under subsection (b)(3) or (b)(7), by FBIHQ, and only under exceptional circumstances as described above.

#### **9-3.2 Information Totally Within Jurisdiction of Other Federal Agencies**

This information should be forwarded promptly to nearest office of interested agency. It should be made clear to the other agency whether the information has been verified. If information will likely result in publicity or if FBIHQ may be otherwise interested, FBIHQ should be promptly advised.

#### **9-3.3 Information Within FBI Jurisdiction and of Interest to Another Federal Agency**

Any matter including information of a criminal nature should be furnished to other federal agencies in the Executive Branch as appropriate. Some classifications require special dissemination. Consult the appropriate section of the Manual of Investigative Operations and Guidelines and the National Foreign Intelligence Program Manual (NFIPM) for details.

**9-3.3.1 Subject of Information Employed in Vital Facility**

(1) Term "vital facility" includes facilities designated as key facilities by Secretary of Defense, those having classified contracts with agencies of Federal Government and those which are or may become engaged in manufacture of materials vital to defense effort.

(2) When information described in Executive Order 10450, Section 8(a)(1) is received concerning an individual employed in, or having access to, a vital facility from a source other than the interested intelligence agency, a summary of the information, together with any relevant information in file concerning the individual, should be furnished immediately by letter to the interested agency, as well as to Defense Industrial Security Clearance Office (DISCO), Defense Logistics Agency, Columbus, Ohio 43215, Attention: Chief, Adjudication Division, advising whether or not an investigation is being conducted by FBI, and if so, that investigative reports will be furnished. In making dissemination to other interested intelligence agencies, note dissemination was made to DISCO. Instructions regarding dissemination to DISCO do not encompass facilities of interest only to Department of Energy or Nuclear Regulatory Commission.

(3) The above policy also applies to information described in Executive Order 10450, Section 8(a)(1) through 8(a)(7) concerning persons who may not be currently employed at such a facility, but who are known to hold industrial security clearances. These communications should clearly point out that the information has been verified through FBI investigation.

**9-3.3.2 Dissemination Requirements Concerning Certain Federal Agencies**

(1) Federal Aviation Administration - Federal Aviation Administration issues certificates to airmen who are defined as persons in command or acting as pilot, aviation mechanic, flight engineers, flight navigators, as well as individuals directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or appliances; and any individual serving in capacity of aircraft dispatcher or air traffic control tower operator. Any data developed concerning persons who are known or believed to be airmen, regarding illegal activities of such individuals which would indicate that they might become engaged in clandestine acts using civil aircraft, should be furnished to FBIHQ by report or letterhead memorandum, together with a cover communication recommending that data be furnished to the Federal Aviation Administration. Copy will likewise be made available to Internal Security Section of Department. Clandestine acts referred to above include use of civil aircraft to introduce hostile weapons or components thereof into U. S., as well as possible use of civil aircraft to deliver weapons in support of military attack upon this country. Dissemination to Federal Aviation Administration will be made only at FBIHQ.

(2) Immigration and Naturalization Service - Information concerning aliens and naturalized citizens which might have a bearing on deportation or denaturalization of such individuals, should be forwarded to local office of Immigration and Naturalization Service.

(3) Internal Revenue Service - Supreme Court has held that money obtained by embezzlement must be reported by the embezzler in his/her Federal income tax return for year in which embezzlement took place. When subject is convicted in an FBI case involving embezzlement of funds, furnish necessary information, including the name and location of embezzler and amount of embezzlement, to nearest Director of Internal Revenue Service, wherever this can be done without jeopardizing pending FBI investigations or informants. In interviewing subjects of criminal investigation where

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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the possibility exists the subject may have evaded payment of income taxes, consideration should be given to inquiring of the subject as to whether he/she filed an income tax return for the pertinent period and where it was filed.

(4) Food and Drug Administration - Food and Drug Administration enforces the Food, Drug and Cosmetic Act, Tea Act, Import Milk Act, Caustic Poison Act, and Filled Milk Act. Its activities are directed mainly toward promoting purity, standard potency and truthful and informative labeling of the essential commodities covered by the provisions of these five acts, as well as not controlled depressant and stimulant drugs. Complaints of this nature received at FBIHQ are referred to the Commissioner of Food and Drug Administration, Washington, D.C. Similar complaints received in the field should be referred to the nearest field agency of the Food and Drug Administration.

(5) Bureau of Alcohol, Tobacco and Firearms - The Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury is charged with the administration of the laws relating to the manufacture, warehousing and distribution of spirituous liquors, wines, fermented liquor and industrial alcohol. Bootlegging activities and other violations of the alcohol tax laws which are reported to FBIHQ are referred to the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. Similar complaints received by FBI field offices should be reported to the nearest field representative of the Bureau of Alcohol, Tobacco and Firearms.

(6) U.S. Office of Personnel Management (Formerly the U.S. Civil Service Commission) - Requests for information concerning positions covered by the Office of Personnel Management and complaints pertaining to matters within the jurisdiction of that agency which are received at FBIHQ are referred directly to the U.S. Office of Personnel Management, Washington, D.C. Similar information reported to FBI field offices should be forwarded to the nearest regional office of the U.S. Office of Personnel Management.

(7) Chief Postal Inspector - Inquiries concerning the postal service and complaints pertaining to the theft of mail or postal matters are forwarded by FBIHQ to the Chief Postal Inspector, Washington, D.C. Similar information reported to FBI field offices should be transmitted to the nearest Postal Inspector in Charge, whose address can be obtained from any Postmaster.

(8) U.S. Secret Service - U.S. Secret Service, which is an entity of the Treasury Department, is empowered to suppress the counterfeiting of U.S. coins, notes and other obligations and securities of the Government. Violations of this nature which are reported to FBIHQ are referred to the Director, U.S. Secret Service, Department of the Treasury, Washington, D.C. Information of a similar nature received by FBI field offices should be reported to the nearest office of the U.S. Secret Service. (See 9-7.1 (2) for dissemination regarding threats against the President.)

(9) U.S. Customs Service - U.S. Customs Service, under the Commissioner, administers the powers and duties vested in the Secretary of the Treasury pertaining to the importation and entry of merchandise into, and the exportation of merchandise from the United States and the regulation of certain marine activities. The principal function of the U.S. Customs Service is the assessment and collection of import duties and incident to this, the prevention of smuggling. Complaints received on such matters by FBI field offices should be referred to the nearest district office of the U.S. Customs Service. Those received at FBIHQ are referred to the Commissioner of Customs, Washington, D.C.

SENSITIVE

(10) Department of Labor - Department of Labor investigates some violations under Labor Management Reporting and Disclosure Act of 1959. Information received concerning such violations should be referred immediately to the USA so he/she may refer same to Department of Labor. Submit closing report when this has been done.

(11) Other Agencies - Information on civil disorders, demonstrations, impending disruptive actions and activities of terrorist and terrorist-oriented organizations that may affect Postal operations or Postal facilities, particularly those having Federal courtrooms, is to be furnished Postal Inspection Service representative since they protect Federal courtrooms housed in Postal buildings. Similarly, be alert to furnish such information to appropriate representatives of General Services Administration (or other Government agencies as indicated) whenever Federal facilities under its jurisdiction are involved.

### **9-3.3.3 Security Information**

(1) Specific instructions regarding dissemination of security information as it relates to individuals are contained in Manual of Investigative Operations and Guidelines and National Foreign Intelligence Program Manual (NFIPM).

(2) The Atomic Energy Act of 1954 includes criminal violations within the jurisdiction of the FBI. Frequently referred for investigation are matters of lax security. All facts regarding lax security and negligence should be referred to FBIHQ in LHM suitable for dissemination to the interested agency.

### **9-3.3.4 Information From Sources of Questionable or Unknown Reliability**

(1) Information from sources of unknown reliability and questionable reliability should, where pertinent, be disseminated to other interested agencies. With regard to data supplied by sources known to be unreliable, good judgment should be used and each instance must be assessed on individual basis.

(2) However, in each instance, every reasonable effort should be made to provide additional descriptive information regarding the source which will enable recipient agencies to intelligently evaluate the information.

## **9-3.4 Information Furnished to Local Law Enforcement Agencies**

### **9-3.4.1 Subject in Custody**

When a subject is in custody and to do so would not interfere with an FBI case, information should be furnished to local law enforcement agencies to enable them to:

- (1) Clear its records of offenses reported
- (2) Recover stolen property
- (3) Identify a violator of a local criminal statute.

The information should be furnished with regard for its impact on the FBI case.

**9-3.4.2 Interested Agency Outside a Field Office Territory**

If the interested agency is in another field office's territory, a letter is to be sent to that office containing all information available, circumstances under which information was obtained, nature and location of any evidence, Federal prosecutive steps and officials involved, and the place where the subject is detained. Also include available descriptive data. When oral dissemination to an outside agency is necessary, see 9-3.5.3 of this section.

**9-3.4.3 Interested Agency Within a Field Office's Territory**

If the interested agency is in the field office's territory, a letter containing the information set out in 9-3.4.2 above, is to be sent or delivered to the head of the local agency. When oral dissemination to an outside agency is necessary, see 9-3.5.3 of this section.

**9-3.4.4 Reporting Information Furnished**

The fact that this action has been taken is to be set out in the investigative report. The file must also show such notification.

**9-3.5 Method of Dissemination To Outside Agencies**

Information is disseminated by reports, letters and/or letterhead memorandum, teletypes, research papers, or, in some cases, orally.

**9-3.5.1 Reports To Outside Agencies**

- (1) All reports must be prepared in accordance with prescribed rules of report writing.
- (2) Prior to the dissemination of a report, the following must be observed:
  - (a) Information and reports relating to national security being transmitted to agencies outside the FBI should, where justified, be properly classified and marked in accordance with the provisions of current Executive orders and regulations relating to Sensitive Compartmented Information when appropriate.
  - (b) All FBI reports distributed to outside agencies should include the following statement on the first page:

"This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency."
  - (c) When reports are disseminated by FBIHQ, appropriate ink notations showing the identity of recipient of report, date request received and from whom, date disseminated, how forwarded and initials of person responsible for dissemination should be placed in spaces provided on bottom of original FD-263 in file. In field file, such notations should be made in same location on cover page (FD-263) of top file copy. Dissemination notations on old-type reports are to be placed on back of original page at FBIHQ and on back of top file copy in field office when there is insufficient room for these notations at bottom of page; a notation should be placed at bottom of page to see reverse side for dissemination information.

**9-3.5.2 Letters and/or Letterhead Memoranda (LHMs) to Outside Agencies**

(1) When it is more practical, letters and/or LHMs may be used to disseminate information. This may apply where lengthy report contains some particular item of interest to another agency. Rather than disseminate entire report, it may be more practical to transmit pertinent data by letter and/or LHM.

(2) Letter or LHM furnished another agency should include statement which contains, in substance, terminology appearing in property stamp for use on reports. Property statement should be placed at the bottom of the first page on all copies of the letter or LHM. This rule, of course, will not pertain to letters of purely administrative nature; letters simply referring complaints to outside agencies for action, or to letters directed to outside agencies merely to confirm convictions, etc., which information is public source material. (See MAOP, Part 2, 10-4.9.)

(3) When using LHMs to transmit classified or otherwise sensitive information to a foreign intelligence service, the property stamp shall be placed on the bottom of the first page on all copies of the LHM. Refer to MIOG, Part 2, Section 26 for instructions on marking the LHM and classified information. (See Correspondence Guide-FBIHQ, Sections 1 and 12-4.)

(4) Copies of LHMs prepared by Bureau's Legal Attaches may be furnished to interested outside agencies where appropriate. Of course, accompanying cover document is not disseminated. (See MAOP, Part 2, 10-4.9(2).)

**9-3.5.3 Oral Dissemination to Outside Agencies (See also Legal Attache Manual, 6-8.)**

(1) Oral dissemination of information is the least accurate method and provides the greatest danger of mistake and misuse. Nevertheless, because of the nature of our investigative responsibilities, we must frequently disseminate orally. (See MAOP, Part II, 9-3.4.2, 9-3.4.3.)

(2) Since the Privacy Act became effective we have had some additional legislative responsibilities to "account" for our dissemination; i.e., to furnish an accounting of what information was disseminated and to whom. This legislation also imposed general standards of accuracy, completeness, timeliness and relevancy on agencies maintaining records. (See MIOG, Part I, 190-3.3.)

(3) In addition to the uses our dissemination has in the criminal and security fields, information disseminated by the FBI often has an influence upon whether a person is able to obtain government employment, or whether they receive a clearance. Therefore, accuracy in dissemination and accuracy in recording what has been disseminated is essential.

(4) When oral dissemination of information is made:

(a) Rules of dissemination described herein should be adhered to.

(b) The use of Form FD-159 is optional, assuming a complete, accurate, handwritten notation satisfying the requirement of the Privacy Act is made on the file copy of the substantive file. The use of a control file to centrally store copies of Form FD-159 is also optional. If Form FD-159 is used, it must show as accurately as possible the source and nature of information which has been disseminated orally. When possible, indicate on the FD-159 the file, serial, page, and paragraph number from which information was disseminated. (See MAOP, Part II, 9-4.2.3.)

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(c) If FBI originates dissemination to another federal agency, it should be confirmed in writing.

(5) Recording outside contacts -

(a) Attorney General Order 532-73 requires that each Department employee record in memorandum form each oral communication (in person or by telephone) concerning a case or other matter pending before the Department with a noninvolved party indicating an interest in the case or matter.

(b) A "noninvolved party" means one with whom the employee would not have official contact in the handling of the case or other matter. The purpose of the requirement is to identify persons, including employees, seeking or offering information or exerting influence and whose contacts for these purposes may be improper.

(c) A contact by a representative of the news media acting in official capacity is not to be regarded as a contact by a noninvolved party. A contact by a media representative in his/her personal capacity, as where he/she inquires concerning status of investigation of a personal friend, is to be considered as a contact by a noninvolved party.

(d) A copy of each contact memorandum captioned "Recording Outside Contacts," followed by the title of the case or a brief description of the matter which was the subject of the contact, is to be maintained in the file.

(6) All such memoranda are to contain: Identity of each employee concerned, identity of the noninvolved party, the means by which the contact was made, title of the case or description of the information sought by or offered to the noninvolved party, and a complete recounting of the contact.

#### **9-3.5.4 Accounting of Dissemination**

Pursuant to Title 5, USC, Section 552a (c), the FBI must maintain an accounting of each dissemination as prescribed in MIOG, Part I, 190-3.3, "Accounting of Disclosures."

#### **9-3.5.5 Routing Slip - Form FD-342**

(1) To transmit letterhead memoranda to any agency or individual qualified to receive them, Form FD-342 may be used. File copy of letterhead memoranda should show dissemination was made.

(2) When anonymous letters are received alleging violations over which FBI has no jurisdiction but which are totally of concern to another agency, Form FD-342 may be used to transmit these letters to appropriate agency. It is not necessary to retain copy of letter or FD-342. When contents of letter warrant, more expeditious means of transmittal should be used.

(3) To transmit copy of disseminated teletype - Form FD-342 is used by originating offices to transmit to local offices of agencies copy of teletype which has been disseminated at FBIHQ and returned to field for dissemination purposes. Copy of teletype retained in file should clearly show local dissemination.

SENSITIVE

### **9-3.5.6 Teletypes**

Current intelligence data concerning civil disorders and potential violence or threats against the President and foreign intelligence matters which are furnished to FBIHQ by teletype can be disseminated to other Government officials and agencies.

- (1) Teletypes disseminated at FBIHQ should have noted on original of teletype, where copies sent, by whom and the date.
- (2) If dissemination is to be made in field to local branches of other agencies, originating office should include code word "SUCOP," abbreviation for "Submit Copy," at end of teletype submitted to FBIHQ. FBIHQ will then transmit to originating office by teletype copy of disseminated teletype. Upon receipt, originating office may reproduce it in sufficient quantity to handle required local dissemination. One copy of disseminated teletype should be filed in case file, with notation showing local dissemination made. Provisions concerning use of code word "SUCOP" are not applicable in domestic security/terrorism matters. In these categories, statement should be included in teletype sent to FBIHQ as to whether letterhead memorandum is being submitted. Where no letterhead memorandum is being submitted, copies of properly excised version of teletype may be used for local dissemination.
- (3) Where circumstances require immediate local dissemination, the information should be disseminated orally, not waiting for copy of dissemination teletype from FBIHQ. When received, such copy may be used for written confirmation.
- (4) When teletype dissemination procedure is used, submission of letterhead memorandum solely for confirmation can be eliminated in most cases. Where teletype summarizes lengthy data, complete information must be prepared for record in field office files. Where more complete data is required by FBIHQ and interested agencies but is not necessary to satisfy need for immediate dissemination, teletype should be followed by detailed letterhead memorandum. In such instances, administrative portion of teletype should indicate that letterhead memorandum follows.

### **9-3.5.7 Dissemination of Xeroxed Teletypes**

- (1) Where appropriate, FBIHQ supervisor should ensure that Xerox copies of incoming teletype bear proper classification and declassification markings prior to dissemination. Bureau property stamp should also be placed on copies being disseminated. When copy of teletype is disseminated outside FBI, at FBIHQ appropriate notation should be placed in lower left corner of original indicating (number) CC to (agency), (date), followed by FBIHQ supervisor's initials. These instructions apply only when no material changes are made prior to dissemination outside Bureau. Xerox copy is to be stapled to original incoming teletype when routed to file so that our records will indicate exact text of material disseminated.
- (2) In some instances, FBIHQ may decide that material submitted by field for teletype dissemination does not warrant teletype handling. In such cases, incoming field teletype will be xeroxed after administrative data has been excised and copies will be disseminated by FBIHQ to appropriate agencies and furnished to field office for any local dissemination. This will eliminate need for follow-up letterhead memorandum by field in most cases. Field should carefully prepare teletypes containing information which may be of interest to other agencies so that all



administrative data, including references, are placed under administrative heading at the end of teletype.

## **9-4 DISSEMINATION OF INFORMATION IN ANSWER TO SPECIFIC REQUESTS**

### **9-4.1 Method of Handling Requests**

FBIHQ handles thousands of requests for information from other Federal agencies each day. These requests are normally submitted on forms which contain identifying data. These forms are subsequently returned to submitting agency, together with disseminative information available, or if there is no record in FBIHQ files, they are returned stamped to that effect.

### **9-4.2 Persons Authorized to Request Information**

#### **9-4.2.1 Accredited Representatives**

Information in FBIHQ files is generally furnished only to accredited representatives of executive agencies of Federal Government. Requesting agency must have legitimate interest in desired information.

#### **9-4.2.2 Exception Regarding Name Check Requests**

There are certain exceptions to foregoing general rule with regard to name check requests, as set forth below:

(1) Local law enforcement agencies - Information of public source nature relating to subversive matters may be furnished in a blind memorandum to proper representatives of local and state law enforcement agencies upon receipt of specific request for information.

(2) Name checks for Federal judges - At request of Federal judge, field office is authorized to search names of persons being considered for court positions through field office indices and to furnish pertinent information to Federal judge. Care must be taken to protect Bureau's sources, informants and techniques. Field offices may not accept from Federal judges requests for investigation of personnel under their jurisdiction.

#### **9-4.2.3 Requests From U.S. Probation Officers**

(1) If a probation officer (preparing report of presentence investigation) requests a field office to furnish information not readily available in the office of a USA, such requests may be complied with, provided this does not disclose confidential information or sources. Bear in mind that the court in its presentence function is interested in knowing mitigating or aggravating circumstances of the crime and the background of the defendant. Also note that the court may disclose to the defendant or his/her counsel all or part of the material contained in the report of a presentence investigation. Reports may be made available to the probation officer since routine use allows for the dissemination of information to federal agencies, not limited only to the Executive Branch.

(2) When information is furnished in written form to the probation officer, a copy of the communication should be placed in the file. When information is being furnished orally, care must

be taken, as noted in Section 9-3.5.3, above, to precisely record the file, serial, page, and paragraph number from which the information was disseminated.

#### **9-4.2.4 FBIHQ Coordination of Congressional Liaison**

(1) The Office of Public and Congressional Affairs (OPCA) is the only organizational section within the FBI that is authorized to deal directly with congressional entities, Members of Congress, or their staff, with only two exceptions: the Finance Division has concurrent liaison responsibility with OPCA for the House and Senate Appropriations Subcommittees on Commerce, Justice, State, and Judiciary, and second, personal contact by SACs with local delegations.

(2) Liaison with the General Accounting Office (GAO) is handled by OPCA. The initial point of contact for any GAO audit, interview, or general contact within the FBI is the OPCA, FBIHQ. No direct contact should be undertaken with GAO by field office or Legat personnel without prior coordination and approval of FBIHQ. Interviews of FBI personnel, disclosure of information, or dissemination of FBI documentation should not be provided to any audit unit of GAO until GAO has given notification to FBIHQ and received approval to make the contacts.

(3) Additionally, FBIHQ will deny GAO access to any information that will identify pending cases, nor will FBIHQ provide GAO access to Inspection Division papers. Consistent with Department of Justice (DOJ) policy, interviews with nonmanagement personnel will also be denied. For management, policy and proper coordination of GAO audits, field contacts by the GAO should be with FBI senior management or supervisory personnel only.

#### **9-4.2.5 Response to Congressional Requests**

(1) When receiving a request for information from any congressional source, the field office must immediately prepare and mail an interim response to the inquirer prior to forwarding the request to FBIHQ. This interim response should only acknowledge receipt of the inquiry and state that the inquiry is being forwarded to FBIHQ for response. A copy of the interim response should be attached to the request when forwarded to FBIHQ and information of sufficient detail must be provided by the field office so that an appropriate response to the inquiry may be prepared. The field office also should place the inquiry on record and index for reference purposes. Inquiries forwarded to FBIHQ should be directed to the Office of Public and Congressional Affairs (OPCA).

(2) In situations where the inquiry can be handled by the field office, no interim response is required, provided an answer can be forwarded to the congressional source within three days. A copy of the inquiry and your final response should expeditiously be sent to FBIHQ. Any questions regarding a congressional inquiry should be directed to the OPCA.

#### **9-4.2.6 Investigative Activity in Congressional Offices**

You may take investigative action upon information received from congressional offices, as you would with respect to information received from any outside source. Also, you may follow investigative leads into congressional offices; although, in some cases, good judgment may dictate notifying FBIHQ and the Congressional Affairs Office either before or after such investigative contacts. The only specific limitations in this area are where you seek to interview a Member or a staff person in connection with a foreign counterintelligence matter, you seek to establish an

informant relationship with a staff person, or the Congressional office is located on Capitol Hill. In those cases, prior FBIHQ, and more specifically, the Congressional Affairs Office's approval must be obtained.

#### **9-4.2.7 Distributions of Memoranda and Copies of Responses**

(1) Copies of correspondence dealing with proposed or pending measures in Congress, Members of Congress, congressional staff personnel, congressional committees, or any congressional activity should be designated for the Office of Public and Congressional Affairs (OPCA). Copies of any pertinent incoming communications should be attached. (See Correspondence Guide - FBIHQ, Sections 8-4(11) and 9-4(11).)

(2) Memoranda recommending action by OPCA and outgoing communications concerning our dealings with Congress or affecting legislation in which FBI has interest, should be routed through OPCA.

#### **9-4.2.8 Deleted**

#### **9-4.2.9 Dissemination to the White House Complex (WHC) (See MIOG, Part 1, 77-12, 161-10; Part 2, 17-8.)**

(1) The FBI receives requests from the WHC for name checks and background investigations on persons being considered for presidential appointments with U.S. Senate confirmation, for presidential awards, for WHC employment/access, or for detailee, contractor, and volunteer access to the WHC. The WHC is comprised of The White House and the organizations that make up the Executive Office of the President. The Information Resources Division's Executive Agencies Dissemination Subunit (EADS) is responsible for processing WHC name-check requests, and the Administrative Services Division's Special Inquiry and General Background Investigations Unit (SIGBIU) is responsible for processing WHC background investigation (and related) requests. These requests may not be honored unless accompanied by one of the following:

(a) Consent of the subject executed within 30 days of the request, or

(b) A letter from the Counsel to the President through the Deputy Attorney General (DAG) to the FBI's General Counsel setting forth a written explanation why such consent cannot be obtained or should not be sought in the circumstances.

(2) The Department of Justice (DOJ) has established procedures governing communications with the White House about pending DOJ investigations in criminal and civil cases. Initial communications between the White House and DOJ (including the FBI) regarding such matters should involve only the White House Counsel or Deputy Counsel (or the President or Vice-President) and the Attorney General or DAG. If continuing contact is required on a particular matter, the White House Counsel's Office and the senior DOJ official with whom it is dealing will establish and monitor that contact. DOJ has also established procedures governing communications with the White House on pending foreign counterintelligence investigations (see the Attorney General's "Guidelines for FBI Dissemination to the White House of Foreign Intelligence and Counterintelligence Information," annex to the Attorney General's "Guidelines for FBI Intelligence Collection and Foreign Counterintelligence Investigations" in the NFIP Manual, Appendix, 1-1.1).

(3) All FBI divisions and field offices should be aware that any request for a name check or background investigation on persons being considered for presidential appointments with U.S. Senate confirmation, for presidential awards, for WHC employment/access, or for detailee, contractor, and volunteer access to the WHC must first be processed through FBIHQ before any investigation is initiated in the field. Address any questions concerning this policy to the Administrative Law Unit of the Office of the General Counsel at FBIHQ.

### **9-4.3 Proper Request For Information**

#### **9-4.3.1 Identifying Data**

No request for information from FBIHQ files should be accepted under ordinary circumstances unless accompanied by adequate identifying data to enable an intelligent handling of request. This includes such items as full name of individual or organization on whom check is to be made; other names used; sex; marital status; birth data; reason for request; any identifying numbers (armed forces serial number, passport number, social security numbers, etc.); spouse's full name and birth data; dates and places of residence and employment during past 15 years.

#### **9-4.3.2 Requests Received at Field Level**

No request for information should be accepted on applicants for positions with a requesting Federal agency at field office level. Security checks are made on all such individuals at FBIHQ and review of field office files is unnecessary duplication of work. Unless special reason exists, no requests should be forwarded to FBIHQ by field office in behalf of another agency. Local office of inquiring agency should not submit its requests directly to FBIHQ, but through its Washington headquarters.

### **9-4.4 What Information May Be Disseminated**

When accepting name check requests in field office, it should be pointed out that information in field office files is not necessarily complete, and that more complete information may be available at Headquarters. It should be stressed that in order to assure that maximum identifiable information is obtained, a search of records of Criminal Justice Information Services Division should be requested in addition to request that FBIHQ files be checked. Requesting agencies should further be advised that search of Criminal Justice Information Services Division files is only means by which information pertaining to arrests for offenses not under FBI jurisdiction may be obtained (provided, of course, FBI has been furnished fingerprints for such arrests). Positive identifications can be made only by search of actual fingerprints, or name search accompanied by FBI number. Check by name plus local arrest, commitment, registry, applicant, or military service number may result in positive identification; however, with some common names, the voluminous nature of the alphabetical name files makes a search impractical. Check by name only is the most inconclusive due to frequent use of aliases by persons arrested.

(1) Basic rule with regard to dissemination is that the FBI disseminates only the results of its investigations.

(2) Information obtained during course of FBI investigation may be disseminated in response to name check request, subject to following provisions:

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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- (a) Inquiring agency must be advised that the information furnished was obtained during course of an FBI investigation. Information concerning persons closely associated with subject of inquiry (i.e., members of his/her immediate family, etc.) if deemed pertinent.
- (b) With regard to problem of identification, there must be sufficient information to reach reasonable conclusion that the data relates to subject of inquiry. Any variation in available identifying information should be brought to inquiring agency's attention.
- (c) If Bureau files contain favorable information concerning subject of inquiry, together with information of a derogatory nature, both types should be disseminated in order to furnish a complete picture.
- (d) No dissemination should be made by field office of investigations concerning past or present Bureau employees. All requests involving such situations should be referred to the Information Resources Division, Field Services Unit, FBIHQ. (Also see Part I, Sections 1-15.3 and 20-15, of this manual.)

Certain exceptions to aforementioned basic rule with regard to dissemination only of results of FBI investigations are set forth below:

#### **9-4.4.1 Reliable Source Information**

When information has been received from a reliable source, and the information is suitable for dissemination under the various authorities and regulations set forth in these manuals, it should be disseminated even though no active investigation was conducted. An analysis of the reliability of the source and of the accuracy of the information should be furnished when possible, and when to do so would not jeopardize the source of information.

#### **9-4.4.2 Public Source Information**

- (1) Information in our files obtained from public source material may be disseminated where pertinent and relevant, provided public source is fully identified. It must be understood by agency receiving information that it has not been verified by FBI.
- (2) Certain printed public source material may contain a characterization of a group, individual or activity. When such information is disseminated to FBIHQ, FBI field offices or outside the FBI, the transmitting communication should state that the characterization has not been made by the FBI, but by a third party. However, if the characterization comports in whole or in part with the results of independent FBI investigation, the transmitting communication may so state.

#### **9-4.4.3 Information in Rumor or Gossip Category**

Care should be taken not to disseminate information in "rumor" or "gossip" category unless a specific reason exists. If such dissemination is deemed necessary, source should be fully described and requesting agency should be alerted to the degree of investigation conducted to prove or disprove the rumor or gossip.

SENSITIVE

#### **9-4.4.4 Information Received From Other Government Agencies**

Generally, where FBI files contain information from a Government agency other than requesting agency, no dissemination should be made. Instead, requester should be referred to agency from which the information originated.

#### **9-4.4.5 Information Within Purview of Executive Order 10450**

(1) Whenever information described in Executive Order 10450, Section 8 (a) (2) through 8 (a) (7) is discovered in field office files or is received by field office on employee of Executive Branch of government, it should be handled in accordance with Manual of Investigative Operations and Guidelines (dealing with security of government employees). In addition, when information is discovered or received on such employee by field office through name check or otherwise, such information which is within the purview of Executive Order 10450 should be forwarded to FBIHQ for appropriate dissemination in addition to furnishing it to local federal officials as appropriate. Such information should be sent to FBIHQ promptly in letterhead memorandum form consisting of original and three copies. In those cases within which information described in EO 10450, Section 8 (a) (1) is discovered or received on such an employee and the employee then resigns or is discharged prior to the completion of investigation, submit letterhead memoranda to FBIHQ for dissemination.

(2) FBI policy under Executive Order 10450 is to furnish U.S. Office of Personnel Management all pertinent identifiable information as described in Executive Order 10450 Section 8 (a) (1), even though it is not result of our investigation and may not have been confirmed, unless there are specific reasons that the information not be disseminated; e.g., information describing the exercise of a right guaranteed by the First Amendment as described in MIOG: Part I, 190-5.1, "Restrictions on Information Relating to First Amendment Rights."

#### **9-4.5 Manner of Disseminating in Response to Specific Inquiry**

##### **9-4.5.1 Reports**

(1) When inquiries are received from agencies within Executive Branch for information on individuals who have been investigated by the FBI, it is permissible to disseminate copies of previously prepared investigative reports in response.

Exceptions to foregoing are investigative reports bearing characters, "Security of Government Employees - Referrals," "Special Inquiry," or other similar cases or background-type cases in which FBIHQ is office of origin. Reports should not be disseminated by the field office but requesting agencies should be advised to submit their requests to FBIHQ through agencies' headquarters in Washington. It should be pointed out that complete data will normally only be available at FBIHQ.

(2) There should also appear on the first page of the communication responding to name check request the following statement:

"Check of FBI Headquarters investigative files based upon data submitted and limited pursuant to established policy located no identifiable information pertinent to your inquiry. This is not to be considered as a clearance. A request to check arrest records must be submitted to FBI Criminal

Justice Information Services Division. Fingerprints are necessary for a positive check." (See MAOP, Part II, 9-4.5.3 (1).)

#### **9-4.5.2 Letters and/or Memoranda**

Letters and/or memoranda containing information conforming to rules of dissemination may also be furnished. Following descriptive data applies to two types of memoranda used:

(1) Letterhead Memorandum - This memorandum is normally used in answering name check requests. In addition:

(a) If indices search reveals no investigation has been conducted concerning subject of inquiry, incorporate in text a statement to that effect. When information is being furnished, but it did not come from a direct investigation of the subject, an explanatory statement as to the source of the information should be furnished; i.e., "However, our files contain the following information received during the course of a security-type investigation concerning another individual..." etc.

(b) Include statement which contains in substance the terminology appearing in property stamp heretofore described (in Section 9-3.5.1(2) above) for the use on reports being disseminated. This statement should be placed at the bottom of the first page on all copies.

(c) Do not use T symbols for informants unless absolutely necessary for purpose of clarity in an involved memorandum.

(d) Show on yellow file copy file number from which material was abstracted, date request was received and from whom, and identity of recipient.

(e) Form FD-342 may be used to transmit letterhead memoranda. File copy of letterhead memorandum should show any dissemination.

(2) Blind Memorandum - Follow instructions on preparation of these memoranda. In addition:

(a) Adequately identify all public source data referred to therein.

(b) Do not use T symbols or any other phraseology which might identify the FBI as source of memorandum.

(c) Show on yellow file copy file number from which material was abstracted, date request was received and from whom, and identity of recipient.

#### **9-4.5.3 Notations**

Under certain conditions a stamp or written statement, placed on incoming communication, may be used to answer name check request. The following are merely suggestions as to the types of stamps or statements which may be used to streamline operations. Variations may be adopted as needed.

(1) No identifiable information - Should an indices search fail to reveal record of, or information identifiable with, subject of inquiry or should files contain information irrelevant to inquiry or information of nondisseminative nature, provided there was no investigation conducted by the Bureau, a statement similar to following is suggested: (See MAOP, Part II, 9-4.5.1(2).)

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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"Check of FBI Headquarters and FBI Office investigative files based upon data submitted located no identifiable information pertinent to your inquiry. Not to be considered as a clearance. To check arrest records request must be submitted to FBI Criminal Justice Information Services Division. Fingerprints are necessary for positive check."

(2) Applicant investigation - Should review of references concerning subject of inquiry reveal that files contain only results of an applicant-type investigation, which developed no pertinent derogatory information following statement is suggested:

"An applicant-type investigation conducted (by the FBI) (within the territory covered by the \_\_\_\_\_ FBI Office) revealed no pertinent derogatory information. This investigation was concluded on \_\_\_\_\_. This is the result of a check of (FBI) (the \_\_\_\_\_ FBI Office) files and is not to be considered as a clearance."

When this statement is stamped or written on incoming inquiry and returned to submitting agency, an ink or stamp notation should be placed on FD-263 on top report in file to note dissemination. Following ink notations should also appear on FD-263: Identity of recipient, date request received, date of dissemination, and initials of person authorizing dissemination. At FBIHQ foregoing notations are to be placed on original copy of FD-263 of top report in file.

(3) Referral - Should indices search reveal that pertinent information in files has previously been furnished requesting agency, statement similar to following is suggested:

"Refer to data re \_\_\_\_\_ who appears to be \_\_\_\_\_ of the subject of your inquiry which was sent to your agency on \_\_\_\_\_."

(4) When any inquiry is answered by placing of stamped or written statement on incoming form, following must be included as part of reply:

"This reply is result of check of FBI Headquarters investigative files. To check arrest records, request must be submitted to FBI Criminal Justice Information Services Division. Fingerprints are necessary for positive check."

#### **9-4.5.4 Miscellaneous**

Be alert, when handling name check requests from other agencies, to recognize information which may be of help in pending investigations or which warrants opening of new case.

#### **9-5 REQUESTS FOR INFORMATION ON COSTS (See MIOG, Part II, 34-7.)**

Requests are sometimes received from courts, USAs, or government agencies for information as to actual or estimated costs of FBI investigations or some other phase of Bureau work. The requester should be informed that the request must be referred to the Budget Execution Unit, Accounting Section, Finance Division. In no instance should such information be furnished without prior FBIHQ authority. Requests should include the following:

- (1) Name of individual or agency making inquiry.
- (2) Specific information desired.
- (3) Intended use of the information.

SENSITIVE



(4) Deadline for furnishing information, if any.

(5) Deleted

#### **9-6 MAJOR CASES - DISSEMINATION OF INFORMATION (See MIOG, Part 2, 34-7.)**

(1) Office of origin, in connection with major cases, should send communications to appropriate FBI field offices, setting forth background of case and requesting law enforcement agencies and logical informants be contacted for any pertinent information. This should be done by cover communication (FD-412 may be used), enclosing letterhead memorandum to each receiving office. In bank robbery statute violations, the letterhead memorandum, suitable for dissemination, if required, should contain only basic details of crime. Such information would consist of facts of case, descriptions of subjects, descriptions of loot obtained, etc. Receiving offices may reproduce letterhead memorandum, making sufficient copies for distribution to appropriate Agents in office and appropriate law enforcement agencies. Letterhead memorandum may be left with such law enforcement agencies to facilitate referral of any pertinent information regarding case to FBI. Only positive results should be furnished office of origin. In all cases involving armored carrier/courier robberies, losses, and thefts, an FD-430 must be entered into the Bank Robbery Statistical Application within 15 workdays. (See MIOG, Part 1, 15-4(9), 91-12.1, 87-5.3.2, 192-11.1 & 192-11.2.)

(2) Deleted

#### **9-7 THREAT TO LIFE - DISSEMINATION OF INFORMATION (See MIOG, Part I, 89-6, 166-4, 175-22.1, and 179-7.)**

The following guidelines cover the FBI's responsibility to warn persons of threats to their life or threats that may result in serious bodily injury and policy regarding notification to other law enforcement agencies of such threats. (Extracted from Resolution 20 dated 12/16/96. See footnotes at the end of this citation.) In all instances, manner depending upon exigencies of situation, FBIHQ should be advised of details of such threats together with a notification of action taken or a recommendation as to action to be initiated UACB.

##### **"III. Guidelines**

##### **"A. Warning to the Person.**

"(1) **Expeditious Warnings to Identifiable Persons.** Except as provided below in paragraph IIIA(3), when a Federal Law Enforcement Agency has information that a person who is identified or can be identified through reasonable means is subject to credible threat to his/her life or of serious bodily injury, the Agency should attempt expeditiously to warn that person of the nature and extent of the threat.

##### **"(2) Manner, Means, and Documentation of Warning.**

"a. The Agency may determine the means and manner of the warning, using the method most likely to provide direct notice to the intended victim. In some cases, this may require the assistance of a third party. The Agency must document in writing in its files the content of the warning, and when and where, and by whom it was delivered to the intended victim.

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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"b. An Agency may seek the assistance of another law enforcement agency to provide the warning. If this is done, the Agency must document in writing in its files the notification of the threat, and when, where, and the name of the other agency's representative to whom it was delivered, along with the other agency's agreement to provide a timely warning.

"(3) Exceptions.

"a. A Federal Law Enforcement Agency need not attempt to warn an intended victim of a threat to his/her life or of serious bodily injury in the following circumstances:

"(i) when providing the warning to the intended victim is likely to cause equal or greater physical harm to one or more persons; 1

"(ii) when the intended victim knows the nature and extent of the specific threat against him/her; or

"(iii) when the intended victim is: (a) a public official who, because of his/her official position, is provided a protective detail; (b) a participant in the Witness Security Program that is administered by the United States Marshals Service; or (c) detained or incarcerated. See paragraph IIIB(1).

"b. Whenever time and circumstances permit, an Agency's decision not to provide a warning in the foregoing circumstances must be approved, at a minimum, by a Senior Field Manager. 2 In all cases, the reasons for an Agency's decision not to provide a warning must be documented in writing in the Agency's files.

"NOTE: This paragraph does not apply to the agencies directly responsible for providing the security for the individuals referred to in paragraph IIIA(3)a(iii), above, when the threat is to the referenced individual. In such cases, documentation, if any, should be created in accordance with the agency procedures.

"B. Notification to Law Enforcement Agencies With Protective or Custodial Jurisdiction.

"(1) Expeditious Notification. When a Federal Law Enforcement Agency has information that a person described above in paragraph IIIA(3)a(iii) is subject to any threat to his/her life or of serious bodily injury, the Agency must expeditiously notify other law enforcement agencies that have protective or custodial jurisdiction.

"(2) Means, Manner, and Documentation of Notification. The notifying Agency may determine the means and manner of the notification. When providing notification, the notifying Agency shall provide as much information as possible regarding the threat and the credibility of the threat. The notifying Agency must document in writing in its files the content of the notification, and when, where, and to whom it was delivered.

"C. Notification to Law Enforcement Agencies That Have Investigative Jurisdiction.

"(1) Expeditious Notification. Except as provided below in paragraph IIIC(4), when a Federal Law Enforcement Agency has information that a person (other than a person described above in paragraph IIIA(3)a(iii)) who is identified or can be identified through reasonable means is subject to a credible threat to his/her life or of serious bodily injury, the Agency should attempt expeditiously to notify other law enforcement agencies that have investigative jurisdiction concerning the threat.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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"(2) Threats to Occupied Structures or Conveyances. When a Federal Law Enforcement Agency has information that a structure or conveyance which can be identified through reasonable means is subject to a credible threat which could cause loss of life or serious bodily injury to its occupants, the Agency should provide expeditious notification to other law enforcement agencies that have jurisdiction concerning the threat.

"(3) Means, Manner, and Documentation of Notification. The Agency may determine the means and manner of the notification. The Agency must document in writing in its files the content of the notification, and when, where, and to whom it was delivered.

"(4) Exceptions.

"a. A Federal Law Enforcement Agency need not attempt to notify another law enforcement agency that has investigative jurisdiction concerning a threat:

"(i) when providing the notification to the other law enforcement agency is likely to cause equal or greater physical harm to one or more persons; or

"(ii) when the other law enforcement agency knows the nature and extent of the specific threat to the intended victim.

"b. Whenever time and circumstances permit, an Agency's decision not to provide notification to another law enforcement agency in the foregoing circumstances must be approved, at a minimum, by a Senior Field Manager. In all cases, the reasons for an agency's decision not to provide notification should be documented in writing in the Agency's files.

"IV. Rights of Third Parties.

"Nothing in these guidelines is intended to create, or does create, an enforceable legal right or private right of action. \_\_\_\_\_

Footnotes:

"1 If the equal or greater harm would occur to a Government informant or Agent as a result of his/her participation in an investigation, consideration should be given to extricating that individual from the investigation or taking other appropriate measures in order to minimize the risk.

"2 As used in these guidelines, 'Senior Field Manager' refers to a Federal Law Enforcement Agency operational field manager of the GS-15 rank or higher, or the person serving in that capacity in his or her absence."

### **9-7.1 Information Concerning Threats Against the President and Other Designated Officials**

(1) The U.S. Secret Service (USSS) has statutory authority to protect, or to engage in certain activities to protect, the President and certain other persons as specified in Title 18, USC, Section 3056. An agreement existing between the FBI and USSS (see MIOG, Part II, Section 18-6) defines what information on file with, or received or originated by, the FBI, which the USSS desires to receive in connection with its protective responsibilities.

SENSITIVE

SENSITIVE

Manl-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

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(2) Detailed guidelines on dissemination of information re threats against the President of the United States and other persons protected by the USSS are set forth in MIOG, Part I, Section 175, "Presidential and Presidential Staff Assassination, Kidnaping and Assault."

### **9-7.2 Information Concerning Threats, Possible Violence or Demonstrations Against Foreign Establishments or Officials in United States**

#### **9-7.2.1 Information Received Through Other Than Technical Surveillance**

If information is received through other than technical surveillance on foreign official or establishment and time is not of essence, set forth details in LHM and promptly disseminate copy of LHM locally to Department of State (including State representative accompanying foreign dignitary, if applicable), Secret Service, and any other Government agencies that may have interest. (Orally advise local police.) LHM should indicate local dissemination made. If time is of essence, telephonically advise all local interested agencies, including police, and notify FBIHQ by telephone or teletype identifying local agencies notified.

#### **9-7.2.2 Information Received Through Technical Surveillance**

If such information is received through technical surveillance on foreign official or establishment, immediately notify FBIHQ by telephone or teletype. Teletype should be in form suitable for dissemination with identity and sensitive nature of source set forth under administrative section, and should be classified "Secret- No Foreign Dissemination." FBIHQ will immediately notify Department of State and Secret Service. Make no dissemination locally, telephonically or by LHM, but submit confirming LHM by electronic communication if FBIHQ notified by telephone. This procedure is followed to protect sensitive sources. Department of State has advised it is responsibility of foreign official or establishment that received such information to alert local police and other appropriate agencies.

#### **9-7.2.3 Miscellaneous**

Offices covering itinerary of visiting foreign dignitary should alert sources and informants to promptly report any information of this type. Offices should also be constantly alert for any information which might be of interest to FBIHQ and other U.S. Government agencies.

### **9-8 REPLIES TO FOREIGN POLICE AND INTELLIGENCE CONTACTS**

Replies to requests for investigation from foreign police agencies, forwarded to the field by FBIHQ, should be prepared as letterhead memoranda, in sextuplicate on thin Bureau letterhead paper, suitable for dissemination without retyping. Any information not suitable for dissemination should be incorporated in the cover letter.

#### **9-8.1 Letterhead Memoranda Prepared by Bureau's Foreign Offices**

Copies of letterhead memoranda prepared by the Bureau's Legal Attaches abroad may be furnished to interested outside agencies where appropriate. Of course, accompanying cover document is not disseminated.

SENSITIVE

**9-8.2 Dissemination of Classified Information**

See the National Foreign Intelligence Program Manual (NFIPM) for guidelines and particulars concerning dissemination of classified information.

**9-9 DISSEMINATION OF GRAND JURY MATERIAL**

There must be no routine dissemination of matters occurring before the grand jury (see MIOG, Part II, 2-9.5.1) unless the dissemination comes within the exceptions set forth in Rule 6(e), Federal Rules of Criminal Procedure (Fed. R. Crim. P.) (see MIOG, Part II, 2-9.4 and 2-9.5). Reports and memoranda containing grand jury material, as well as the actual grand jury subpoenas, should be labeled "GRAND JURY MATERIAL - DISSEMINATE ONLY PURSUANT TO RULE 6(e) FED.R.CRIM.P.," and access must be limited to authorized persons, i.e., those assisting an attorney for the government in the specific criminal investigation (see MIOG, Part II, 2-9.5 and 2-9.7).

**9-10 DISSEMINATION OF TITLE XI, RIGHT TO FINANCIAL PRIVACY ACT OF 1978 (RFPA) MATERIAL**

There must be no routine dissemination of financial records originally obtained pursuant to the RFPA effective March 10, 1979, to another agency or department unless such transfer of records is in accordance with the provisions of that Act. Reports and memoranda containing Title XI material should be labeled "TITLE XI MATERIAL - DISSEMINATE ONLY PURSUANT TO PROVISIONS OF THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978." (See MIOG, Part II, 23-6.6.5 and 23-6.11.)

**9-11 DISSEMINATION OF INFORMATION DURING TRAINING SESSIONS AND ACADEMIC WORKSHOPS**

(1) The following guidelines apply to training sessions, such as new Agent's instruction, Agent in-services, and general police schools at which Bureau personnel provide instruction to state or local officers. They are not intended to apply in situations where the Bureau is closely involved operationally with other law enforcement agencies in the investigation of a pending case and information on that case is routinely exchanged.

(2) During training sessions and academic workshops, the following guidelines should be adhered to:

(a) Where the training group is composed entirely of Bureau personnel and a legitimate training purpose will be served, pending investigative matters may be discussed unless good judgment dictates otherwise. Good judgment suggests, for example, that details of very sensitive investigations, such as undercover operations, not be discussed. However, if some discussion is critical to the training purpose, then only the minimum detail necessary to achieve the purpose should be revealed.

(b) Where the training group is composed in part or in whole of non-Bureau personnel, pending investigative matters should be discussed only in accordance with the guidelines in Title 28, CFR, Section 50.2 regarding release of information to the news media. These regulations, set forth in Part II, Section 5 of this manual, generally permit disclosure of incontrovertible, factual matters such as a defendant's general background, the text of a charge, length of the investigation, or circumstances

surrounding an arrest. Subjective observations, references to investigative procedures, statements concerning available evidence, the identity of potential witnesses, etc., should not be discussed. Any doubts as to whether information may be discussed should be resolved in favor of nondisclosure.

## **9-12 ACCESS TO DOCUMENTS BY CURRENT AND FORMER FBI EMPLOYEES**

Access to FBI records is available through the Freedom of Information Act (Title 5, USC, Section 552) and the Privacy Act (Title 5, USC, Section 552a), to the extent provided in those Acts, as well as under procedures established pursuant to the Johnson v. Reno (No. 93-0206 (D.D.C. 1993)) settlement agreement (see the AIRTEL to all SACs and others, subject: "Implementation of Settlement Agreement with Black Special Agents - Personnel Files," dated October 5, 1994, and the enclosure to that AIRTEL entitled, "Procedures for Employees to Access Personnel Files," at paragraph 6). In addition, current and former FBI employees may request access to FBI records in accordance with Department of Justice regulations, including those contained in 28 C.F.R. Part 16, Subpart G, "Access to Documents by Former Employees of the Department," and Department of Justice Order 2710.8C, "Removal and Maintenance of, and Access to, Documents," dated November 7, 2000. Requests for removal of and access to FBI records under this authority must be submitted in writing to the head of the component where the employee works or worked. Pursuant to 28 C.F.R. Section 16.300(b), "It is his authority may not be delegated below the level of principal deputy component head." While retaining full concurrent authority, the FBI Director has delegated to the Executive Assistant Director for Administration the authority to approve such requests from employees who serve or served at or below that level (except that they may not act on their own requests). (See also MAOP, Part 1, 20-4.2, re instructions for employees to access their personnel files.)

## **9-13 DISSEMINATION BY FIELD INTELLIGENCE GROUPS**

- (1) Information is to be shared by rule and withheld by exception – subject to appropriate procedures and processes. The following sections provide broad guidelines for the sharing of information across internal organizational boundaries and with the larger National Security, Homeland Security, and federal, state, tribal, local, and international law enforcement communities.
- (2) The FIG will serve as the central point of contact for internal and external consumers of FBI intelligence products. Inherent in this role is the responsibility to provide central management and coordination of dissemination and information sharing.
- (3) The FIG will also manage the Field Office's participation in information sharing initiatives and networks that are established through national or local efforts. This includes participation in Multi-Agency Intelligence Centers (MAIC) and Fusion Centers.

## SECTION 10. WRITTEN COMMUNICATIONS

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D1D3D5D6RM Cav:      SecCls:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

### 10-1 DEFINITIONS

Generally, communications are put in one or another of the  
| following media: letters, memoranda, reports, |electronic  
| communications|and teletypes.

\*\*EffDte: 02/14/2000 MCRT#: 952      Div: RM      Cav:      SecCls:

#### | 10-1.1 Letters |(See MAOP, Part 2, 10-2.2.)|

|            In the FBI's|vocabulary,|the word "letter" means a  
| communication|from either|FBIHQ|or|a field|office to|any outside  
| agency or|person. Note|that communications to the Attorney General  
and other departmental officials which are prepared in memorandum  
form, should be referred to as "memoranda" rather than "letters."  
Letters sent to persons outside the FBI are put on letterhead  
stationery which has at the top the words "United States Department of  
Justice" and underneath "Federal Bureau of Investigation."

\*\*EffDte: 08/02/2000 MCRT#: 1008 Div: RM      Cav:      SecCls:

#### | 10-1.2 Memorandum |(See MAOP, Part 2, 10-3.)|

|            In our vocabulary, the word "memorandum" ordinarily means a  
communication (on FBI memorandum paper) to the Attorney General and  
| other departmental|officials; although|it is applicable to the omnibus  
types, such as memoranda to all SACs.

\*\*EffDte: 08/02/2000 MCRT#: 1008 Div: RM      Cav:      SecCls:

### 10-1.3 Letterhead Memorandum

A "letterhead memorandum" (LHM) is a memorandum on  
letterhead stationery and should normally require a cover  
communication for transmittal.

\*\*EffDte: 07/19/1984 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-1.4    Cover Letter**

A "cover letter" is a letter which has one or more enclosures.

\*\*EffDte: 07/19/1984 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-1.5    Report**

A "report" is a written document containing the results of an investigation as of a certain date. (See 10-15, 10-17 and 10-20 which follows for further information.)

\*\*EffDte: 07/19/1984 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-1.6    Cover Page**

The words "cover page(s)" mean the page(s) containing administrative data, leads and informant evaluation not found in LHMs or reports. Cover page(s) are not disseminated outside the FBI.

\*\*EffDte: 07/19/1984 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-1.7    Teletype**

A "teletype" is a communication expeditiously transmitted by machine.

\*\*EffDte: 07/19/1984 MCRT#: 0      Div: D4RM      Cav:      SecCls:

#### **| 10-1.8    Airtel |(See MAOP, Part 2, 10-6.)|**

|            |The airtel was eliminated with the implementation of the  
| electronic communication (EC). ECs replaced airtels, certain letters,  
| certain memoranda, and most teletypes.|

\*\*EffDte: 02/14/2000 MCRT#: 952      Div: RM      Cav:      SecCls:



## **10-1.9 Blind Memorandum**

A "blind memorandum" is one in which the FBI's identity must not be revealed as the source. It is typed on plain white unwatermarked bond paper. It should be dated and the name of the subject is placed across the top center of the first page.

\*\*EffDte: 08/31/1983 MCRT#: 0 Div: D5 Cav: SecCls:

## **10-1.10 Insert**

An "insert" is a typed recording, put on appropriate paper, prepared with the intention of making it a page(s) of another document. An insert is also used to document nontestimonial information.

\*\*EffDte: 07/03/2003 MCRT#: 1289 Div: D6 Cav: SecCls:

## **| 10-1.11 Report|Forms FD-302 and FD-302a|**

| FD-302 and FD-302a are forms|on which information is recorded that may later become testimony.

\*\*EffDte: 08/31/1983 MCRT#: 0 Div: D6D9 Cav: SecCls:

## **10-2 LETTERS**

\*\*EffDte: 08/31/1983 MCRT#: 0 Div: RM Cav: SecCls:

## **| 10-2.1 |Letters|on FBI Memorandum Paper**

Letters from FBIHQ divisions to the Department of Justice are prepared in the FBI memorandum format. |(See MAOP, Part 2, 10-3.)| Letters done for intra-Bureau purposes were eliminated with the implementation of the electronic communication (EC).

\*\*EffDte: 08/02/2000 MCRT#: 1008 Div: RM Cav: SecCls:

**| 10-2.1.1 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.2 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.3 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.4 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.5 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.6 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D3D5D6D7 Cav: SecCls:

**| 10-2.1.7 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.8 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.9 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.10 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.11 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.12 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.13 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.1.14 |Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-2.2 On Letterhead Stationery |(See MAOP, Part 2, 10-1.1.)|**

Letterhead stationery is made up on white bond paper. It is printed with the Department and the Bureau shown. A space is provided for the file number. It is used for letters to addressees out of the Bureau, for nonroutine letters to FBIHQ or to another office. Field offices are to communicate with Department through FBIHQ. The address of the office must be typed directly under the line of the letterhead under the "F" in Federal. The SAC may authorize its use by SAs when absent from headquarters city for investigative purposes. Copies must be directed to the SAC.

\*\*EffDte: 08/02/2000 MCRT#: 1008 Div: RM Cav: SecCls:

**10-2.2.1 Acknowledgment**

(1) Letters from outside sources should be acknowledged promptly, but it is within the discretion of the SAC as to whether an acknowledgment is to be made.

(2) When a Government agency refers a case or new investigation to the FBI by letter, the letter is to be acknowledged except in those cases in which a Government agency has advised it does not desire to be notified of the receipt of matters referred to the FBI.

(3) Referrals of selective service cases by USAs where the referral is by form letter or by merely forwarding a copy of the delinquency report form do not need to be acknowledged; however, an acknowledgment is necessary when the USA refers a selective service case by regular letter except in those instances in which the USA has advised he/she does not desire to receive such acknowledgments.

(4) Caution statements, if appropriate, are to be included immediately after the case caption and at the end of a letter. If desired, an appropriate stamp may be used for this purpose.

\*\*EffDte: 04/30/1993 MCRT#: 2      Div: D6RM      Cav:      SecCls:

### **10-2.2.2 Addressee**

(1) If to FBIHQ - Director, FBI - Dear Sir:

(2) If to field office - SAC, name of office to which sent

(3) If to an addressee out of the Bureau - name, title, address, and salutation

\*\*EffDte: 05/31/1984 MCRT#: 0      Div: RM      Cav:      SecCls:

### **10-2.2.3 Title or Subject Matter**

Title or subject matter should be put opposite salutation in letters to any official or employee of the FBI or Department of Justice. In letters to individuals and agencies outside the Department of Justice, no title or subject matter is to be used.

\*\*EffDte: 05/31/1984 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-2.2.4 Complimentary Close**

```
|          |Sincerely, (for personal letters, including letters with
|          first-name salutations)|
|
|          or
|
|          Sincerely yours, |(for letters not personal in nature)|
|
|          (1)  Letters out of Bureau - Richard Roe
|                  Special Agent in Charge
|
|          (2)  Intra-Bureau - Richard Roe
|                  SAC
|
|          |(See Correspondence Guide - Field, 2-4.4.12.)|
|
**EffDte: 05/03/1993 MCRT#: 11    Div: RM          Cav:          SecCls:
```

#### **10-2.2.5 Reference File Number**

On letters to outside individuals, agencies, other field offices, or FBIHQ, the following may be shown in the upper left corner of the letterhead: "In reply please refer to file number." When a letter concerning an investigative case is written by a field office to any individual or agency other than the Bureau, unless some specific reason for contrary action exists, the case file number of the field office shall be placed on the outgoing letter. When the file number does not appear on the original, it shall be set forth on the file copy.

```
**EffDte: 05/31/1984 MCRT#: 0    Div: RM          Cav:          SecCls:
```

#### **10-2.2.6 Copies**

Show to whom copies sent and the number thereof, on copies and file copy but not on original, if it is objectionable to do so, when letter is sent out of Bureau.

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**EffDte: 02/14/1992 MCRT#: 0    Div: RM          Cav:          SecCls:
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#### **10-2.2.7 Subject Matter**

Letter sent to an addressee out of the Bureau must not

jeopardize or injure the financial standing of any individual,  
institution, or concern.

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: RM      Cav:      SecCls:

### **10-2.2.8 Paging**

(1) If to FBIHQ or a field office - When a letter is made up of two or more pages, the second and subsequent pages should have the field office teletype abbreviation, followed by the file number of the case, typed at the upper left margin.

(2) If to an addressee out of the Bureau - Second and subsequent pages should contain no identifying data in the upper portion of the page.

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: RM      Cav:      SecCls:

### **10-2.2.9 Deleted**

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: RM      Cav:      SecCls:

## **| 10-2.3 Regulations Affecting|Letters Prepared on Letterhead Stationery|**

\*\*EffDte: 02/14/2000 MCRT#: 952      Div: RM      Cav:      SecCls:

### **10-2.3.1 Enclosures**

Originating offices are to forward to designated recipient  
| offices|one copy|of all outgoing documents and enclosures, excluding  
FD-302s, inserts, and Laboratory reports, of which three copies are  
required.

(1) The word "Enclosure" is to be typed at the end of signature correspondence, at the left margin, two spaces below the typed signature, title and division of the Bureau official signing the mail, and is to appear on all copies and the yellow. If several enclosures are to accompany a letter, the word "Enclosures" is to be followed by the exact number of enclosures being transmitted, e.g.,  
| "Enclosures (4)." All items enclosed must be counted regardless of  
whether they are stapled, paper clipped, or "enclosures to  
enclosures."

(2) Enclosures are to be generally identified in the body of communications. On correspondence to persons outside the FBI, a brief description of each enclosure must be shown on the file copy when not described in body of communication. On correspondence to FBIHQ or other field offices, place the description at the beginning of the communication.

(3) Originating offices are to staple the original enclosure(s) to original communication, which will be eventually serialized into file by the receiving office(s). Copies of enclosure(s) are to be attached to copies of the communication. Evidentiary and bulky material are to have a copy of the communication attached or placed inside package. When using metal-clasped envelope for enclosures to FBIHQ or other field offices, attach such envelope to the cover letter so that the flap faces up.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RMD7 Cav: SecCls:

### **10-2.3.2 Certified Mail**

| If the letter is to be sent by special mailing, it is the  
| responsibility of the author to so advise the preparer. |

\*\*EffDte: 05/02/1997 MCRT#: 665 Div: D3RM Cav: SecCls:

### **10-2.3.3 Dates**

Include all pertinent dates in letters to FBIHQ, such as the date when investigation was conducted, date contact or interview was made, date an individual furnished information to the field office, etc.

\*\*EffDte: 07/19/1984 MCRT#: 0 Div: RM Cav: SecCls:

### **10-2.3.4 Copies**

| The number of copies prepared, including the original, of  
| letters should appear under the initials of the dictator.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

### **| 10-2.3.5 |File Number|**

|           When designating a copy of any communication to FBIHQ or a  
field office for a file other than that of the captioned  
| communication, the|file number,|if known, and the name of subject or  
subject matter must be indicated.

\*\*EffDte: 02/14/2000 MCRT#: 952   Div: RM           Cav:           SecCls:

### **10-2.3.6 Notations on Correspondence**

(1)   No memorandum, letter, document, or other record  
originating within the Department of Justice shall be classified,  
designated, described, or otherwise marked with any word or phrase  
restricting access thereto except in accordance with the provisions of  
| Executive Order|12356,|the Atomic Energy Act of 1954, or Director of  
Central Intelligence Directive 1/7. Restrictive words or phrases,  
such as "Personal and Confidential," "Strictly Confidential," "For  
Official Use Only," or similar designations, are not to be used as a  
label or classification. Such words may be used in the body of the  
document as set out below.

(2)   The notation "Personal and Confidential" may be used  
on an envelope addressed to a person or organization outside the FBI  
but only when it contains material, the routing of which should be  
closely restricted. Do not use this notation on any intra-FBI  
envelope. When the Agent desires that mail going outside the FBI be  
transmitted in an envelope marked "Personal and Confidential," it is  
Agent's responsibility to so instruct the stenographer.

(3)   If for any reason it becomes necessary to restrict the  
circularization or dissemination of a document to a Bureau employee,  
to another governmental official or agency, or to an outside  
correspondent, it is permissible to use a sentence in the  
communication so stating; e.g., "The data set out herein is for your  
personal and confidential information." This procedure should be used  
discreetly and only where the circumstances justify.

(4)   The words "Obscene," "Personal," and "Personal  
Attention" may be used on documents and envelopes.

\*\*EffDte: 02/29/1984 MCRT#: 0       Div: SYRM           Cav:           SecCls:

## **| 10-3   MEMORANDA |(See MAOP, Part 2, 10-1.2 and 10-2.1.)|**

Use of memoranda (EXCEPT for memoranda to all SACs and  
| employees|and memoranda from FBIHQ to Department of Justice  
| officials--see Correspondence Guide - FBIHQ, Sections 4, 6, and 7)|was  
discontinued with the implementation of the electronic communication  
(EC).



\*\*EffDte: 08/02/2000 MCRT#: 1008 Div: RM Cav: SecCls:

### **10-3.1 SAC Memoranda (Formerly SAC Letters)**

Memoranda to SACs are issued by FBIHQ and approved by the Director to inform SACs of instructions of fieldwide application. They are numbered serially. They are serialized in file HQ 66-A9999904 by the Manuals Desk, |Records Management|Division. Additional serialization is not necessary. Advise FBIHQ, Manuals Desk, if paper copies have not been received. The distribution of all copies are to be accounted for in writing on the master copy. Information copies of SAC memoranda distributed to employees may be retained by recipients for a period not to exceed one year and then destroyed in the confidential trash. (See also MAOP, Part 2, 2-4.5.12 and 2-4.5.17.)

\*\*EffDte: 08/15/2002 MCRT#: 1074 Div: RM Cav: SecCls:

### **10-4 LETTERHEAD MEMORANDA**

\*\*EffDte: 02/14/1992 MCRT#: 0 Div: D5D6OIRM Cav: SecCls:

#### **| 10-4.1 When Used |(See MAOP, Part 2, 10-16.15 (3)(b).)|**

(1) In those instances in which it is not necessary to conceal the Bureau as the source.

(2) When the field furnishes information to FBIHQ in the belief that it is of possible interest to other government agencies and when it is desired to provide a communication suitable for dissemination other than an investigative report.

(3) To set forth information necessary for conducting investigations abroad. Leads, which should be so captioned, should be set forth on a separate numbered page at the end of memorandum. They should not refer to Legal Attache and should not request investigation | by a particular agency abroad.

(4) To reply to requests for investigation from foreign police agencies. They are used also to furnish data for dissemination to foreign agencies for information only.

(5) To submit significant data to FBIHQ in nonprosecutable espionage and nationalistic tendency cases (65 and 105 classifications.)

\*\*EffDte: 01/15/2004 MCRT#: 1316 Div: D5D6OIRM Cav: SecCls:

## **10-4.2 Stationery and Format**

(1) LHMs are typed on letterhead paper. The file copy is on plain yellow.

(2) They are to show the place where made, be dated, and bear the name of the subject and, if applicable, the character of the case across the top center of the first page. If prepared for foreign dissemination in security cases, character of case should not be included in LHM.

(3) The full title including all names used by subject should appear in first LHM prepared for dissemination. Subsequent LHMs in same case may contain prime name of subject followed by "also known as."

\*\*EffDte: 05/02/1997 MCRT#: 665 Div: RM Cav: SecCls:

## **10-4.3 Number of Copies**

Originating offices are to forward to designated recipient offices a minimum of two copies of all outgoing LHMs and enclosures, excluding FD-302s, inserts, and Laboratory reports, of which three copies are required.

(1) In other than security-type cases: (See MIOG, Part 1, 174-3.2; Correspondence Guide - Field, 2-5.5.11.)

(a) When prepared to transmit to FBIHQ information of possible interest to other government agencies, submit an original and three copies. In classification 174 (Bombing Matters), submit LHM as an electronic attachment. In classification 173 when there is proposed or actual testing of public accommodations or public facilities (no interference and no complaint of refusal of service), submit an original and two copies; where a complaint of discrimination involving public education, public facilities, or public accommodations in jurisdiction with local public accommodation statutes, submit an original and two copies; in cases of interference, where appropriate, submit an original and two copies.

(b) Classification 100 - (Domestic Security/Terrorism Investigations) - submit an original and four copies.

(c) When prepared to set forth information necessary for conducting investigations abroad, to reply to requests for

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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investigations from foreign police agencies, or to furnish data for dissemination to foreign agencies for information, submit an original and five copies.

(d) In classification 149 - (Destruction of Aircraft or Motor Vehicles) - submit an original and four copies by FD-365. Where initial LHM submitted to FBIHQ contains an opinion of a U.S. Attorney, one copy of this LHM should be directed to the U.S. Attorney confirming his/her opinion in lieu of doing so by means of a separate letter when it would merely repeat the same information contained in the LHM. (See MAOP, Part 2, 10-11; MIOG, Part 1, 149-3.)

(e) Deleted

(f) In FBI applicant cases, field offices should set leads to all Legats when initiating background investigation. In cases where no Legat coverage is available, advise the Bureau Applicant Employment Unit (BAEU) immediately and provide details of lead(s) to be covered via facsimile. BAEU will set leads to the U.S. Department of State if necessary. (See MIOG, Part 1, 67-9.3 (4); Correspondence Guide - Field, 2-5.5.11.)

(2) In security-type cases - Under the circumstances set out in (1)(a) and (c) above, and when submitting significant data in nonprosecutable 65 and 105 cases, the number of copies of LHMs should be governed by the dissemination required, with the minimum number to be submitted being the original and four copies.

(3) Letterhead memoranda designated for the Miami or San Juan Divisions setting forth leads to be covered in the Northern or Central Caribbean areas should contain a copy for the International Operations Section, Investigative Services Division, FBIHQ.

\*\*EffDte: 04/25/2000 MCRT#: 963 Div: OID5D6D7CT Cav: SecCls:

#### **10-4.4 Deleted**

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: RM Cav: SecCls:

#### **10-4.5 Paging**

(1) Numbering - The second and subsequent pages are to be numbered at the bottom. Put asterisk by number of last page. If LHM consists of one page only, it should be numbered 1\*. If LHM contains

appendix pages, these pages should be considered part of the LHM and the pages numbered consecutively. The use of the asterisk does not apply to blind memoranda.

(2) Identifying - Identify second and subsequent pages by

**SENSITIVE**

typing the name of the subject at the upper left margin; e.g., JOHN DOE.

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-4.6 File Number**

The field file number is to be typed on the field file copy at the lower left margin.

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-4.7 Initials and Total Number of Copies Prepared**

The initials of the dictator and initials of the stenographer shall appear at the bottom of page one at the left margin on the file copy only. The total number of copies prepared, including the original, must be typed in parentheses under the initials of the dictator on the file copy. This number is to include any tickler copies made.

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **10-4.8 Use of "T" Symbols**

It is permissible in Security of Government Employee security referral cases (140A and 140C) to utilize "T" symbols in LHMs. Such "T" informants should be evaluated on the first page of the LHM, preferably in the lower right portion of the page by typing or stamping the following statement: "Sources whose identities are concealed herein have furnished reliable information in the past except where otherwise noted." Sources which are exceptions should be characterized when first mentioned in the LHM (for example, [redacted] a confidential source abroad, advised...." or [redacted] with whom there has been insufficient contact to establish reliability of his information, advised...). No information furnished by a source concealed by a T symbol should be incorporated in an LHM as its original recording but should be placed first into informant report, file memorandum or FD-302, in the event it must be produced in court.

b2

\*\*EffDte: 09/16/1999 MCRT#: 919      Div: D3      Cav:      SecCls:

## **10-4.9 Transmittal**

|           Transmit by cover|electronic communication|or cover  
page(s).

(1) Letter or LHM furnished another agency should include statement which contains in substance terminology appearing in property stamp for use on reports. Property statement should be placed at the bottom of the first page on all copies of the letter or LHM. This rule, of course, will not pertain to letters of purely administrative nature; letters simply referring complaints to outside agencies merely to confirm convictions, etc., which information is public source material. (See MAOP, Part 2, 9-3.5.2(2).)

(2) Copies of LHMs prepared by Bureau's Legal Attaches may be furnished to interested outside agencies where appropriate. Of course, accompanying cover document is not disseminated. (See MAOP, Part 2, 9-3.5.2(4).)

(3) When LHM is utilized to request foreign investigation, same should include in its entirety any applicable caution statement.

(4) LHM is normally used in answering name check requests.

(5) Caution statements, if appropriate, are to be placed immediately after the case caption and at the end of an LHM. If desired, an appropriate stamp may be used for this purpose.

\*\*EffDte: 11/18/1999 MCRT#: 933   Div: D6D9OIRM   Cav:           SecCls:

## **10-5 TELETYPE**

|           For additional information re: types, classification,  
precedence designation, format, preparation, and transmission of  
teletypes, see MIOG, Part II, 16-1.

\*\*EffDte: 07/15/1993 MCRT#: 39   Div: D4D6           Cav:           SecCls:

### **10-5.1 Preparation**

(1) Set out the title and abbreviated character. In the interest of economy, only the name of the principal subject or the name of one of the fugitive subjects needs to be included in teletype

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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messages when the addressee has the full title. The instructions relating to "CHANGED" title are to apply to teletypes to FBIHQ or to field offices. (See 10-16.7.4 in this section.)

(2) In cases in which one of the subjects of the investigation is a fugitive, the title as shown in the message should give his/her name, together with the word "FUGITIVE," and character of offense involved.

(3) The office of origin shall also be set forth when the file discloses that the office to which the request is directed does not possess this information and when the office of origin is not the sending office. If a teletype is received in which no office of origin is specified, the receiving office shall assume that the sending office is the office of origin.

(4) When investigation is requested by teletype which will require a report of investigation which must be disseminated, indicate agencies to which copies must be sent and number of copies.

(5) If a deadline has been set by FBIHQ, set it out after case caption by use of "BUDED" and date.

(6) Prepare copies to be sent by mail for information on thin blue paper (FBIHQ uses green paper). Advise addressees of message in the last sentence of message text; e.g., "Copies mailed Norfolk and Richmond."

(7) Although a communication is originated as a teletype, approving official may designate it and hand mark it to be mailed. In such instance it should not be retyped and necessary file copy and additional mail copies required, as when message is addressed to two or more offices, may be made on permanent-type copying machine. Receiving offices can make whatever additional copies required on copying machines.

(8) Caution statements, if appropriate, are to be included as the first line of the text.

\*\*EffDte: 04/30/1993 MCRT#: 2      Div: D4D6      Cav:      SecCls:

## **| 10-6      AIRTELS (See MAOP, Part 2, 10-1.8.)**

Airtels were eliminated with the implementation of the electronic communication (EC). ECs replaced airtels, certain letters, certain memoranda, and most teletypes.

\*\*EffDte: 08/02/2000 MCRT#: 1008 Div: RM      Cav:      SecCls:

**SENSITIVE**

**| 10-6.1 | Deleted|**

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**| 10-6.2 | Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-6.3 | Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-6.4 | Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**| 10-6.5 | Deleted|**

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**| 10-6.6 | Deleted|**

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**| 10-6.7 | Deleted|**

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**| 10-6.8 | Deleted|**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

**10-7 BLIND MEMORANDA**

\*\*EffDte: 05/31/1983 MCRT#: 0 Div: D5RM Cav: SecCls:

### **10-7.1 When Used**

In those instances in which the Bureau's identity must not be revealed as the source.

\*\*EffDte: 05/31/1983 MCRT#: 0      Div: D5RM      Cav:      SecCls:

### **10-7.2 Stationery and Format**

(1) Blind memoranda are to be typed on plain white bond, unwatermarked paper. Copies are typed on plain thin white except file copies are on thin yellow.

(2) They are to be dated and should bear the name of the subject across the top center of the first page.

\*\*EffDte: 05/31/1983 MCRT#: 0      Div: D5RM      Cav:      SecCls:

### **10-8 ROUTING SLIP, FD-4**

The routing slip is a 5 1/2- by 8 1/2-inch white form made up so that the date, addressee, file number, title, action desired, and sender can be entered. It is used:

- (1) To follow leads to other offices
- (2) To give instructions to employees within an office
- (3) To request of FBIHQ, Attention: Training Division, lecture outlines
- (4) Deleted
- (5) Deleted
- (6) To return reports to the sending office when the office receiving them has no interest in the matter and has no file.
- (7) To transmit to FBIHQ, Attention: National Security Division, nonevidentiary copies of publications relating to security and counterintelligence matters. Routing slips may be used to notify FBIHQ of routine administrative matters, such as temporary delay in obtaining particular issues of a publication, temporary suspension of a publication (e.g., during summer months), or other information which



**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

will keep FBIHQ informed relative to the status of these publications.

(8) To transmit photographs between offices when no other information necessary. Name, date taken and description should be on back of photo.

(9) To transmit to FBIHQ books, pamphlets, contracts, bid forms on sales of equipment, SF-88 on applicants

(10) To transmit to FBIHQ service record requests directed to field offices by prospective employers

(11) From FBIHQ to field to transmit stenographic and typing examinations, translator examinations, secret numbers of automobiles, editorials, and like material, where no comment is necessary

(12) To transmit to FBIHQ personnel file of a resigning employee when required

(13) To transmit to FBIHQ medical examination report of National Academy applicant

(14) To transmit stamp purchase vouchers to FBIHQ

(15) To transmit to FBIHQ advance of funds requests

(16) To transmit to FBIHQ police training film correspondence

(17) To transmit to FBIHQ interesting write-ups for Law Enforcement Bulletin

(18) To transmit to FBIHQ an Agent's annual report of medical examination (SF-88)

(19) To transmit to FBIHQ Form FD-295, reserve status card. Routing slips should be used to keep the FBIHQ advised of any pending action, such as intended contacts with reserve units for information. Routing slips should be marked for the attention of Personnel|Administration|and Benefits Section.

| (20) |Deleted|

(21) To request current official photographs, routing slip should be addressed: FBIHQ, Attention: Office of Public and Congressional Affairs.

(22) To transmit from one field office to another FD-302s when no other communication is necessary. Show on routing slip title and character of case and field office file numbers where known. Staple routing slip to documents. Make notation on serial in file showing date sent, offices to which sent, and initials of supervisor who approved for mailing.

**SENSITIVE**

(23) To transmit from a field office to the proper field office a communication which has been misdirected. Prepare routing slip in duplicate; use one copy to forward the misdirected communication and dispatch the duplicate to the office which sent the communication, advising that it has been forwarded to the proper office. No copy of the misdirected communication or the outgoing routing slip is to be retained in the office taking this action.

(24) To transmit to FBIHQ, Attention: Property Procurement and Management Section, receipt for government property (FD-281).

\*\*EffDte: 06/06/1996 MCRT#: 566 Div: D2D3D5FDRM Cav: SecCls:

## **10-9 GENERAL RULES REGARDING RECORDING AND NOTIFICATION OF INVESTIGATIONS**

The results of investigation must be submitted in the instances indicated by the communication shown below:

(1) When

(a) Process not issued and information is trivial or negative, and

(b) No special reason for advising FBIHQ exists. (Reason exists when subject is notorious, widespread publicity is involved, subject is government employee, etc.) Any doubts should be resolved to ensure FBIHQ is properly informed concerning investigative and intelligence matters--

By: Electronic communication for the file, or when USA has given an opinion, a letter to USA enclosing pertinent FD-302s when practical.

(c) USA has not rendered prosecutive opinion within 30 days of date of presentation of facts of case--

By: Sending FBIHQ LHM, suitable for dissemination to Department, setting forth brief summary of facts of case, identity of attorney contacted, date of presentation, and reason prosecutive opinion was not furnished (In connection with this, submission of LHM does not take the place of a report if one is necessary.)

(2) When discontinue orders have been received in cases other than those in which FBIHQ is office of origin and

(a) Rough draft prepared--

By: Filing rough draft

(b) Report dictated but not typed--

for filing           By: Typing details in form of electronic communication

(c) Investigation not completed--

By: Electronic communication for the file

(3) FBI applicant cases (See also MIOG, Part 1, 67-3.11 and 67-9):

(a) Applicant No Longer Interested/Presently Not Available --

If applicant has not yet begun background processing, office ascertaining that applicant is no longer interested in position or is presently not available for FBI employment should immediately notify the hiring entity and/or Personnel Resources Unit, Administrative Services Division (ASD), FBIHQ.

If background processing has already begun, office ascertaining that applicant is no longer interested in position or is presently not available for FBI employment should immediately notify Bureau Applicant Employment Unit (BAEU), Administrative Services Division, FBIHQ, and follow up with EC with details regarding the applicant's status. BAEU will notify applicant that his/her application has been placed into an inactive status.

(b) Derogatory Information

If prior to background processing, submit details of derogatory or potentially disqualifying information to the hiring entity or PRU, FBIHQ. If background processing has already begun, submit details of derogatory or potentially disqualifying information to BAEU, FBIHQ. BAEU will notify applicant and hiring entity if processing has been discontinued.

(c) Notification of Lead Offices

Upon notification that case has been discontinued, lead offices should submit reports for all investigation conducted to date and submit all investigative notes to BAEU, FBIHQ.

(4) Deleted

(5) Deserter cases-routine deserter apprehensions and cases in which subject voluntarily surrenders or is apprehended by military authorities or other police agency--

By: Teletype to FBIHQ and office of origin. Office of origin to ensure lead offices are notified by teletype.

(6) Probation, parole, and mandatory release fugitives - routine apprehensions or when subject located in custody and no FBI violation developed during fugitive investigation--

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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By: Teletype to FBIHQ and office of origin and lead offices indicated by the file to be conducting investigation to apprehend

(7) Of interviews ordered by FBIHQ with complainants when negative--

By: Electronic communication to FBIHQ

(8) "No record" checks in cases other than those in which FBIHQ is office of origin--

By: Stamping copies of communications containing lead "no record." Write in long-hand on each copy date check made and name and title of FBI employee making check (if other than FBI employee involved, also write his/her name and position); return copy to office of origin; retain copy for file.

(9) Foreign police cooperation cases--

By: Letterhead memoranda

(10) In cases other than those in which FBIHQ is office of origin, results of investigation by lead office of no immediate benefit in solution of case or location of subject in all classifications-- (See MAOP, Part 2, 2-5.2.4(5) & 10-19(8).)

By: Preparing an insert so that office of origin may insert in proper reporting communication without retyping. Good judgment should prevail; for example:

(a) Where the number of copies of the insert needed is not known, an original and two copies should be prepared;

(b) If only a few sentences are involved, an insert should not be prepared;

(c) According to circumstances, with economy and efficiency in mind, results of investigation will be submitted to office of origin by electronic communication, teletype, or investigative report, and, if investigation sufficiently reported therein, inserts need not be forwarded to office of origin.

(11) Results of investigation by lead office(s) in classifications 15, 25 (Selective Service Act only), 26, 31, 42, 43, 45, 47, 52, 70, 76, 87, 88, 93--

By: Sending to office of origin and other lead offices, but not to FBIHQ, FD-302s (including original), insert(s), electronic communication(s), teletype(s), etc., according to the circumstances. If investigation is sufficiently contained in a communication, and no special reason requiring FD-302 or local dissemination is present, then a statement that nothing further will be sent should be in the communication used.

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(12) Classification 93

By: Preparing brief reports for USA. Do not duplicate data already in USA's files. Furnish such reports to FBIHQ only when case originated in Department of Justice.

(13) In espionage and foreign counterintelligence cases--  
See the National Foreign Intelligence Program Manual.

(14) In civil rights cases in which inquiry has been limited to interviews with complainants and/or victims--

By: LHM, using FD-302 where applicable

(15) In following Civil Rights Act, 1964 cases: public accommodation cases in states or municipalities which have accommodation laws; proposed or actual testing of public accommodations or public facilities (no interferences involving personal injury, threat of serious injury, or substantial damage to property, and no complaint of refusal of service); complaints re discrimination in public facilities; complaints re discrimination in public education; and complaints of interference not involving personal injury, threat of serious injury, or substantial damage to property--

By: LHM, using FD-302 where applicable

(16) ITSMV recovery values

(a) In all ITSMV cases, including cases with more than one investigative character--

By: FD-515

(b) In unknown subject ITSMV communications, except teletypes, to Legal Attaches from domestic offices or from Legal Attaches to domestic offices, communications should be directed to the Legal Attaches or domestic offices involved. One copy should be made for each addressee with two attention lines for FBIHQ (one attention line designated for Major Theft/Transportation Crimes Unit, Criminal Investigative Division (CID), and one attention line designated for the International Operations Section, Office of International Operations) -- (See Correspondence Guide-Field, 2-2.3(9) & 2-7.3(8); Legal Attache Manual, 7-9(2).)

By: Communications should be uploaded with leads for both FBIHQ divisions mentioned above. Communications will be forwarded to office or Legal Attache involved.

(17) Deleted

(18) Deleted

(19) Deleted

(20) Deleted

**SENSITIVE**

(21) Deleted

(22) Deleted

(23) In|Terrorism Enterprise Investigations (TEI)|(100  
classification)--

| EC for the initial opening of a 100 preliminary inquiry (PI)  
| after 180 days. An EC and LHM are required for an extension. EC and  
| LHM to FBIHQ is required with a full-field investigation (FFI) TEI.  
| An FFI TEI must be renewed after 365 days with an EC and LHM to  
| FBIHQ.

| When a TEI is completed or nearing expiration, the results of the  
| investigation are to be furnished to FBIHQ in an LHM with a cover  
| electronic communication recommending an extension or closing of the  
| matter. This report is due no later than 180 days after the  
| initiation of a PI TEI and 365 days for an FFI TEI investigation.  
| A second report is due at the end of the first year of a PI TEI  
| investigation. These reports should be presented in a summary,  
| narrative form. They need not be lengthy and need not set out all  
| facts concerning the person or group gained during the authorized  
| period. They need only contain specific and articulable facts  
| adequate to meet the "reasonable indication" standard of the Attorney  
| General Guidelines on General Crimes, Racketeering Enterprise, and  
| Terrorism Enterprise Investigations (TEI) investigations for renewal,  
| or sufficient information which warrants the investigation being  
| placed in a closed status. (See MIOG, Part 1, 100-3.1.1.)

(24) In all investigations where it is believed that  
information developed may raise significant concerns regarding the  
"safety and soundness" of any depository institution doing business in  
the United States.

Subsequent to obtaining an opinion from an AUSA that  
disclosure is required, an LHM setting forth the facts which raise  
significant concern regarding the safety and soundness, shall be  
disseminated to the appropriate federal regulatory agency. (See MIOG,  
Part 1, Section 29-6.5.)

\*\*EffDte: 07/09/2003 MCRT#: 1286 Div: D3D6CTOI Cav: SecCls:

## **10-10 MISCELLANEOUS INSTRUCTIONS CONCERNING WRITTEN COMMUNICATIONS**

\*\*EffDte: 10/20/1988 MCRT#: 0 Div: D1D6D9PARM Cav: SecCls:

### **10-10.1 Information Furnished FBIHQ**

|           |Electronic communications (ECs)|and teletypes submitted  
to FBIHQ or to another office in accordance with FBIHQ instructions on  
the use of these communications should contain the name of the Agent  
making the investigation, all necessary dates and other documentations  
which make the communication complete without further inquiry. Show  
| the status of the case on the first page of|ECs|and teletypes next  
to the file number of the office sending the communication.

\*\*EffDte: 11/18/1999 MCRT#: 933   Div: D5D6RM       Cav:           SecCls:

### **10-10.2   Caution Statements**

Where specific facts justify, include as a special warning  
on appropriate communications, and in subject's NCIC record, current  
information as to:

- (1) Armed and dangerous
- (2) Drug addict
- (3) Escape risk
- (4) Physical or mental condition/illness
- (5) Suicidal tendencies

|           |(6) "Warning: Known or suspected HIV (Human  
| Immunodeficiency Virus) infected person." (This warning should only be  
| used in internal communications when also accompanied by the "Armed  
| and Dangerous" warning or when other information is developed that the  
| possibility of violence during an arrest is imminent.)|

\*\*EffDte: 05/03/1993 MCRT#: 3       Div: D5D6CT       Cav:           SecCls:

### **10-10.3   Deadlines**

(1) Unless otherwise indicated, FBIHQ deadline date means  
the date the communication is to reach FBIHQ.

(2) If a deadline has been set by FBIHQ, set it out after  
| case caption by use of|"BUDED"|and date in intra-Bureau  
communications.

\*\*EffDte: 07/19/1984 MCRT#: 0       Div: D3D5D6CT   Cav:           SecCls:

## **10-10.4   Inquiries Concerning Status of Bureau Cases**

When a state official has expressed interest in prosecutive status of a Bureau case, for a legitimate reason, such as deferment of state prosecution pending outcome of Federal case, insure that such official is kept appropriately advised, including final outcome of matter.

\*\*EffDte: 07/19/1984 MCRT#: 0      Div: D3D6CT      Cav:      SecCls:

## **10-10.5   File Numbers**

### **(1)   Intra-Bureau Correspondence:**

(a)   Include FBIHQ file number and the file numbers of all offices, if known, or Universal Case File Number (UCFN) receiving copies of the correspondence on all intra-Bureau correspondence.

(b)   When designating a copy of any communication to FBIHQ or a field office for a file other than that of the captioned communication, UCFN, if known, and name of subject or subject matter must be indicated.

(2)   Correspondence to other agencies - Include the file numbers of other agencies on letters and reports when these file numbers are known and copies of communications are directed to those agencies. In Bureau reports disseminated to an intelligence agency, place reference file number after the name of the agency on FD-204, or FD-517 in prosecutive reports.

\*\*EffDte: 02/14/2000 MCRT#: 952    Div: RM      Cav:      SecCls:

## **10-10.6   Preparation of Signed and Sworn Statements**

Instructions as to preparation of signed and sworn statements can be located in the Legal Handbook for Special Agents.

\*\*EffDte: 07/19/1984 MCRT#: 0      Div: D9      Cav:      SecCls:

## **| 10-10.7   Records Furnished by|Criminal Justice Information Services (CJIS)|Division**



**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(1) Proper phraseology when referring to the existence or nonexistence of fingerprint records.

(a) Since fingerprint records furnished by the  
| |CJIS|Division under FBI numbers contain civil as well as criminal  
notations, they should be referred to as "identification," rather than  
"criminal," records.

(b) When a search is made against the criminal  
| fingerprint file and no record is found, |CJIS|Division will use the  
phraseology, "No Arrest Record FBI." Field offices and other FBIHQ  
divisions likewise should use such phraseology in their communications  
when applicable.

(2) Certain information is added to the FBI copy of an  
identification record on a separate restricted page called the  
"Bureau" page. For example, such information may include data  
pertaining to a "Return" fingerprint card, i.e., contributor of the  
fingerprint card, subject's name, date of arrest or receipt, and the  
charge and disposition, etc. Typed at the bottom of this page in  
capital letters will be the notation, "THIS PAGE SHOULD NOT BE  
DISSEMINATED OUTSIDE FBI." Persons forwarding copies of  
identification records to sources outside the Bureau should be  
| governed accordingly. |(See MIOG, Part II, 14-13.3.)|

\*\*EffDte: 04/08/1996 MCRT#: 527 Div: D1 Cav: SecCls:

## **10-10.8 Preparation of Delay Letter (FD-205) to FBIHQ**

Form FD-205 is to be used by field to advise FBIHQ that a  
deadline in a case will not be met. It is also permissible to use  
Form FD-205 to notify FBIHQ reason for delinquency of nondeadline  
cases and date it is anticipated a report or other communication will  
be submitted. Use of this form in no way relieves field offices from  
promptly advising FBIHQ of important developments in any case and form  
is not to be used to delay an investigation unjustifiably. Form 0-1  
is used by FBIHQ when it is desired that status of a case be known.  
Both of these forms may be filled out in longhand; however, names of  
subjects must be hand printed.

\*\*EffDte: 07/31/1989 MCRT#: 0 Div: D3D5D6 Cav: SecCls:

## **10-10.9 Approval of Outgoing Communications**

\*\*EffDte: 07/31/1989 MCRT#: 0 Div: DO Cav: SecCls:

**SENSITIVE**

### **10-10.9.1 Approval by Individuals Delegated to Act on Behalf of Higher Bureau Officials**

Subordinate persons exercising delegated authority must clearly indicate they are acting for their superior. This is to be accomplished by use of the words "Acting" or "By Direction of" or "For" preceding the title of the authorizing officials, or by initialing with a slash separating the superior's initials from the subordinate's (Example: "ABC/XYZ" rather than their own initials alone "XYZ").

\*\*EffDte: 07/31/1989 MCRT#: 0 Div: DO Cav: SecCls:

### **| 10-10.9.2 | Approval of FBIHQ Communications Addressed to All Divisions**

| FBIHQ communications addressed to All Divisions, to All  
| SACs, or to All Employees must be approved by the cognizant Executive  
| Assistant Director (EAD) if the communication involves a policy change  
| or tasks offices to respond (such as a communication requiring that  
| field offices submit materials, conduct a survey, or complete an  
| intelligence canvas). Routine communications such as annual reports,  
| intelligence reports, and reminders to conduct annual performance  
| appraisals should be approved by the cognizant Assistant Director or  
| equivalent, with copy provided to the cognizant EAD. |

\*\*EffDte: 07/15/2002 MCRT#: 1212 Div: DO Cav: SecCls:

### **| | 10-10.9.3 | Reports |(Formerly 10-10.9.2)|**

(1) When available to do so, Agents are to read reports dictated by them prior to dissemination or transmittal to FBIHQ; in any event, dictating Agents shall read and initial all their reports within 30 days of dates of reports or at first practicable opportunity thereafter.

(a) If approved, initial the first page of the file copy.

(b) If corrections are to be made, send to supervisor with corrections indicated.

(2) The SAC may use SAC's initials when approving reports. When reports are approved by supervisory officials other than the SAC, the initials of the SAC and the initials of supervisory official must be placed on the original.

(3) The SAC and other supervisory officials must place

their initials on file copies of reports approved by them.

(4) Stenographers must initial the file copy of the reports transcribed by them in the lower left corner of the first page.

(5) Agents are to initial originals of FD-302s when used to record results of investigation dictated by them.

\*\*EffDte: 07/15/2002 MCRT#: 1212 Div: D6DO Cav: SecCls:

#### **| 10-10.9.4 Deleted |(Formerly 10-10.9.3)|**

\*\*EffDte: 07/15/2002 MCRT#: 1212 Div: RM Cav: SecCls:

#### **| 10-10.9.5 Letterhead and Blind Memoranda |(Formerly 10-10.9.4)|**

Initials must not appear on the original or copies but must appear on yellow.

\*\*EffDte: 07/15/2002 MCRT#: 1212 Div: D5RM Cav: SecCls:

#### **| 10-10.9.6 Teletypes |(Formerly 10-10.9.5)|**

The SAC is responsible for the use and content of all teletypes originated from the SAC's field division. At the SAC's discretion teletype approval authority may be delegated to field supervisors or above within the field division.

\*\*EffDte: 07/15/2002 MCRT#: 1212 Div: D4D0 Cav: SecCls:

#### **| 10-10.9.7 Routing Slips |(Formerly 10-10.9.6)|**

Routing slips are approved by an authorized supervisor. A notation, including date, is placed on serial giving rise to routing slip.

\*\*EffDte: 07/15/2002 MCRT#: 1212 Div: RMDO Cav: SecCls:

### **10-10.10 Initialing of Incoming Communications**

(1) Personal attention must be initialed by the SAC personally before filing.

(2) Others must be initialed by the investigative employee to whom routed as authority for filing.

(3) Block stamps are no longer required for incoming communications. However, if the office has deemed it necessary to continue the use of the block stamp, then support employees must initial in the space provided by the block-stamp impression to show who searches, serializes, indexes, and files the document.

(4) After the necessary action has been taken, the following communications may be initialed for filing by the support employee designated by the SAC:

(a) Letters transmitting checks or bonds from FBIHQ

(b) Incoming bills of lading (blue copy - Form SF-1103b)

(c) FBI Law Enforcement Bulletins

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D2FDRM Cav: SecCls:

### **10-10.11 Addressing of Envelopes**

Envelopes are addressed in the following manner:

(1) To FBIHQ:

Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, Northwest  
Washington, DC 20535-0001

(2) To Criminal Justice Information Services Division:

Federal Bureau of Investigation  
Criminal Justice Information Services Division  
1000 Custer Hollow Road  
Clarksburg, WV 26306

(3) To field offices:

Federal Bureau of Investigation  
General P.O. Box 1769  
New York, NY 10116

| (4) | To Anchorage, Honolulu, and San Juan:

(a) Anchorage:  
Federal Bureau of Investigation  
P.O. Box 560  
Anchorage, AK 99510

VIA FIRST CLASS

(b) Honolulu:  
Federal Bureau of Investigation  
300 Ala Moana Boulevard  
Honolulu, HI 96850

VIA FIRST CLASS

(c) San Juan:  
Federal Bureau of Investigation  
GPO Box BT  
San Juan, PR 00918

VIA FIRST CLASS

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D3D1RM Cav: SecCls:

### **10-10.12 Obtaining FBIHQ File Number**

| With the implementation of the Universal Case File Number  
| (UCFN), FBIHQ does not assign FBIHQ file numbers to field office  
| cases. FBIHQ uses the UCFN on field investigations. In those  
| instances in which FBIHQ is the Office of Origin, FBIHQ informs the  
| field office of the file number via EC when feasible. |

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

### **| 10-10.13 Requesting FBIHQ Advice|(See MAOP, Part 2, 10-16.15 (3).)|**

Communications requesting FBIHQ advice or instructions should set out problem, contain specific recommendations of SAC as to action to be taken, and give sufficient background and supporting logic to permit FBIHQ officials to reach decision. Requests should be placed at the beginning of the communication immediately following references, if any, under the caption "Request of FBIHQ." UACB communications must also contain sufficient facts to permit complete FBIHQ appraisal and should be sent sufficiently ahead of action date to permit FBIHQ to reply.

\*\*EffDte: 01/15/2004 MCRT#: 1316 Div: RM Cav: SecCls:

### **10-10.14 Communications With Character "Miscellaneous - Information Concerning"**

Except for those communications which are to be disseminated outside the FBI; e.g., letterhead memoranda and investigative report forms (FD-204), communications submitted to FBIHQ under the character "Miscellaneous - Information Concerning" or any like nonspecific characterization should show parenthetically following the character the identity of the interested FBIHQ section or division, if known.

\*\*EffDte: 12/19/1988 MCRT#: 0      Div: RM      Cav:      SecCls:

### **10-11 CONFIRMATION TO USA - TIME LIMITS**

Oral opinions of USAs are to be confirmed in writing by means of reports, letters, or FD-320s (which may be used to request further investigation, immediate declination, filing of complaint, presentation to Federal grand jury, and filing of information, or in other situations that do not clearly fall within one of the previously mentioned categories). On the FD-320 an explanation should be provided under "Synopsis of Case" when using the "Other" category. The above methods of confirmation may be used in the regular course of business, except as follows:

(1) Form FD-351, Arrest Advisory/Assumption of Custody Request, must be sent to the USA within five working days of the taking of a subject into Federal custody.

(2) Confirmation must be sent to USA within five working days after he/she authorizes prosecution and a complaint is filed in a case where subject not taken into Federal custody. This confirmation may be by investigative or prosecutive report, letter enclosing pertinent FD-302s when practical, or Form FD-320. In those districts in which USA uses a form to record data furnished by an Agent to

authorize prosecution, confirmation will not be necessary if a copy of the USA's form is furnished for field office file and it receives field supervisory approval.

(3) If an FD-320 is used, Senior Resident Agents in resident agency cities where there is a USA or AUSA who has authorized a complaint and the complaint has been filed before the U.S. Magistrate in the same resident agency city may sign the SAC's signature on the original and first copy of the form and transmit it directly to the USA. The second copy of the form should be mailed to the headquarters city for filing in the case file. In a case of major

importance which it is apparent will involve substantial publicity, the Senior Resident Agent is to advise the SAC of the complaint by an appropriate means of communication depending on the urgency of the case.

(4) In Crime Aboard Aircraft and Destruction of Aircraft or Motor Vehicles cases where the initial LHM submitted to FBIHQ contains an opinion of a USA, one copy of this LHM should be directed to the USA, confirming his/her opinion in lieu of doing so by means of a separate letter when it would merely repeat same information contained in LHM. In carrying out these rules, common sense should be exercised with the underlying thought being the FBI's obligation to make certain there is no delay in the disposition of a case by the USA because of a failure on our part. It is recognized that an FD-351, after a taking into Federal custody, may not contain complete investigative results, but it should contain sufficient information for the USA to proceed with any necessary prosecutive action. (See OG, Part 1, 149-3, 164-8; MAOP, Part 1, 10-4.3.)

(5) The fact that the field supervisor and the SAC are also responsible does not lessen the Agent's responsibility to follow his/her cases, to make certain there is no delay in investigations and in the submission of appropriate communications to the USA, and to follow prosecutive action closely with the USA to make certain proper action is taken as soon as possible.

\*\*EffDte: 12/19/1988 MCRT#: 0      Div: D6D9      Cav:      SecCls:

## **10-12      NOTES MADE DURING INVESTIGATIONS**

The types of written material developed in interviewing witnesses, and which should be retained, are the following:

- (1) Written statements, signed by the witness.
- (2) Written statements, unsigned by the witness, but approved or adopted in any manner by the witness.
- (3) Original notes of interview with prospective witnesses and/or suspects and subjects must be retained in the 1A section of the case file. That is, in any interview where preparation of an FD-302 is required (an interview where it is anticipated the results will become the subject of court testimony) the rough handwritten notes are to be retained.
- (4) Material dictated on tape cassette, memo belts, etc., contemporaneously or substantially so, with the interview in lieu of handwritten notes, may be viewed by a court as "original notes" and, therefore, must be retained. Dictation on tape cassette and/or memo belts of the total results of an interview for transcription to a final FD-302 is not "original note" material and need not be retained.

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(5) In other situations than those just set forth, the Agent's notes do not constitute a statement under the statute and need not be retained.

(6) If an Agent is questioned on this procedure, he/she should reply that it is a policy established by the Assistant Attorney General, Criminal Division, Department of Justice.

(7) An Agent's notes of a precise character, made to record his/her own findings, must always be retained. Such notes include, but are not limited to, accountant's work papers and notes covering matters such as crime scene searches, laboratory examinations, and fingerprint examinations. If a doubtful situation arises, resolve the question in favor of keeping the notes.

| (8) |Notes on FBI applicant investigations should be  
| forwarded to the office of origin (Bureau Applicant Employment Unit,  
| Administrative Services Division, FBIHQ), upon completion of  
| investigation.|

(9) When investigations, such as credit, arrest, or government agency checks, are conducted by an individual other than the Agent who dictates the report, all notes, work sheets, and flimsies of such checks are to be submitted with the typed report to the supervisor, who will destroy the notes after review of report, unless the notes are of the special types described in the above paragraphs.

\*\*EffDte: 09/16/1999 MCRT#: 919 Div: D9 Cav: SecCls:

## **10-13 REPORTING INFORMATION THAT MAY BECOME TESTIMONY**

When a Government witness testifies in court for the prosecution, the defense counsel may ask for the FBI's written record of the information brought out in the testimony. The FBI must have such information readily available for production in court. Inasmuch as the defense is entitled to see only the written record of the information brought out in testimony, that information should be recorded in such a manner that it can be produced without disclosing other information obtained in connection with the case. There are three general types of information which may become testimony and which may have to be produced in court.

(1) First, a signed statement of a subject or a witness. If this signed statement covers all the information received from the subject or witness, it stands by itself, and can be copied into the details of investigative reports. Written statement|is|required, where possible, in any case of confession or admission of guilt. If subject admits truth of statement but will not sign, write and witness | an addendum that subject read|statement,|or that it was read to him/her, whichever is correct, and orally acknowledged it to be true. Report and preserve unsigned statements in same manner as signed statements.

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(2) Second, information not in a signed statement received from a witness, and concerning which the witness may testify This should be reported on Form FD-302. If the witness gives a signed statement, and then gives additional information orally, both the signed statement, and the oral information should be recorded on FD-302. Statements of witnesses in any way favorable to the defense must be reported on Form FD-302 just as are those of witnesses for the prosecution. It may be held that the defense can call for those statements.

(3) Third, information which may be the subject matter of testimony of an FBI Agent, other FBI employee, or non-FBI employee involved in an investigation. This should be reported on Form FD-302. If a subject gives a signed (or unsigned) statement, and gives additional information orally, both the statement and the additional information should be recorded on FD-302. A description is sufficient additional information to require that all be put on FD-302.

\*\*EffDte: 07/27/1990 MCRT#: 0      Div: D9      Cav:      SecCls:

### **10-13.1    Recording of Information of Record**

(1) Information of record, such as bank or telephone records, obtained by subpoena duces tecum or search warrant will be reported fully on an FD-302 containing the authority by which it was obtained, and as a general rule, the identity of the person furnishing the information.

(2) In addition, information furnished confidentially by a banking or telephone institution without a search warrant or subpoena duces tecum should be reported on an FD-302 containing the identity of the source of the information. Do not use language indicating the information can be obtained only by a subpoena duces tecum. A copy of the FD-302 with the identity of the source deleted will be used to disseminate the information outside the FBI. Where the original FD-302 contains information that should not be disseminated, the facts that are to be disseminated may be abstracted and reported as having been furnished by a confidential source of information without reference to the institution. In such instances where the identity of the source is not included in the FD-302, the circumstances, the identification of the person making the information available to the FBI, and the name and title of the person to whom a subpoena duces tecum should be directed, where appropriate, will be included in the administrative pages accompanying the report or other communication to be disseminated outside the FBI.

(3) A custodian of records, to whom a subpoena duces tecum would be addressed, should not be used as a confidential source of information because following the testimony of the custodian, the defense would be entitled to examine any statement of the custodian in the possession of the Government which relates to the subject matter

**SENSITIVE**

in the testimony.

\*\*EffDte: 07/27/1990 MCRT#: 0      Div: D9      Cav:      SecCls:

### **10-13.2 "Statements" - Definition per Title 18, U.S. Code, Section 3500**

In preparing reports, letters, and memoranda, signed statements received from prospective Government witnesses and any other communications of the same origin which are both written and signed (or written statements the truth of which has been acknowledged by the witness but which he/she refuses to sign) may be referred to as "statements" inasmuch as they clearly meet the definition in Title 18, USC, Section 3500. When the information is recorded in any other form, however, as by memorandum of an oral interview, there may be a judicial question as to whether it is a "statement." Such recordings must be referred to by using the word "information" or some synonymous term.

\*\*EffDte: 07/27/1990 MCRT#: 0      Div: D9      Cav:      SecCls:

### **| 10-13.3 Recording Results of Information on Report Form (FD-302)**

(1) Information which may become testimony obtained by investigative personnel shall be reported with the appropriate person set out as the author, such as Special Agent, Investigative Assistant, other properly designated FBI employee, or appropriate non-FBI personnel. Non-FBI personnel should include their title, full name, and agency on the form's author line.

(2) Copies of the interviews thus recorded can be utilized as inserts for reports or other communications as elsewhere provided and as employed in major cases. They may also be used as a memorandum for the file or as channelizing memoranda. FD-302s and FD-302a's may be utilized in our reporting system in the same manner that inserts or memoranda are used.

(3) Whenever a person being interviewed could be called upon to testify at any time in the future in a trial, administrative-type hearing, or quasi-judicial proceedings, the results of the interview shall be reported on FD-302; if more than one page is necessary, use FD-302a for second and succeeding pages. It is not necessary that FD-302 be utilized when the results of the interview with an individual are not pertinent. If the interview goes to the merits of the case or is of value to the USA for the purpose of determining the desirability of prosecution, the interview shall be recorded on FD-302. For example, five are present at the time a bank robbery occurs, three observe the bank robber, and the other two witnesses, for one reason or another, do not observe the bank robber; all are pertinent interviewees and all should be recorded on FD-302s.

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(4) In all instances in criminal-type cases, whether prosecution is declined or not, use FD-302, and FD-302a if more than one page, where applicable, because the Department may instruct that prosecution be undertaken, or because the USA may decide subsequently to prosecute the case as a result of additional evidence or information. It should be used also in OPM security referral (140A and 140C) cases, security-type cases, and civil-type cases (such as Renegotiation Act, Federal Tort Claims Act, and similar matters).

(5) In absence of information indicating a violation of Title 18, USC, Section 1001 (Fraud Against the Government) it is not necessary to utilize FD-302 in Bureau applicant or National Academy applicant investigations because no hearing or judicial-type proceeding can be reasonably anticipated. In other applicant investigations, FD-302, and FD-302a if more than one page, shall be utilized to record pertinent (pro or con) interviews relating to derogatory information or Fraud Against the Government violations arising from false statements in the application forms or other official forms.

(6) In using FD-302, the first page of the original and the first page of each copy shall be on the printed form. If an interview is more than one page long, the second and succeeding pages should be typed on Form FD-302a. A sufficient number of copies shall be made so that the FD-302s and FD-302a's can be used as pages/inserts of investigative reports or other communications. When the number of copies needed is not known, an original and two copies should be prepared. If additional copies are needed later, they may be photocopied. (See Correspondence Guide - Field, 2-11.)

(7) One interview is to be recorded per form. If two persons, such as husband and wife, are interviewed at the same time, there shall be a separate form for each. If a person is interviewed and gives information about more than one event, there shall be a separate FD-302, and if more than one page, the second and succeeding pages should be on Form FD-302a, for each event; it is not necessary to write a separate FD-302 and FD-302a for each person involved in the event, such as a bank robbery. If information received pertains to different subject matters, separate FD-302s, and if more than one page, FD-302a's, shall be prepared on each and filed in the pertinent files.

(8) If the complainant in any case may be a witness, the complaint shall be reported on an FD-302, and if more than one page, on FD-302a's. In such cases, the complaint form (FD-71) may be used as an administrative aid to facilitate opening the case.

(9) In the beginning of the details of an FD-302, the name, date of birth and address of the person interviewed are to be recorded. If the date of birth is not obtained, the reason for its absence must be documented in the interview report along with an approximate year of birth for that individual. Where applicable, terminology similar to the following should be used to begin an FD-302: (See MAOP, Part II, 2-3.6.1.)

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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"JOHN Z. QUICK, date of birth December 31, 1968, 112 March Street, Seattle, Washington, furnished the following information:

"He is the owner of...." (See Correspondence Guide - Field, 2-11.)

(a) If the date of birth cannot be obtained, the phrase "born approximately 1968" should be substituted for the specific date of birth and the reason for its absence must be subsequently documented in the interview report. This may be done when supplying other identifying or descriptive information about the interviewee or at the conclusion of the interview report.

(b) The date of birth of the person interviewed and/or the reason for not obtaining this information, along with an approximate year of birth, is also required on any other type of document that may be utilized to report the interview results.

(c) The name of the Agent(s) or other appropriate personnel (unless a waiver of rights is applicable) and the date of the interview should not be set out in the beginning of the FD-302. The appearance of the latter two items at the bottom of the page in the space provided is sufficient. However, where a continuing interview is carried on over a period of two or more days, the dates should also be set out in the details of the FD-302 (and FD-302a). The material covered on particular dates shall be set out under the dates the information was obtained.

Transcriptions of consensually monitored tapes should begin: "The following is a transcript of a conversation between PAUL CLARK and JOHN BROWN which occurred on August 21, 1984, at 1111 Main Street, New Orleans, Louisiana." (See Correspondence Guide - Field, Section 2-11.6.3(2)(d) and the corresponding sample which appears on page 284.)

(10) The following is an example of an FD-302 to be submitted when conducting background investigations:

"JOHN Z. QUICK, Date of Birth (DOB) January 1, 1944, 112 March Street, Seattle, Washington 98020, telephone (home) (206) 555-1234, (office) (206) 555-6789, was advised of the identity of the interviewing Agent and/or other FBI/non-FBI personnel, as well as the fact that he was being interviewed in connection with the background investigation of Ms. MARY DOE. Mr. QUICK provided the following information:"

(11) Composite FD-302: In limited situations involving extended or a series of related interviews of a witness and/or victim, the preparation of a composite FD-302 may be necessary. For example, a cooperative key interviewee during the early stages of an extended interview in a complex investigation will relate a set of facts which to him or her at the time is the best recollection. After a review of actual records or the disclosure of other facts developed through investigation by the interviewer, the interviewee's memory is refreshed and the initial thoughts of the interviewee might be modified or changed. Preparation of a composite FD-302 at the

**SENSITIVE**

conclusion of the interview, containing only the actual facts as known to the interviewee, would assist in effecting increased efficiency in prosecution.

(a) A single composite FD-302 of a key cooperating witness and/or victim may be prepared when an FBI supervisor determines the following:

1. The interview will concern numerous or complex details;

2. Discussion of all the information desired will require an extended interview which may not be completed for days, weeks, or months;

3. It is anticipated the witness is willing to talk but may refine the information as the interview develops and his/her recollection is refreshed;

4. The Assistant United States Attorney (AUSA) concurs with the preparation of a composite FD-302. The AUSA may participate in the extended interview with the Special Agent; the latter, however, is to take and retain notes of each interview session.

(b) The composite FD-302 will be based upon the interviewer's understanding of the composite information furnished by the witness. The latter should adopt the FD-302 as the statement he/she intended to give. Adoption by the witness may be in the form of (1) a signed statement, (2) an unsigned statement adopted by oral declaration, or (3) the report of information furnished by the witness, the substance of which was reviewed fully with the witness and adopted by the latter as the full and correct report of the statement he/she desired to furnish. Adoption by the witness will provide a defense to any allegations that the report represented that which the interviewer wished the witness would say, rather than that which the witness intended to say.

(c) When preparing a composite FD-302, set forth the dates of each interview session in the space provided on the first page of the FD-302 form. The preparation of the FD-302 should be effected within five days following the final interview session.

(d) Interview notes are to be taken during each interview session and retained for investigative purposes. The notes would not be producible as JENCKS material unless they were substantially verbatim because the statement adopted by the witness would constitute the JENCKS material. However, any BRADY (exculpatory) information contained in the notes which is not reflected in the composite FD-302 must be provided to the AUSA.

(12) For recording of interviews of subjects or suspects on FD-302 and advising them of rights, see the Legal Handbook for Special Agents.

(13) On occasion, an Agent will be requested to participate

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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in an interview with an Assistant United States Attorney or with a Department of Justice attorney and will be specifically directed not to record the interview on an FD-302. Because of the disadvantages this would create for the Agent should he/she be later called to testify concerning that interview, if such a request is made, the Agent should decline to participate in the interview and should not be present when the interview takes place.

\*\*EffDte: 08/03/1998 MCRT#: 808 Div: D9 Cav: SecCls:

#### **10-13.4 Initialing Original (FD-302) and Dating**

The original of an FD-302 is to be read and initialed where his/her name is typed by the reporting employee who will thus certify to the accuracy and completeness of the interview. FD-302 is to be dated in upper right corner and is to bear the date of which the typing was completed; the date of dictation is to appear on FD-302 at the lower right corner where other data is set out. If rough draft is made, the date of the rough draft shall be date of dictation. Date of dictation must be within five working days of the action. (For instruction on correcting errors discovered in FD-302s after FD-302s have been initialed, see Part II, 10-22.4, of this manual.)

\*\*EffDte: 02/14/1992 MCRT#: 0 Div: D6D6D0 Cav: SecCls:

#### **10-13.5 Page Numbering of FD-302 and FD-302a**

The original and all copies of FD-302 are to be numbered at the top of the page in the center. The second and succeeding pages on FD-302a are to be numbered in the space provided on the form. The number of the last page is to be underlined. If Form FD-302 is the only page, the copies of this page are to be numbered "1" at the top center and underlined. When a report consists of nothing but FD-302s, or ends with one of them, put asterisk after last page number; it should not be put on the originals.

\*\*EffDte: 02/14/1992 MCRT#: 0 Div: D6D9D0 Cav: SecCls:

#### **| 10-13.6 Recording Office of Origin File Number on FD-302|(See Correspondence Guide-Field, 2-11.4.5.)|**

| When an FD-302 will become an insert in a report to be  
| written by the office of origin, the|lead|office is to show the  
| office of origin file number, when known, on FD-302 beneath the space  
| provided for the file number of the submitting office.

**SENSITIVE**

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D6RM Cav: SecCls:

### **10-13.7 Deleted**

\*\*EffDte: 02/14/1992 MCRT#: 0 Div: PA Cav: SecCls:

### **10-13.8 Administrative Handling of FD-302**

(1) Original FD-302s are to contain no markings other than the initials of the author(s) and the serial number. The original document is to be filed along with a second copy. The third copy of the document is the "Agent Copy" and is not to be serialized nor charged out, and should be destroyed by recipients when no longer needed. However, if the "Agent Copy" is marked for indexing, it is to be returned to the Information Management Analyst/Clerk (IMA/IMC). Upon accomplishing the requested indexing, the IMA/IMC should destroy the copy or return it to the Special Agent, if requested. It is not necessary to transfer indexing markings to the file copy. If additional copies of the FD-302 are required, they may be photocopied. FD-302s that contain grand jury information must be prepared on removable diskettes that are placed in secure storage when not in use. The hard copies must be kept in the grand jury subfile (see MIOG, Part 2, 2-9.7); MAOP, Part 2, 2-4.3.2, 2-4.4.1, 2-4.4.4; CG-F, 2-11.4.10).

(2) When FD-302s are received by the OO from another office, the original and one copy of the FD-302 are to be filed. When FD-302s are sent to the OO, a transmittal communication is not needed, because the FD-302 should already be serialized in the OO's file. (See MAOP, Part 2, 2-3.6.1 (6).)

(3) Deleted

(4) Deleted

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

### **| 10-13.9 Indexing of FD-302s |(See MAOP, Part 2, 2-3.6.1, 2-4.3.2 (2).)|**

If indexing of FD-302s is necessary, and a report is not being immediately prepared, the Agent to whom the case is assigned shall use the third copy ("Agent Copy") as an indexing copy. The necessary names or items to be indexed should be underlined or circled, as appropriate, in red, and the copy sent to the Information Management Analyst/Clerk (IMA/IMC). Upon accomplishing the requested indexing, the IMA/IMC should destroy the copy or return it to the

Special Agent, if requested. It is not necessary to transfer indexing markings to the file copy. If a report is being prepared immediately, indexing on the third copy of the FD-302 is not necessary; the Agent is to indicate the necessary indexing on the copy of the report.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

### **10-13.10 Furnishing Original FD-302s to Office of Origin and/or USA**

(1) Original FD-302s and 1A envelopes are to be forwarded to OO at time prepared and/or acquired with exception of those 1A envelopes which are to be returned to the contributor in the jurisdiction wherein they were obtained. Lead office may retain excepted 1A envelopes until they have served their purpose or until lead office file has satisfied the destruction criteria at which time these 1A envelopes should have served their purpose and should be returned to contributor. (See MAOP, Part 2, 2-4.3.2.)

(2) The original of an FD-302 is to be filed along with a |second copy.| The initialing of the FD-302 by the reporting employee constitutes the necessary authority to serialize and file. The original is to contain no markings other than the initials of the author(s) and serial number. If prosecution proceeds by trial, the pertinent originals shall be furnished to the USA in the same manner as signed statements are furnished to the USA. When the FD-302 is |utilized as a memorandum, it should be|filed|as a serial after it has been initialed for the file.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RMD9 Cav: SecCls:

### **10-13.11 Use of T Symbols**

(1) There is to be no use of T symbols in reporting information in criminal-type cases. If the name of the person giving the information cannot be used or if the information itself is of confidential nature, i.e., selective service records in other than selective service cases, [REDACTED] information, etc., the information obtained shall be set forth in the cover pages accompanying an investigative report or in a separate communication.

b2

(2) In noncriminal, civil-type, OPM security referral (140A and 140C), and security-type cases, a T symbol may be used when necessary to conceal the identity of a person interviewed. But when the T symbol must be used, it may be used only on the copies and must not appear on the originals of FD-302s. The name of the FBI Agent concerned will appear on all FD-302 originals and copies, whether the T symbol is used or not. It must be remembered that when a witness takes the stand there must be available for production in court or hearing an original FD-302 or signed statement containing the true



name of the person who gave the information.

(3) When Legal Attaches are reporting information received from confidential sources in criminal cases, they shall not use T symbol but shall say "The following information was furnished by a confidential source (or sources) abroad," and then set out the information. The Legal Attaches will submit with this information a cover letter explaining the sources of information. If the extremely remote possibility of one of these sources being called to testify should occur, the written document which might have to be produced in court would be the original of the report from the confidential source. If FBI office has to submit a report including this information, the words "confidential source (or sources) abroad" should be used and the information received should be summarized unless received from Legal Attache in properly prepared insert form.

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: D3D6D9      Cav:      SecCls:

### **10-13.12 Reliability and Evaluation of Witnesses**

In all investigative reports, no matter what type investigative matter is being recorded, there shall be no statement as to the reliability of any of the persons interviewed on pages where reported. There shall be no evaluation of the witness, although he/she may be described. In criminal-type investigative matters, report information as to the reliability of the persons interviewed as administrative data in a cover page(s) accompanying the report. If the information is of interest to the USA, a suitable letterhead memorandum should be prepared. FBIHQ and other offices receiving copies of the report shall be furnished copies of the letterhead memorandum in a number equal to the copies of the report to which it relates. One copy of the letterhead memorandum should be furnished to the USA by letter accompanying the report. In these instances it is not necessary to repeat as administrative data in the cover pages of the report information set forth in the letterhead memorandum. Where T symbols authorized, the reliability and evaluation of the sources shall be set forth in the typed or stamped statement on the first page of the report (FD-204), preferably in the lower right portion of the page: "Sources whose identities are concealed herein have furnished reliable information in the past except where otherwise noted." Sources which are exceptions should be characterized when first mentioned in the report (for example, "NYT-4, a confidential source abroad, advised ...." or "NYT-2, with whom there has been insufficient contact to establish reliability of witness' information, advised ...."). No information furnished by a source concealed by a T symbol should be incorporated in a report as its original recording but should be placed first into informant report, file memorandum or FD-302, in event it must later be produced in court.

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-13.13 FBI Laboratory Reports**

| (1) |An original Laboratory report will be provided to the  
| contributor of the evidence, unless otherwise requested in the  
| incoming electronic communication (EC) or letter. Laboratory reports  
| will be uploaded into ACS and available for downloading by field  
| offices. Laboratory reports issued to outside contributors will not  
| contain the file or serial number. File copies of Laboratory reports,  
| and supporting technical documentation, will be maintained in the  
| Laboratory Division file room. | (See MIOG, Part 2, 13-4.1 and 13-4.2  
| and Correspondence Guide-Field.)

| (2) |Deleted|

\*\*EffDte: 10/01/2004 MCRT#: 1355 Div: D7 Cav: SecCls:

### **10-14 TYPES OF REPORTS**

There are three types of nonprosecutive reports used in the Bureau; namely, prosecutive, investigative, and nonprosecutive summary reports. Use the following listing to locate elsewhere in the section detailed information concerning these reports and other associated information.

(1) Prosecutive report, see Part II, 10-15, of this manual,

(2) Cover page(s) (FD-263) accompanying investigative report, see Part II, 10-16, of this manual,

(3) Investigative report (FD-204), see Part II, 10-17, of this manual,

(4) Guide for dictation and assembling of cover page(s) (FD-263) and investigative report (FD-204), see Part II, 10-18, of this manual,

(5) Inserts for investigative report, see Part II, 10-19, of this manual,

(6) Nonprosecutive summary report, see Part II, 10-20, of this manual

\*\*EffDte: 02/14/1992 MCRT#: 0 Div: D6 Cav: SecCls:

### **10-15 PROSECUTIVE REPORT**

A prosecutive report is prepared whenever a criminal case is ready for prosecutive action, or at any other time during the investigation at the request of a supervisor or USA.

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-15.1 Classification Affected by the Prosecutive Reports**

Prosecutive reports will be submitted in the following classifications: 4, 6, 7, 9, 10, 15, 18, 25, 26, 31, 40, 42, 43, 45, 46, 47, 49, 51, 52, 58, 62, 69, 70, 71, 72, 74, 75, 76, 78, 87, 89, 90, 91, 103, 115, 119, 122, 125, 139, 141, 143, 144, 145, 146, 149, 152, 156, 159, 160, 164, 165, 166, 167, 168, 172, 175, 178, 179, 181, 182, 183, 186, 192, 194, 195, 196, 198, 206, 207, 209, 245, 249, 250, 251, 253, 254, 256, 258, 266, 267, 272, 279, 281, 286, and 315.]

\*\*EffDte: 04/09/2004 MCRT#: 1329 Div: D5D6CT      Cav:      SecCls:

### **10-15.2 Organizing the Prosecutive Report**

The prosecutive report is organized into two parts. Part I contains material which ordinarily is not released to defense attorneys under the Jencks decision, while Part II contains that information which may be subject to Jencks and, therefore, can be released to the defense. The prosecutive report is transmitted to FBIHQ by use of an FD-272 (cover page).

\*\*EffDte: 07/14/1982 MCRT#: 0      Div: D6D9      Cav:      SecCls:

#### **10-15.2.1 FD-272 (Cover Page)**

The following rules regarding the use of the FD-272 (pink) are being set forth:

(1) The word "SUMMARY" is to be deleted and the word "PROSECUTIVE" typed under it. If an FD-272 is submitted to amend the previous one, the word "SUMMARY" is to be deleted and in lieu thereof type the words "AMENDED PROSECUTIVE REPORT." Also, always make reference to the date of the previous and most recent FD-272.

(2) Only one reference is necessary and may be any communication previously forwarded to FBIHQ. The title on the report should coincide with the referenced communication. If the title is changed, it should be marked "CHANGED" (see 10-16.7.4 in this section for rules governing changed titles).

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(3) When the prosecutive report contains a declination, the letter "C" (indicating a closing prosecutive report) will be typed after the reference. Otherwise no other status symbol need be used.

(4) When enclosures are sent to FBIHQ and are not to be disseminated outside the FBI, type the word "ENCLOSURE" below the reference and/or status followed by a very brief description of them.

(5) The only information of an administrative nature to be included will be the symbol numbers of informants whose information appears on FD-302s which appear in the report. These symbol numbers will appear under the heading "INFORMANTS."

(6) There will be no leads set out in the prosecutive report.

(7) The case Agent must make a determination as to who in the Department, military investigative agencies, Federal agencies, etc., are to receive copies of the report. This information is to be listed in the "Copies Made" section of the FD-272 and in the "Copy to:" portion of the FD-517. (See MAOP, Part II, Section 9, for dissemination of information.)

\*\*EffDte: 07/14/1982 MCRT#: 0      Div: D6      Cav:      SecCls:

## **10-15.2.2 Part I of Prosecutive Report**

Part I of the prosecutive report will consist of an FD-517, Table of Contents Page(s), FD-518, Enclosure Page(s), Names of Defendants Page(s), Prosecutive Status Page(s), Witness Page(s), Evidence Page(s), and Unproductive Investigation Page(s). These pages will be lettered as follows: FD-517 - no letter; Table of Contents Page(s) - A-1, A-2, etc.; FD-518 - B-1, B-2, B-3, etc.; Enclosure Page(s) - C-1, C-2, C-3, etc.; Name of Defendants Page(s) - D-1, D-2, D-3, etc.; Prosecutive Status Page(s) - E-1, E-2, E-3, etc.; Witness Page(s) - F-1, F-2, F-3, etc.; Evidence Page(s) - G-1, G-2, G-3, etc.; and Unproductive Investigation Page(s) - H-1, H-2, H-3, etc. It is recognized that not all reports will include all of these lettered pages. If an enclosure page is not needed, the Name of Defendants Page(s) would then be lettered C-1, C-2, etc. This numbering system lends itself to the inclusion of supplemental pages.

(1) FD-517 - This is the first page of the prosecutive report seen by the USA and other designated recipients. It contains the FBI seal, the name "Federal Bureau of Investigation," and information concerning the type of report as well as the title and character of the case, and a determination as to who will receive copies of the report. Caution statements, if appropriate, are to be included immediately after the case caption. If desired, an appropriate stamp may be used for this purpose.

**SENSITIVE**

(2) Table of Contents Page - Follows the FD-517 and is lettered "A-1," etc.

(3) FD-518 - This page contains a "Narrative of Offense," which states the basis for the investigation and describes in narrative form the facts surrounding the offense. Caution statements, if appropriate, are to be included at the end of the narrative.

(4) Enclosure Page - Sets forth in brief narrative form those items accompanying the prosecutive report and includes a statement indicating who is to receive the enclosures. Only enclosures to recipients outside the FBI are narrated in this section.

(5) Names of Defendants Page(s) - Contains a listing of all subjects with as complete a description as is available for each subject. A statement, indicating the location in the report of each appropriate FD-302 and whether or not the subject has furnished a signed statement, should be included.

(6) Prosecutive Status Page(s) - This page(s) will include the prosecutive opinions of the USA during the course of the investigation and results of prosecutive actions taken, such as arrests, indictments, etc.

(7) Witness Page(s) - This page(s) will contain a list of potential Government witnesses and witnesses furnishing Brady (exculpatory) information. Witnesses' names, addresses, telephone numbers, and a short statement as to the testimony they can provide will also appear. As in the defendants page(s), a statement as to the location in the report of the appropriate FD-302s should appear.

(8) Evidence Page(s) - A list of evidence available to the USA, which is critical to prosecution of the case, should appear on these pages. A brief description of the evidence; who obtained it; its physical location, as well as the location of the appropriate FD-302 in the report, should be mentioned on this page(s).

(9) Unproductive Investigation Page(s) - If a particular line of investigation was pursued, and had the results contributed to the USA's prosecutive effort, those results should be included on this page(s).

\*\*EffDte: 04/30/1993 MCRT#: 2      Div: D6      Cav:      SecCls:

### **10-15.2.3 Part II of Prosecutive Report**

Part II of the prosecutive report is arithmetically numbered and is designed so it may be separated from Part I and turned over to the defense. This portion will contain a listing of identification records, prior arrest information, scientific and technical reports, and FD-302s.

\*\*EffDte: 05/31/1984 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-15.3    Conducting and Reporting Supplemental Investigation**

When conducting investigation subsequent to the preparation of a prosecutive report, the results are reflected on supplemental pages which are either lettered or numbered according to the area of the report they logically fit. For example, if Page D-1 is dedicated to the names of defendants and the defendants' descriptions constitute three pages in the prosecutive report (D-1, D-2, D-3), additional descriptive data which is obtained will appear on a page(s) lettered D-4, D-5, etc. These supplemental pages would then be forwarded to the appropriate recipients and inserted in the prosecutive report by the recipient. These pages are transmitted by the use of a cover communication.

\*\*EffDte: 04/23/1991 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-15.4    Deleted**

\*\*EffDte: 04/23/1991 MCRT#: 0      Div: D6      Cav:      SecCls:

## **10-16    COVER PAGE(S) (FD-263) ACCOMPANYING INVESTIGATIVE REPORT**

The first page of the cover page(s) is an FD-263.

\*\*EffDte: 04/23/1991 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-16.1    Reporting Office**

The name of the office at which the report is prepared.

\*\*EffDte: 04/23/1991 MCRT#: 0      Div: D6      Cav:      SecCls:

### **| 10-16.2    Office of Origin (See MIOG, Part 1,|89-5.10 and 295-3.11.)|**

The office of origin is:

- (1) The office to which a complaint is first made; or
- (2) Deleted
- (3) The office within which the subject was convicted in cases involving parole, probation, and mandatory release violators; or
- (4) The office within which the escape was made in Escaped Federal Prisoner and escaped deserter cases; or
- (5) FBIHQ in all applicant, Background Investigation - Pardon Attorney's Office (73) cases; or
- (6) FBIHQ in OPM security referral (140A and 140C) cases; or
- (7) Foreign Police Cooperation cases--see MIOG, Part 1, 163-11;
- (8) The office designated by FBIHQ as such in any case; or
- (9) ITSMV cases - place of recovery of car; and
- (10) The New York Office in courier cases.
- (11) The office within which the contempt of court violation occurred, in cases where there is a violation of an order, judgment, or decree issued from any judicial district in an FBI civil RICO case.

\*\*EffDte: 08/12/2002 MCRT#: 1206 Div: D3D5D6OI Cav: SecCls:

### **10-16.3 Date**

This date is the date on which the typing was completed.

\*\*EffDte: 04/23/1991 MCRT#: 0 Div: D6 Cav: SecCls:

### **10-16.4 Investigative Period**

Only the first and last dates the investigation was conducted. (This should include dates of investigation by|lead| office(s), results of which are incorporated in report by office of origin.)

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D6 Cav: SecCls:

### 10-16.5 Report Made By (Author of Report)

The report is made by the Agent, special employee, or other investigative personnel dictating it. Where the results of investigation are prepared in rough draft and several Agents are involved, the Agent who conducted the major portion of the investigation is to be shown as the author.

\*\*EffDte: 04/22/1985 MCRT#: 0 Div: D6 Cav: SecCls:

### 10-16.6 Report Typed By

Initials of employee typing report.

\*\*EffDte: 04/22/1985 MCRT#: 0 Div: D6 Cav: SecCls:

### | 10-16.7 Title of Case |(See MAOP, Part 2, 10-16.7.2; MIOG, Part 2, 14-15.4.1.)|

| Set forth in entirety in cover page(s) to first report and in any report or other communication sent to|lead|office where such information is necessary to the investigation or for proper indexing; otherwise, merely set forth name of principal subject and alias, if appropriate, abbreviated "aka" followed by the phrase "et al." if more than one subject.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D6 Cav: SecCls:

#### 10-16.7.1 Where Subject Known

Full, true name, known used variations of true name, nicknames, and aliases of all subjects with most widely known variation or alias listed first after true name; other aliases in alphabetical sequence. List names in columnar form. "Nee" should be used preceding the maiden name of a married woman.

| (1) In|Deserter|cases the first name listed must be exactly the same as the name first listed in the request from the military service followed by the social security account number. A suffix after the number will be "A," "AF," "N," or "MC" to designate the branch of the service from which subject deserted. Following this will be the serial number as previously carried by the Army, Air Force, Navy, or Marine Corps. Those individuals who have enlisted in



**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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the Army or Air Force after 7/1/69 and in the Navy or Marine Corps after 1/1/72, will carry only the social security account number. Include in aliases of the deserter his/her true name, if true name other than name listed in service request, followed by the words "true name" in parentheses.

(2) Where FBI vehicle involved in accident, title should be "Accident Involving Bureau vehicle \_\_\_\_\_ (fill in Bureau vehicle number, year and make), Driven by SA \_\_\_\_\_ on \_\_\_\_\_ (date)." If action under Federal Tort Claims Act results from Bureau vehicle accident, name of plaintiff should be added to the title.

\*\*EffDte: 04/22/1985 MCRT#: 0      Div: D6FD      Cav:      SecCls:

**| 10-16.7.2 Additions to Titles |(See MAOP, Part 2, 10-16.7.)|**

In certain cases it is necessary to put additional names and/or identifying data in title in communications though subject is known:

(1) In selective service cases, the selective service number of the registrant should be in the title.

(2) In Department of Energy (116 classification) cases zone designation is necessary in order that case may be routed properly within the Department of Energy.

| (3) |Deleted|

(4) If an applicant, the word "Applicant" should be added to the title in (2) above unless that fact is shown in the character of the case.

(5) Where crime is against -

(a) Individuals - Set out name of individual followed by word "VICTIM" in first report by office of origin. In situations where there are multiple victims, the word "VICTIM" will appear after each individual victim listed.

(b) Organization having contract with, insured by, or chartered by U.S. Government - Set out name of organization, its location, and date of offense in first communication of office of origin to ensure proper indexing.

(6) When a victim is a fugitive, name and alias(es) of victim should be included in title. See item (7) below for additional material to be added in this instance.

(7) The word "FUGITIVE" in capital letters followed immediately by the priority letter designation "A," "B," "C," or "D,"

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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together with the identification order, wanted flyer, check circular, or Fubank number, if any, should follow the name of each subject and each victim in a fugitive status. "FUGITIVE" and the appropriate priority letter designation should be carried in the title of correspondence first reporting the subject or victim as a fugitive and in all subsequent communications up to and including the cover page(s) accompanying the report (teletype) in routine deserter cases - include priority letter designation just after character FUDE) recording:

(a) Taking into Federal custody, even though subject became a fugitive subsequent to the preceding communication.

(b) Filing of a Federal detainer.

(c) Dismissal of charges.

(d) Location of a mandatory release violator, parole violator, probation violator, or bond default fugitive and advising the U.S. Marshal.

(e) Location and disposition of a deserter fugitive.

(8) The Chinese telegraphic code number, if available, should be included in the title when reporting a Chinese name.

(9) The Korean telegraphic code number, if available, should be included in the title when reporting a Korean name.

\*\*EffDte: 08/10/2001 MCRT#: 1133 Div: D3D5D6 Cav: SecCls:

### **10-16.7.3 Unknown Subject Cases**

(1) If alias(es) is known, "Unknown Subject(s)" is followed by alias(es).

(2) If no alias(es) known, and

(a) Crime is against persons - "Unknown Subject(s)" is followed by name of the person and the word "VICTIM." In situations where there are multiple victims, the word "VICTIM" will appear after each individual victim listed.

(b) Crime is against property - "Unknown Subject(s)" shall be followed by descriptive data of the property involved; serial numbers if available should be utilized. If the property involved was in the custody of an institution, company, or Federal agency, the name and address of same and the date of the offense shall be included in the title.

(c) In cases in which neither of above types of crimes is involved, such as in cases of an intelligence or subversive nature, identifying data should be included in title.

**SENSITIVE**

\*\*EffDte: 02/29/1984 MCRT#: 0      Div: D6      Cav:      SecCls:

#### **| 10-16.7.4 "CHANGED" Title |(See MAOP, Part 2, 2-3.3.1 (1), 10-5.1, 10-15.2.1 (2).)|**

(1) Communications to FBIHQ - "CHANGED" when title is not in exact conformance with that of previous correspondence to or from FBIHQ. Usual changes include adding or deleting names of subject, victims or aliases; changes in spelling; or setting out more complete name developed during course of investigation. New or correct names are to be set out in title. Not necessary to set forth complete title unless otherwise required or when necessary to identify previous communication, such as when changed from "UNKNOWN SUBJECT" or from "J. SMITH" to "JOHN HENRY SMITH." The word "CHANGED" is to be typed as first word in caption. Explain change in first paragraph of communication following title and character of case, on FD-263, indicating specifically what has been added, deleted, or changed with sufficient clarity so that at least the principal name in title of prior communication can be reconstructed. Drop the word "CHANGED" from subsequent communications.

(2) Communications to field offices - The title of any communication to a field office shall be marked "CHANGED (INTEROFFICE)" when title is not in exact conformance with that of previous correspondence to or from the field office. The regulations set forth immediately above in item (1) apply to the use of "CHANGED (INTEROFFICE)" title on communications to field offices. The use of "CHANGED (INTEROFFICE)" on communications to field offices does not alter existing procedures with respect to correspondence forwarded to FBIHQ which require the title of a communication to be marked "CHANGED" if such title is not in exact conformance with other correspondence sent to or received from FBIHQ.

(3) Communications to FBIHQ and field offices - In correspondence to FBIHQ where previous correspondence to a lead office requires notification of change, the copies to the lead office, as well as file copies, are to be marked "CHANGED (INTEROFFICE)." The FBIHQ copies are not to be so marked. Explain change fully in the first paragraph of the communication. This explanatory paragraph is to appear on all copies of the communication, including those designated for FBIHQ.

\*\*EffDte: 02/14/2000 MCRT#: 952      Div: D6      Cav:      SecCls:

### **10-16.8 Character of Case**

(1) The character of a case is descriptive of the violation or subject matter involved. If there is more than one violation involved, the characters of all are to be shown. If the

| subject of a case has not reached|his/her|18th birthday, to the character add "Juvenile Delinquency Act." If the juvenile is handled under the Deferred Prosecution System, add this to the character. To each character is given a classification number for filing purposes, but this does not appear in the character section of communications.

(2) In reports containing the results of accounting investigation, there should appear in the space set out for the character of the case, and on a separate line below the character, the words "(Accounting Investigation)" between parentheses, on FD-263 and FD-204.

(3) The character of a case may be abbreviated on FD-263 and intra-FBI communications.

|  
\*\*EffDte: 10/17/1983 MCRT#: 0      Div: D6      Cav:      SecCls:

## **10-16.9    Reference**

When an investigation is based upon any communication to or from FBIHQ or a written communication to or from another division, the communication is known as a reference. Unless there is a "CHANGED" title explanation, "Reference" follows title and character of case on FD-263 and the character and office of origin in other intra-FBI communications.

\*\*EffDte: 10/17/1983 MCRT#: 0      Div: D6      Cav:      SecCls:

## **| 10-16.10    Status |(See MAOP, Part 2, 2-5.2 and 10-17.9.)|**

The status of an investigation:

(1) In the office of origin -

(a) Pending - P

(b) Pending inactive - P\*

(c) Closed - C

| (2) |Deleted|

| (a) |Deleted|

| (b) |Deleted|

| (c) |Deleted|

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RMD6 Cav: SecCls:

### **| 10-16.11 Enclosures |(See MAOP, Part 2, 10-15.2.1 (4), 10-17.10; Correspondence Guide - Field, 2-10.2.6.)|**

If enclosures being sent with cover pages and report intra-FBI and are not to be disseminated outside FBI, type word "Enclosures" after reference(s) and status on FD-263. If enclosures being sent with report to outside agency, type word "Enclosures" after synopsis and status on FD-204, and do not refer to them in FD-263 except to include them in the numerical count of enclosures which is put on FD-263 under caption "Copies made."

(1) Indicate offices to which enclosures are to be forwarded.

(a) Itemize enclosures

(b) Describe each

(2) On FD-263, after the number of copies and places to which sent in area marked "Copies made," set forth between parentheses be abbreviation "Enc.," followed by a numeral showing exact number of enclosures being transmitted to each place.

(3) Originating offices are to forward to designated recipient offices one copy of all outgoing documents and enclosures, excluding FD-302s, inserts, and Laboratory reports, of which three copies are required. Administrative-type enclosures, such as investigative reports, should be stapled to the original report. Substantive-type enclosures, such as signed statements or other documents, should be placed in a metal-clasped envelope clearly marked as to the contents. The envelope should be stapled to the report; the enclosure should also have identifying data attached to it. Attach the envelope to the report so the flap faces up. Copies of enclosure(s) are to be attached to copies of the report.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RMD6 Cav: SecCls:

### **10-16.12 Copies of Reports**

(1) FBIHQ - The number of copies of reports to be sent to FBIHQ is governed by the number of agencies to which they are to be disseminated. In the following instances, the number of copies indicated are to be sent to FBIHQ:

(a) When the Department has requested the investigation: Two copies.

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(b) When a clear indication exists that the Department or some other government agency will receive a copy: original and one. One for each additional agency.

(c) Unknown subject cases where basic allegation is from FBIHQ source: Two copies.

(d) Submit four copies of all reports involving violations by Department of the Treasury employees and by other persons in matters within the administrative control of the Department of the Treasury.

(e) When stolen and/or counterfeit securities are involved and the following criteria are met, original and one should be sent to FBIHQ, the copy marked Attention: Securities Unit, General Crimes Section, Criminal Division, Department of Justice. Included within the term, securities, would be: bonds; stock certificates; debentures; warrants; certificates of deposit; notes (except personal); letters of credit; \$5,000 or more of value or an aggregate of \$5,000 or more of value of U.S. savings bonds, Treasury bills, notes and coupons, and Federal Reserve Bank notes and coupons; and \$25,000 or more or an aggregate of \$25,000 or more in actual or potential value involving travelers checks, cashiers checks, or money orders.

(f) Refer to 10-23 in this section for information concerning copies of reports to FBIHQ.

(2) United States Attorney - One copy. Where the USA is in an office other than the reporting office, the copy of the report is sent to the office covering for distribution. This is indicated by: "3 - Kansas City (1 - USA, Topeka)."

(3) Office of origin - Original and copies if there is a specific need for copies for USAs.

(4) Office of prosecution - At least two plus those for USAs.

(5) Lead offices - One copy.

(6) Other offices for information - One copy. When a communication may be of value to another field office for information only, it should be so indicated on the first page next to the name of receiving office by word "Info." In cover page(s), under caption of "Leads," and in other communications on last page, a specific explanation must be set out as to why copy sent. (See MAOP, Part 2, 10-16.14 (3).)

(7) U.S. Army Intelligence and Security Command, Naval Criminal Investigative Service, Office of Special Investigations - One each. Sent in accordance with the "Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation" in matters covered by that agreement. Indicate on the FD-263 in the space provided the name of

**SENSITIVE**

the city at which the office of the intelligence agency is located.  
(See NFIP Manual, Appendix, 3-1.2.1.)

(8) Secret Service - One. Sent in accordance with agreement between FBI and Secret Service concerning protective responsibilities in matters covered by that agreement. (See MIOG, Part 1, Section 175; Part 2, 18-6.)

(9) Bureau of Immigration and Customs Enforcement (BICE) - One, when there is good and substantial reason; e.g., aliens receiving court sentences or aliens involved in White Slave Traffic Act and/or Trafficking Victims Protection Act violations or in other activities which might have a bearing on deportation or denaturalization.

(10) The reporting office - One copy. Original is filed in the office of origin.

(11) Refer to MAOP, Part 2, Section 9, for Dissemination of Information.

\*\*EffDte: 07/03/2003 MCRT#: 1289 Div: D6 Cav: SecCls:

### **10-16.13 File Number**

(1) The office of origin will assign a case number numerically for each case, regardless of the classification. This number is then used by all lead offices throughout the investigation.

(2) The office of origin file number should appear after the name of the office in the "Copies Made" section of the FD-263.

(3) When designating a copy of any communication to FBIHQ or field office(s) for a file other than that of the captioned communication, file number, if known, and name of subject or subject matter must be indicated.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

### **| 10-16.14 Administrative Data|(See Correspondence Guide-Field, 2-10.2.7.)|**

Where appropriate the following items are to be included in the cover page(s):

(1) Enclosures - if not previously set out following status on Form FD-263.

(2) Leads (for additional information see 10-16.15

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

below.)

- (3) Advise as to why copies are furnished for informational purposes. |(See MAOP, Part II, 10-16.12(6).)|
- (4) Identity of each Agent participating in physical surveillances in security cases who observed activity of a subject which is set forth in the details. |(See MAOP, Part II, 10-17.11.1(9); FCI Manual, Introduction, 1-2.6(6).)|
- (5) Identity of Agent who obtains information or material from confidential informants.
- (6) Explanation of pretext used in interviews and the identities of the Agents conducting the pretext interview.
- (7) Each informant, including those furnishing negative information, and, if temporary, reason for use of T symbol, and a reference to any FBIHQ communication to the field furnishing information from a confidential source abroad.
- (8) Justification for nonuse of a warning and waiver form (FD-395) should be set out in the administrative section of the report containing results of the interview.
- (9) If only one Agent present and no witness available when signed statement obtained, a brief explanatory note regarding circumstances should be set out in the administrative section.
- (10) Any failure to cover fugitive leads within the required deadlines must be explained in the cover page(s) accompanying an investigative report or in the details of any other communication utilized to report coverage of such leads.
- (11) When a report is dated 30 or more days after the last date of investigation included in the investigative period, an explanation must be included in the cover page(s).
- (12) The action taken when a new case grows out of a case under investigation and identity of the new case.
- (13) Miscellaneous administrative data, such as background for the assistance of offices covering leads which have not previously received reports or information.
- (14) Deleted
- (15) Identity of the federal agency having security responsibility for a key facility where the subject of a security case is there employed, and identities of all the interested agencies.
- (16) A statement indicating whether an atomic energy facility has an interest in the subject matter of a security-type case.
- (17) In security-type cases, location of the original FD-

**SENSITIVE**



302 when information is extracted therefrom.

(18) Statement that final disposition form (R-84) has been submitted to Criminal Justice Information Services Division.

(19) Deleted

\*\*EffDte: 04/08/1996 MCRT#: 527 Div: D1D3D5D6D9 Cav: SecCls:

**10-16.15 Leads (See MAOP, Part 2, 2-5.1.1, 10-16.14(2); Correspondence Guide-Field, 2-10.2.9.)**

|(1)| A lead is defined as a request for investigation to assist in bringing a case to a logical conclusion.

|(a) There are three types of leads: Action Required, Discretionary Action, and Information Only.

|(b) Action Required leads are used if the sending office requires the receiving office to take some type of action. Action Required leads cannot be set out of zero (0) and double zero (00) files.

|(c) Discretionary Action leads are used if the sending office has some information that may be of importance to the receiving office. These leads may or may not require action by the recipient, and the recipient will decide what, if any, action to take. Discretionary Action leads can be set out of zero (0) and double zero (00) files.

|(d) Information Only leads are used for information only and when no specific action is required or necessary. Information Only leads can be set out of zero (0) and double zero (00) files.

|(2)| In reports - set out in cover page(s):

(a) Set out leads to develop all investigation which appears desirable from the information obtained and recorded in the investigative report. Indicate clearly the investigation desired by other offices, using specific language.

(b) Set out leads under the office to which sent and the city where the work is to be done. Where to restate in the lead long lists of names or other information would unduly lengthen the cover page(s), indicate in the lead the investigation desired by referring to the pertinent numbered page of the details in report.

(c) Set out residence and business addresses of persons to be interviewed. The most complete address available should be set out including subdivisions, boroughs, etc., for large cities, e.g., 923 West 183rd St., Manhattan, New York, N.Y.

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(d) Leads for the reporting office are to be set out in the cover page(s) when the information on which they are based is set out in the report.

(e) A lead office may set out leads based on information in the report covering their lead(s).

(f) Leads are to be set out in the cover page(s) under the caption "Leads."

(g) Leads may be restated by the office of origin at 60-day intervals. An asterisk must precede a restated lead.

(h) List leads numerically if there is more than one lead in the same city.

| (3) Requests of FBIHQ: (See MAOP, Part 2, 10-10.13; Correspondence Guide-Field, 2-5.1, 2-5.5.7, 2-5.5.12; Legal Attache Manual, 7-7.)

(a) All requests to FBIHQ must be by electronic communication (EC) or teletype. The communication requesting FBIHQ action should contain sufficient background and supporting logic to permit FBIHQ officials to reach a decision. Request should be placed at the beginning of the communication immediately following references, if any, under the caption "Request Of FBIHQ."

(b) Generally, when leads are to be handled through a Legat they are put in a teletype, EC, or a letterhead memorandum, which is sent to FBIHQ, with a cover EC requesting that the matter be referred to a Legat. All pertinent data should be included in the letterhead memorandum or FD-302 (submit original and five copies) so it can be delivered to the appropriate foreign investigative agency without being retyped. Leads, which should be so captioned, should be set forth on a separate numbered page at the end of the memorandum. Leads should not refer to the Legat and should not request investigation by a particular agency abroad. All correspondence, whether from Legats to FBIHQ or field divisions, or from FBIHQ and field divisions to Legats, should contain one copy of each item of such correspondence for the Office of International Operations. (See MAOP, Part 2, 10-4.1; Correspondence Guide-Field, 2-3.3, 2-8.3.)

| (4) Deleted|

| (5) Deleted

| (6) To field offices:

(a) Leads must be set out by teletype or EC rather than by report if the report is lengthy and the complete report is not essential. This includes leads in major cases where there is no need for the entire report. This procedure conserves paper, reading time, and filing space.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(b) Index check requests, if negative, stamp "no record" - return by routing slip.

(c) Record check requests. Form FD-356 may be used to set out lead to check records of outside agencies. When used, send form in duplicate to office making check. (Office making check is to retain copy for its files.) Also send a copy of FD-356 for each office which is to receive a copy of reply. No file copy of FD-356 need be made, but make a notation on top serial of file showing date FD-356 was submitted, office to which it was directed, and initials of Agent who set out lead. Upon return of copy of FD-356, it is to be serialized and filed. When FD-356 is used to obtain check of state automated motor vehicle records, and only action required is the check of such records, office receiving lead need not search and index names and aliases appearing in title.

(d) When preparing correspondence to the Miami and San Juan Divisions for coverage of leads in the Northern or Central Caribbean areas, designate a copy for the Office of International Operations.

\*\*EffDte: 01/15/2004 MCRT#: 1316 Div: D3D5D6RMOI Cav: SecCls:

### **| 10-16.15.1 Preparation of Teletypes and Electronic Communications Designed to Set Out Leads**

(1) First, set out concise general summary and background of matter. (Information which will prepare reader's mind so that they will be able to decide as to subsequent action desirable.)

(2) Second, set forth any descriptive data necessary, action taken, new developments, or other facts upon which the recommendations are based.

(3) Third, set forth instructions, recommendations, or leads in numerical order.

(4) Fourth, set out former case Agent's name, and if not known, the initials of the dictator of most recent communication if the lead office that is to be recipient of the communication was previously office of origin in the same case.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D4D6OIRM Cav: SecCls:

### **10-16.15.2 Provisions Applicable to All Leads**

(1) Leads requesting investigation by all offices may be set out only with the personal approval of the SAC and a copy

**SENSITIVE**

furnished to FBIHQ.

(2) When the office to which leads are directed has covered and reported the investigation requested by a lead, it may be disregarded without reply.

(3) When leads are to be covered within the territory of an office, prepare sufficient copies of the communication (form, letter, memorandum, etc.) on which the lead is based to permit dissemination to personnel who must cover the leads.

(a) Leads are not to be left to the discretion of the office of origin but are to be set out by the office developing the information on which the lead is based.

(b) Unnecessary aliases and variations in spelling are not to be set out in leads.

(c) Notations may be made on the serial setting out the lead to indicate the serial number and page of the communication covering the lead.

(d) Deleted

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D3D5D6OIRM Cav: SecCls:

### **10-16.16 Typing and Form of Cover Page(s)**

(1) The first cover page (original and all copies) is FD-263.

(2) Cover page(s) must be typewritten and single spaced. Pages which are needed in addition to the first page shall be lettered B, C, D, etc., and shall have the words "Cover Page" under each letter. Put asterisk by letter of last page of cover pages. If FD-263 is the only cover page used, it should be lettered A\* with "Cover Page" underneath.

(3) Caution statements, if appropriate, are to be included immediately after the case caption of the first cover page. If desired, an appropriate stamp may be used for this purpose.

\*\*EffDte: 04/30/1993 MCRT#: 2 Div: D6 Cav: SecCls:

### **10-17 INVESTIGATIVE REPORT (FD-204)**

\*\*EffDte: 05/31/1984 MCRT#: 0 Div: D6 Cav: SecCls:

### **10-17.1 By Whom is Report Submitted**

The Agent to whom the case is assigned except in those cases in which another Agent has done sufficient work to justify a report by him/her. If the case is reassigned, the Agent resigns, is transferred, or is assigned to other work precluding further investigation, this Agent must dictate a report or electronic communication on the investigation conducted by him/her.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D6 Cav: SecCls:

### **10-17.2 First Page (FD-204)**

The first page of the actual investigative results or report shall be the Form FD-204. On this page are certain printed headings. The data to be typed opposite these headings is described in paragraphs 10-17.3 through 10-17.7 which follow.

\*\*EffDte: 05/31/1984 MCRT#: 0 Div: D6 Cav: SecCls:

### **10-17.3 Copies**

After the heading "Copy to:" it is to be blank, except when copy or copies to be disseminated to outside agencies, such as USA, Omaha, or NISO, Chicago. When copies are designated to outside agencies, all the outside dissemination is to be shown on each FD-204; i.e., 1 - NISO, Chicago (file number, if known), 1 - MIG, Chicago (file number, if known). (Of course, this dissemination is also to appear on the FD-263s.)

\*\*EffDte: 05/31/1984 MCRT#: 0 Div: D6 Cav: SecCls:

### **10-17.4 Date, Reporting Office, and Dictator Information**

After the heading "Report of:" set out name of employee preparing report (immediately following, set out initials of typist if an employee other than the one who typed FD-263 types FD-204; not necessary on FD-204 if same employee types both); after "Office:" put name of reporting office; after "Date:" put the same date as shown on FD-263.

\*\*EffDte: 05/31/1984 MCRT#: 0 Div: D6 Cav: SecCls:

### **10-17.5 File Numbers**

After the heading "Field Office File #:" set out the file number of the office preparing the report.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: D6RM Cav: SecCls:

### **10-17.6 Title**

After heading "Title:" set out the following:

(1) True name only of subject(s) plus additional data as previously outlined above in paragraphs 10-16.7 through 10-16.7.2.

(2) If subject is unknown, use same title as in cover page(s) (FD-263).

(3) If title on FD-263 changed, do not mark title on FD-204 changed; however, take the following action:

(a) If change is to merely add aliases, carry previous title without change on FD-204.

(b) If change is from unknown subject(s) to known subject(s), set out true name only of subject(s) on FD-204.

(c) If change is to add one or more subjects, show true name of all subjects.

(d) If name of subject changed legally, show present name.

(e) In (b), (c), and (d) above, the first sentence of synopsis should contain sufficient information for receiving agency to identify with previous communications.

\*\*EffDte: 10/27/1986 MCRT#: 0 Div: D6 Cav: SecCls:

### **10-17.7 Character**

After the heading "Character:" set out character as it appears on cover page(s) (FD-263). Do not abbreviate except certain countries may be abbreviated and letters may be used for organizational activity or nationalistic tendency as provided in 10-24 in this section.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3D5D6CT      Cav:      SecCls:

## **10-17.8    Synopsis**

A synopsis of facts is a clear and concise summary in chronological or logical order of the important facts reported. Statements in the synopsis must be substantiated by information set out in the details except in some instances involving caution statements. The synopsis must contain information regarding all of the items below involved in the case:

(1) Condition of subject(s) who may be abnormal mentally.

(2) When a suspect in a criminal-type case is a civilian Government employee or applicant for Government employment, set forth his/her Government employment.

(3) Caution statement, if appropriate (where justified, include in all capital letters at the end of synopsis specific information that subject (1) is considered armed and dangerous, or (2) has suicidal tendencies, or (3) has a physical or mental condition or illness which may require immediate or professional care, or (4) escape risk). Include basis for such statement. Once FBIHQ and receiving offices have been advised of basis, statement may be shown in subsequent communications, as long as facts exist, in abbreviated form, such as "ARMED AND DANGEROUS," "SUICIDAL TENDENCIES," "SUBJECT IS A DIABETIC," "SUBJECT PREVIOUSLY CONFINED TO A MENTAL INSTITUTION." | "WARNING: KNOWN OR SUSPECTED HIV (HUMAN IMMUNODEFICIENCY VIRUS) | "INFECTED PERSON" should only be used in internal communications when | also accompanied by the "ARMED AND DANGEROUS" warning or when other | information is developed that the possibility of violence during an | arrest is imminent. | If desired, an appropriate stamp may be used for this purpose. (Not necessary in details after first reported.)

(4) Deleted

(5) Indexing information in criminal cases because at FBIHQ, indexing of reports in criminal cases is done only on the basis of the names appearing in the title or as indicated by field dictating | Agent. |(See MAOP, Part II, 2-3.3.1.)|

(a) Synopsis must contain all the names, aliases, and variations by which a suspect is known.

(b) Clearly indicate date of birth, birthplace and address of suspect(s).

(c) It is not desired that all available identifying information appear in the synopsis, but the best available information should appear.

(d) If there are numerous aliases and more than one suspect, the use of "aka" in the synopsis and a general statement, such as "suspects set forth," will serve to flag necessary indexing.

(e) In criminal-type cases, when reporting a contact or interview with a nationally known, prominent, or controversial individual and that name will not logically appear in the synopsis, the fact of such contact should be recorded in a separate letter to accompany the report.

\*\*EffDte: 05/03/1993 MCRT#: 3      Div: D6RM      Cav:      SecCls:

### **10-17.9    Status**

|                    See 10-16.10 above.

\*\*EffDte: 04/22/1985 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-17.10   Enclosure(s)**

|                    See 10-16.11 above.

\*\*EffDte: 04/22/1985 MCRT#: 0      Div: D6RM      Cav:      SecCls:

### **10-17.11   Details of Report**

(1) The basis for the investigation (predication) shall be set forth as a first paragraph of the details in the initial report of the office of origin.

(2) The details shall be accurate statements of essential facts. They shall be written in logical sequence and in a clear, concise, and complete manner. There must be no sacrificing of thoroughness in order to meet deadlines. If a report covers two or more violations, the prosecutive steps must be identified with each violation. Derogatory data must be verified, proved, or disproved, if possible. Except on FD-302s the date of each investigative act, including interviews, shall be set out in the first sentence of the paragraph reporting same.

(3) Testimony of potential witnesses for the defense, and all other evidence favorable to the defendant, encountered during the course of the investigation for the government, must be incorporated in the reports to the USA, accurately and in all pertinent detail.



**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(4) Persons named in the title of a report should be referred to in the details according to their status in the various types of cases; i.e., subject, applicant, registrant, employee, victim, plaintiff, etc.

(5) Obscene or objectionable language which is deemed necessary and essential to proper reporting should be set forth in a separate enclosure in a sealed envelope marked "obscene" and stapled to the report. The report should not be marked "obscene," but reference should be made to the obscene enclosure at the appropriate place in the details.

(6) If possible, rumor or gossip must be verified, proved, or disproved; if it is not possible to do so, put it in a letterhead memorandum and not in a report. (See MAOP, Part 2, 9-4.4.3.)

(7) Unless otherwise stated, it will be assumed that all information reported was obtained through personal investigation by the person named on the FD-204 opposite "Reported by"; any difference must be explained. For instance, if another employee obtained it, his/her name should be set forth; or if obtained telephonically, that fact should be set out. If it is not desired to disclose name of employee(s) involved in report, explain in cover page(s).

(8) Negative investigative results may be summarized. Information of value to USA or information going to the merits of the case or favorable interviews in applicant cases should never be summarized. Report negative results as follows:

(a) Where no need to protect informant - "The following stated they had no information concerning the whereabouts of John Smith: John Doe, 34 Cole Avenue; Mary Roe, 9 Winter Place; etc."

(b) Where criminal informants must be protected - Summarize in cover pages. Unnecessary to identify in cover page(s) informants contacted as long as record maintained in field office.

(c) Where security informants must be protected - Put in details a statement to the effect that confidential informants (other confidential informants if one or more gave pertinent information) familiar with some Communist Party (or other appropriate description) activities in the (town, county, or state) area advised they knew nothing about subject (employee or applicant). These informants should be identified by symbol number in the cover page(s).

(9) In a case in which numerous Agents in one field office territory are reporting results of investigation, each Agent should submit the results of any investigation not set out on FD-302 in "insert" form unless contrary instructions are received from the report writer. The first paragraph is to contain the name of the Agent and a brief predication for the investigation. Each new subject matter should be placed on a separate page; this will enable the report writer to arrange the inserts in such a manner that a logical report can be made. (See MAOP, Part 2, 10-19.)

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(10) Information obtained from other files and documents must be attributed to original sources with dates action took place and dates sources reported the information. If necessary, obtain full original information from lead offices.

(11) When constructing the details of a report, common sense should be used. Certain types of cases can be reported more understandably if the investigative results are set out chronologically. Others can be reported better with the use of topical headings, e.g., background investigations, OPM security referral (140A and 140C) cases, certain security cases.

(12) Strong consideration should be given to inclusion of a table of contents and/or index in reports of 25 pages or more, and doubts about the appropriateness of either device should be resolved in a favor of its use.

(13) In unknown subject cases, cases in which reliance must be placed on descriptions given by witnesses for identification of the subject, and fugitive cases where positive and complete descriptive data are not available, descriptions should be obtained from witnesses who have seen the subject and such descriptive data should be set out in the report as part of each interview. Thereafter, if deemed desirable, a composite description containing all pertinent items may be set out.

(14) In those instances of continuing investigations, from time to time, whenever practical, the indices should be rechecked. The indices should also be rechecked when a case is being reopened after having been in a closed status for a considerable period of time. If an NCIC computer terminal is readily available, the Interstate Identification Index (III) should be accessed to determine if an arrest record is indexed for the individual. All criminal history records maintained by the FBI's Criminal Justice Information Services (CJIS) Division for individuals with dates of birth 1956 or later are available via III. If no criminal history record is identified for the individual inquired upon and their date of birth is prior to 1956, an electronic communication should be submitted to the FBI's CJIS Division because an arrest record may exist which is not automated and indexed in the III. Refer to the "NCIC 2000 Operating Manual" for guidelines for accessing III. Information resulting from these indices checks not previously reported should be included in the current investigative report. (See MAOP, Part 2, 10-17.11.1 (7).)

(15) Do not include identification record in application for pardon after completion of sentence reports. (See MAOP, Part 2, 10-17.11.1(7).)

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1D3D6 Cav: SecCls:

### **10-17.11.1 The Details of a Report Must Contain**

(1) Portions of FBI Laboratory reports recording

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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laboratory findings and opinions to be set out verbatim in their entirety when any part thereof may be testimony or may be of value to the USA in considering prosecution. When a laboratory report is to be set out in its entirety, duplicating equipment may be used to copy the laboratory report for insertion thereafter in the report. (Under the foregoing circumstances, duplicating equipment may also be used to prepare a latent fingerprint report for inclusion in the report.) Otherwise, nonpertinent portions of the Laboratory's recorded findings may be excluded from reports. In such nonprosecutive situations, only that portion of the Laboratory's recorded findings necessary to the development of the investigation need be included in the report and such portions are to be set forth verbatim. None of the data set forth on laboratory transmittal forms is to be included in the details of reports.

(2) Opinions of the USA, whether oral or written, and where prosecution is declined, his/her reason therefor.

(3) Descriptions of subjects (unless in FD-302) - preferably set out near end of report.

(4) Descriptions of suspects who might become subjects - preferably set out near end of report. Identifications of suspects by witnesses must be in crystal-clear, unmistakable terminology, showing exact basis for such identification, plus corroboration for same wherever possible.

(5) Where enclosure referred to in details, identifying statement about the enclosure should be included after the first mention of it.

(6) Descriptions of persons carried as "victims" in the title of case shall be set out in report first carrying such victims in the title.

(7) Identification records of subjects and, where applicable, the arrest records obtained by checking records of all local law enforcement agencies in the area. The III should be accessed to determine if an arrest record is indexed for your individual and an identification record exists in the FBI's Criminal Justice Information Services (CJIS) Division criminal|history|files. Do not include identification record in application for pardon after completion of sentence reports. Duplicated copies of FBI identification records may be included in reports where length of records justifies. Copies may be duplicated on office equipment if more economical. If the record is lengthy and numerous copies are needed, they may be requested through III (refer to|the "NCIC 2000 Operating Manual," for guidelines for accessing III) | or by submitting an electronic communication to the FBI's CJIS | Division for arrest records which do not exist in the automated index | of III.| (See (14) and (15) in 10-17.11 above; also see Correspondence Guide-Field.)

(8) Statement stop notice was placed and statement when removed.

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(9) Identities of Agents who conducted physical surveillances and who can testify to their observations, except in security reports. Report physical surveillances in security cases by the use of a phrase to the effect that Special Agents of the FBI observed on (the date) .... If the observations made from a stationary lookout by an FBI Agent or FBI support personnel (support personnel are handling lookout duties in certain stationary lookouts), the phrase "A representative of the FBI observed ..." should be used. (See MAOP, Part 2, 10-16.14(4).)

(a) The surveillance log will show the identities of all Agents who participated in the physical surveillance.

(b) With regard to disclosing identities of Special Agents who participated in surveillances, see also the National Foreign Intelligence Program Manual.

(10) Except in OPM security referral (140A and 140C) and background investigations conducted for other government agencies, information obtained from pretext interview is to be put in report and identified as such.

(11) Police reports, where additional investigation has been conducted by an Agent, are to be included in the report prepared by the Agent.

\*\*EffDte: 06/10/2002 MCRT#: 1208 Div: D1D3D5D6D7 Cav: SecCls:

### **10-17.11.2 Do Not Include in Details of Report**

(1) Do not include in details of report opinions or conclusions of Special Agents or other employees drawn from information gained by virtue of investigation. (Employees may offer information gained from personal association, but if the employees do offer their opinions they must recuse themselves from further participation in any FBI conduct of background investigations.) (See MAOP, Part I, Section 1-15.3(4).)

(2) Descriptions of subjects in antitrust cases.

(3) Words or phrases which might be regarded as objectionable or offensive to any race, creed, or religious sect.

(4) Words, such as "left wing," "red," "pink," "radical," "anti-Semitic," "anti-Negro," etc. If person interviewed uses such words, and therefore they must be reported, he/she should be asked to furnish facts causing his/her conclusion and what he/she actually means by such terminology.

(5) En bloc reproduced materials not essential to report, which add only limited information. A succinct summary of pertinent facts should be reported in details only and reproduced material

**SENSITIVE**

should be filed as bulky exhibit or forwarded to USA as an enclosure to report or by separate communication. If there is compelling reason to include en bloc material in details of a report, complete justification should be set forth on the administrative pages.

(6) Information concerning a person's refusal to submit to or volunteer for a polygraph examination.

\*\*EffDte: 04/23/1991 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-17.12 Use of T Symbol**

(1) A "T" symbol may be used in cases of a noncriminal nature, including security-type and civil-type matters. Where T symbols are used in reports, the office submitting a report will prefix all T symbols therein with its office abbreviation unless, of course, inserts from another office are included in that report. If inserts from an office, other than the reporting office, are included in a particular report, all T symbols included in the insert should be prefixed with the office abbreviation of the office which prepares the inserts. If application of the foregoing rule in a specific instance tends to disclose the identity of an informant, proper reporting precautions should be taken in order to avoid such disclosure. When incorporating in domestic field reports information from Legal Attache sources whose identities must be concealed, T symbols should be preceded by abbreviation of reporting domestic field office. Except in espionage cases, when an office designates particular T symbol to be used in the place of the name of a particular informant in the first report by that office in a case, the same T symbol should be used for that particular informant throughout the first report and all subsequent reports by that office in order to avoid confusion about the number of informants in a case. This exception does not apply to prosecutive summary reports submitted in security-type cases where the same T symbol should be assigned to the same informant in all summary reports submitted in a given case.

(2) In cases in which the use of T symbols is authorized, use T symbols to conceal informants only where necessary; hold to absolute minimum; prior to concealing identities of informants or sources of other offices, check with such offices regarding current necessity for concealment unless files of reporting office contain sufficient information to make decision. Where a T symbol has been used to cover a source other than an active confidential informant and the location of the source is unknown, extensive investigation should not be conducted to locate him/her to determine whether his/her identity may be set forth in a report, unless the information furnished by him/her is of vital importance to the case.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D3D5D6      Cav:      SecCls:

### **10-17.12.1 Reliability and Evaluation of Informants**

- 10-13.12) (1) Report as provided elsewhere in this section (see 10-13.12)
- (2) Evaluate as:
- (a) The informant has furnished reliable information in the past; or
  - (b) The informant has furnished both reliable or unreliable information in the past; or
  - (c) The informant is of known unreliability; or
  - (d) Contact with him/her has been insufficient to judge the reliability of his/her information. If this condition exists, describe informant sufficiently to permit outside agencies to judge reliability.
  - (e) Avoid use of "unknown reliability."
- (3) When the informant is uncertain of the accuracy of the information furnished, his/her reliability must be indicated and the statement that he/she is uncertain of the accuracy of the information included.
- (4) A temporary informant of unknown reliability is to be described by standing in the community and the length of time that he/she was familiar with the subject matter of the investigation indicated.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-17.12.2 Reporting Information From Other Government Agencies**

When reporting information received from the Department of State, Department of Energy, Nuclear Regulatory Commission, Office of Personnel Management, or Air Force, Army, and Navy intelligence agencies, do not protect the agency by the use of "T" symbols unless requested to do so in a specific case, with the following exceptions:

- (1) OPM and Air Force intelligence agency must be protected by the use of a "T" symbol where the information received is not the result of investigation by these agencies.
- (2) If information obtained from an agency's files was received by the agency from a confidential informant or from a person who desires his/her identity be kept confidential, protect the source by the use of a "T" symbol.

| (3) | In criminal or civil cases, when necessary to  
| protect these agencies, set forth the information in the cover page(s)  
| and do not include the details in the report. However, on all Bureau  
| applicant cases, details should be included in the report and  
| information set forth in the cover pages(s). | When necessary to  
| conceal a government agency, information should be set forth as from  
| "T" symbol, another government agency which conducts intelligence or  
| personnel investigations, etc.

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\*\*EffDte: 11/25/1994 MCRT#: 350 Div: D5D6CT Cav: SecCls:

### **10-17.12.3 When Reporting Security Information FBI Has Received From a Foreign Security or Police Agency**

(1) Describe agency as  a confidential source  
abroad."

(2) Make no statement as to source's reliability.

(3) Do not specify country in which source located.

(4) Paraphrase information.

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(5) If agency evaluates reliability of its original informant, report such evaluation in same language. Thus, if foreign agency furnishes information from "a usually reliable source," FBI report should read,  a confidential source abroad, reported on (date) that a usually reliable source stated...." Foreign agency should be identified in cover page(s) as it is in FBI communication furnishing the information to the field office and the FBI communication should be identified.

(6) When reporting information in criminal matters which FBI has received from foreign agencies: Identify the foreign agency in body of report unless FBIHQ specifically instructs otherwise.

(7) When reporting information received from FBI's Legal Attaches:

(a) No mention should be made of them except in exceptional cases where they report information from personal knowledge. In such cases, describe them only as  a confidential source abroad" as in the case of foreign agencies except in criminal- or civil-type cases.

(b) Information received by them from foreign agencies should be attributed to such agencies as set forth above

except in criminal- or civil-type cases.

(c) When reporting information received by them from confidential informants, the informants should be described in the same manner as domestic informants.

(d) In criminal- and civil-type cases, do not use "T" symbol; attribute the information to confidential source (or sources) abroad and summarize pertinent information unless received from Legal Attache in properly prepared insert form.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D5D6CTOI      Cav:      SecCls:

### **10-17.13 Characterizations**

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D5CT      Cav:      SecCls:

#### **10-17.13.1 Organizations**

|                    (1) When a field office requests or receives  
| authorization to initiate a Domestic Security/Terrorism investigation  
| of an organization within its territory, a single concise  
| characterization of the organization should be included as part of the  
| LHM submitted to FBIHQ. Characterizations should be outlined as the  
| first paragraph of the LHM or as an appendix to the LHM. All  
| characterizations should include a statement regarding the political  
| or social goals of the group, its geographic area of operation, and a  
| summary of the violence or criminal activity it either has been  
| involved in or is advocating in the future. In instances where only  
| advocacy of violence is present, a statement should also be included  
| regarding the ability of group members to carry it out and the  
| likelihood of the harm intended.

|                    (2) If acceptable, a characterization will be placed into  
| an FBIHQ file entitled, "Characterizations of Domestic  
| Security/Terrorism Organizations" which shall be updated at least  
| annually. These characterizations, which will be made available to a  
| field office upon request, are disseminated to all members of the  
| intelligence and Federal law enforcement communities. A copy of each  
| will also be sent to all field offices on January 1, of each year.|

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D5CT      Cav:      SecCls:

#### **| 10-17.13.2 |Deleted|**

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D5      Cav:      SecCls:



#### 10-17.14 Documentation

Because it may be necessary to locate original documents and items of evidence readily for USAs, or for use at hearings, there is an administrative procedure called "documentation." Documentation is accomplished as follows: Whenever T symbol is used in a report, except for certain highly placed informants or confidential investigative techniques, the following must be tabulated in the cover page(s) under the general heading "Informants":

Name and address of person or permanent symbol number	Page of instant report -- or file number, serial number, page number, and exhibit number if in another file -- where original of each item of information can be found.
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\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D5D6CT      Cav:      SecCls:

#### 10-17.15 Typing and Form of Investigative Reports

(1) The first page of the report (original and all copies) is FD-204.

(2) Reports must be typewritten and single spaced. The pages are to be numbered at the bottom. Put asterisk by number of last page of report. If Form FD-204 contains the whole report, FD-204 should be numbered 1\*.

(3) If there is a table of contents due to the length of the report, it should be prepared on a separate sheet and precede the details. The pages of the report, including the table of contents, should be numbered consecutively. If an index is also prepared, it should follow the details of the report on separate sheets and the FD-204, table of contents, details, and index should be numbered consecutively; place the asterisk, which indicates the last page, on the last page of the index. If an appendix is used, it should precede the index.

(4) Names of persons and organizations shall be typed in all caps.

(5) Copies must be legible.

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D6      Cav:      SecCls:

## **10-18 GUIDES FOR DICTATION AND ASSEMBLING COVER PAGE(S)**

(FD-263) AND INVESTIGATIVE REPORT (FD-204)

\*\*EffDte: 10/27/1986 MCRT#: 0      Div: D6      Cav:      SecCls:

### **10-18.1 Dictation Guide**

Cover page(s) and reports are to be dictated promptly, rapidly, and in clear and concise language. FBIHQ is to be advised of any delinquency in this regard. They may not be prepared in longhand at field offices.

(1) Facts are to be marshaled and assembled before calling for a stenographer.

(2) The file must be in the possession of the dictator at the time of dictation.

(3) As a guide to dictation, the following order is suggested:

- |                             |                         |
|-----------------------------|-------------------------|
| (a) File number             | (h) Status              |
| (b) Copies of the report to | (i) Enclosures          |
| (c) Office of origin        | (j) Cover page data     |
| (d) Investigative period    | (k) Investigative page  |
| (e) Title                   | (FD-204)                |
| (f) Character               | (l) Details             |
| (g) References              | (m) Names to be indexed |

(4) The dictation slip, Form FD-77, is a three-copy form with carbon insert. The original is to be filed in the case file until the dictation is transcribed and filed, at which time the FD-77 is to be purged and destroyed. The first carbon copy is to remain with the dictation until it is transcribed and filed, at which time it may be destroyed. The second carbon copy is to be routed to the case Agent if he/she is not the dictator; otherwise, the second carbon copy may be destroyed. The dictation slip is to be attached to rough drafts, or to dictation machine cassettes when these are used. When a rough draft is submitted or dictating machine cassette is used, the Agent should show on the dictation slip the total number of copies of the communication to be prepared.

(5) Dictating machines are available and may be used.

(6) The abbreviation "SA" may be used in place of "Special Agent" preceding the name of Agent; or other proper abbreviation preceding name of FBI employee.

(7) The Agent shall dictate the necessary classification markings to be assigned a communication if it contains information relating to the national security and therefore requires protection under Executive Order 12356.

(8) The name of the Agent is to be used instead of "the writer."

\*\*EffDte: 09/27/1991 MCRT#: 0      Div: D6      Cav:      SecCls:

## **10-18.2 Assembling Guide**

(1) Assemble in following order:

(a) Cover pages, first page on FD-263 - Staple each copy in upper left corner.

(b) Investigative report, first page on FD-204, followed by details. Staple each copy in upper left corner.

(c) Letterhead memoranda recording reliability of sources. Staple in upper left corner a copy to the back of each investigative report.

(d) Enclosures

(2) Staple all of above together at top right (from top to bottom as above).

(3) Clip, do not staple, copies of investigative reports and other communications together when transmitting them.

(4) If a cover letter is being used to transmit material set out in item (a) above, assemble documents in following order from top: cover letters should be in one pack, letterhead memoranda other than those evaluating sources in one pack, investigative reports, etc., as assembled in item (a) above in one pack, stapled together once at top right corner.

(5) If additional copies are prepared and designated for FBIHQ files other than the substantive file, these copies should be assembled under the original communication and the necessary other copies of the document attached thereafter.

(6) Do not send inserts and copies of FD-302s to other offices unassembled.

\*\*EffDte: 02/14/1992 MCRT#: 0      Div: D6      Cav:      SecCls:

**| 10-19 INSERTS FOR INVESTIGATIVE REPORT |(See MAOP, Part II, 10-14, 10-17.11; Correspondence Guide - Field, 2-12.)|**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(1) When leads are covered by an Agent other than Agent to whom case is assigned, results of investigation may be reported by insert, either in final or rough-draft form. The complexity, extent of material to be reported, and the new leads to be set out within the division are factors which will govern proper method of reporting. Each Agent and supervisory official must use the most economical and practical means of reporting such data.

(2) Where adaptable, inserts should be used in lieu of memoranda for SAC to avoid unnecessary duplication in typing and avoid unnecessary duplication of material in file.

(3) Where inserts are prepared, indexing and correlation of material for report are responsibility of Agent to whom case assigned. Necessary indexing shall be done without delay in the same manner as outlined for FD-302.

(4) Dictation slips relating to dictating machine cassette tapes containing inserts must show on the dictation slip the investigative period.

(5) When inserts are prepared in final form (used primarily in major cases), sufficient copies must be prepared for reporting office and for offices that will receive copies of the report.

(6) If rough draft submitted contains leads for reporting office to cover, prepare sufficient copies of inserts for each Agent who will cover new leads plus one copy for Agent to whom case assigned.

(7) Deleted

(8) Inserts shall be used to report results of negative  
| investigations by|lead|offices provided in 10-9(10) of this section.  
| |(See MAOP, Part II, 10-17.11 (8).)|

| (9) When an insert is prepared by an|lead|office for  
inclusion in a report of the office of origin, the file number, if  
known, of the office of origin should be shown on the first page of  
the insert beneath the file number of the submitting office at the  
upper left margin.

(10) All pages of inserts are to be numbered at the top center. The number of the last page is to be underlined. If the insert consists of one page only, it is numbered "1" at the top center and underlined.

(11) When the number of copies needed is not known, an original and two copies should be prepared. If additional copies are required later, they may be duplicated.

(12) The following is an example of an insert to be submitted when conducting a background investigation:

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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SE (file number)  
ABC: def (Dictator's/typist's initials)

Seattle Division  
At Seattle, Washington

Special Agent TOM PLAYFAIR conducted the following  
investigation on Monday, January 2, 1989:

|           JOHN Z. QUICK, Date of Birth (DOB) | January 1, 1944, | 112  
March Street, Seattle, Washington 98020, telephone (home) (206)  
555-1234, (office) (206) 555-6789, was advised of the identity of the  
interviewing Agent as well as the fact that he was being contacted in  
connection with the background investigation of Ms. MARY DOE. Mr.  
QUICK provided the following information:

. . . . .

| |(See also MIOG, Part II, 17-5.1.)|

\*\*EffDte: 08/03/1998 MCRT#: 808   Div: D3D6RM       Cav:           SecCls:

**| 10-20   NONPROSECUTIVE SUMMARY |(See MIOG, Part I, 91-26; MAOP, Part II, 10-14.)|**

\*\*EffDte: 05/04/1993 MCRT#: 12   Div: D6           Cav:           SecCls:

**10-20.1   Preparation of Report and Accompanying Cover Page(s) (FD-272)**

- (1) Prepared by: Office of origin.
- (2) Prepared when: Upon specific instructions of SAC or  
FBIHQ.
- (3) Titles: In entirety as of date prepared.
- (4) Character: May be abbreviated on FD-272 but not on  
FD-204, except certain countries may be abbreviated and letters may be  
used for organizational activity or nationalistic tendency as provided  
in this manual.
- (5) Reports are prepared on SAC or FBIHQ instructions and  
should contain:
  - (a) Synopsis
  - (b) Summary of information in file in logical  
sequence
  - (c) Physical description of subject

**SENSITIVE**

(6) Caution statements, if appropriate, are to be included immediately after the case caption of the first cover page and at the end of the synopsis in a nonprosecutive summary. If desired, an appropriate stamp may be used for this purpose.

(7) Prepare on:

(a) For cover page, use Form FD-272, summary (pink)

(b) For report, use Form FD-204

(8) Copies: Rules as to copies of investigative reports apply.

\*\*EffDte: 04/30/1993 MCRT#: 2 Div: D5D6CT Cav: SecCls:

## **10-21 REPRODUCTION OF WRITTEN MATERIAL**

\*\*EffDte: 07/18/1985 MCRT#: 0 Div: D3 Cav: SecCls:

### **10-21.1 Photostats**

When material is sent to FBIHQ to have photostats made, the letter of transmittal must contain a detailed description of the material to be reproduced, including subject's name, classification, and field office and FBIHQ file numbers, if available. When photostats are made within a field office, a notation is to be made on the original as to the date and number of photostats prepared.

\*\*EffDte: 07/18/1985 MCRT#: 0 Div: D3 Cav: SecCls:

### **10-21.2 Xerox Copies, or Other Photocopies**

When Xerox copies, or other photocopies are made of material, the date and the number of copies prepared must be set forth on the original.

\*\*EffDte: 07/18/1985 MCRT#: 0 Div: D3 Cav: SecCls:

## **10-22 CORRECTING ERRORS IN WRITTEN COMMUNICATIONS**

\*\*EffDte: 07/18/1985 MCRT#: 0 Div: RM Cav: SecCls:

### 10-22.1 Correcting Errors in Copies in Possession of Outside Agencies Including USAs

(1) Amended pages are not to be sent to outside agencies, including USAs.

(2) Corrections are to be called to the attention of the outside agency by letter with reference to the specific communication, page, and the change to be made.

(3) Such corrections shall be limited to those bearing on the substance and meaning of the information furnished. Letters relating to form and not context of communications should not be sent.

\*\*EffDte: 07/18/1985 MCRT#: 0      Div: RM      Cav:      SecCls:

### 10-22.2 Correcting Errors in Copies in Field Offices

| (1) |Correcting errors|without|preparing|amended pages.

(a) Minor corrections may be in ink where they can be done legibly and neatly. Otherwise, erasures may be made and correct data typed in. In letter to FBIHQ, reference only the document in which changes were made; if more than one document changed, there should be a separate letter concerning each.

(b) Date of correction and initials of Agent supervisor making correction must be recorded. Correspondence prepared to effect similar changes in other copies will in many instances preserve the necessary record of corrections made. When an error|Form|(0-17) is received from FBIHQ, the inked notation on the communication as to the receipt of the form should include a record of the corrections made, together with the initials of the Agent supervisor and the date of correction. Where such notation cannot be made legibly, the error form must be filed. When a substantive error is involved, the original of 0-17 is to be returned to FBIHQ promptly with explanations and recommendations.

(c) Where the above instructions do not provide the necessary record of who made the corrections and when they were made, the date of correction and initials of the Agent supervisor making correction shall be placed on each page corrected in ink.

(d) Corrections must be made on all copies in the possession of Bureau at FBIHQ and in the field.

\*\*EffDte: 07/18/1985 MCRT#: 0      Div: RM      Cav:      SecCls:

### **10-22.3 Amended Pages**

(1) The amended page(s) are to be inserted in all copies of the communication which have not been disseminated. Page(s) containing incorrect information are to be destroyed if amended page(s) are prepared and inserted within sixty days of the date of the original document.

(2) The amended page(s) prepared sixty days subsequent to the date of the original communication are to be inserted in all copies of the communication which have not been disseminated. Staple one copy of the original incorrect page or pages to the back of the initialed communication retained by the office originating the communication and to the back of one copy of the communication in the files of lead offices.

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: RM Cav: SecCls:

### **10-22.4 Errors in FD-302s**

Errors discovered in FD-302 after initialing and filing, whether substantive or nonsubstantive, shall be corrected on the original only by typewriter, if possible, with no notations. Corrections on copies may be made in ink. If necessary to retype the FD-302 because of the extent of correction, then the original of the retyped page should be retained, along with the first original in the field office file. Agent whose name appears on original should be advised; and FBIHQ advised above has been done when copies have been submitted to FBIHQ. If corrections necessary on FD-302 before initialing and filing, then these are made as in other communications. Only the approved original FD-302 initialed by the Agent is to be retained in this case.

\*\*EffDte: 07/18/1985 MCRT#: 0 Div: RM Cav: SecCls:

### **10-22.5 Errors in Field Communications**

When errors are discovered in a communication previously submitted, the field may initiate the preparation of amended pages. Good judgment should dictate whether amended pages are necessary or whether correction can be made otherwise.

\*\*EffDte: 07/18/1985 MCRT#: 0 Div: RM Cav: SecCls:



## **10-22.6 Administrative Handling of Errors**

(1) If an error is detected within 5 workdays of the date of a communication which has been submitted to FBIHQ and which will be disseminated, immediately advise FBIHQ by teletype of the error and whether amended pages are being submitted; otherwise use a communication appropriate to the circumstances.

(2) Each field office must advise FBIHQ and other field offices receiving copies of the communication to be corrected of the specific changes to be made so all copies may coincide.

(3) Any substantive error in an investigative report or in any other type of document is to be handled on an individual basis; responsibility is to be fixed; explanations are to be obtained from personnel responsible; administrative action is to be considered. If a substantive error is detected in an investigative report or other communication at FBIHQ, explanations are to be obtained from the field, and the SAC, in forwarding appropriate explanations to FBIHQ, shall submit his recommendations as to what administrative action is deemed desirable. If the field detects a substantive error, the SAC shall, on his own initiative, obtain explanations from personnel responsible and submit his recommendations to FBIHQ at the same time that he submits the communication specifying the corrections to be made. When communications are disseminated locally or sent to FBIHQ before having been read by dictating Agents, form errors will not be scored against the dictating Agents nor will such Agents be censured for first review of such communications. This does not apply to reviewing field supervisors where errors should have been readily detected.

(4) If an error is discovered and it is necessary for FBIHQ to furnish a correction to the Office of Records Operations and Management of the Department of Justice or any other agency in order that their files may be corrected, appropriate explanations shall be obtained from personnel responsible, together with recommendations of SAC as to administrative action deemed desirable. Where the field has already disseminated to an outside agency and errors are found requiring corrective advice to the outside agency, the SAC shall, on his own initiative, obtain explanations from personnel responsible and forward them to FBIHQ with his recommendations as to administrative action deemed desirable. This instruction is applicable to any type of error requiring corrective advice to an outside agency.

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: RM      Cav:      SecCls:

## **10-22.7 Typographical Errors**

(1) Typographical errors and those of a routine type which are determined to be nonsubstantive and which are discovered in documents not disseminated outside the FBI should be brought to the

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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attention of the appropriate employees and should be considered in the next performance rating. If FBIHQ detects a nonsubstantive or nonserious or typographical error, an appropriate error form is to be submitted to the field; explanations will not be requested by FBIHQ. The SAC is to bring to the attention of the appropriate employees the nature of the error and make a notation in the folder of each employee for use in preparing the next performance rating on each employee involved. These items are to be retained in the personnel folder until the next field office inspection.

(2) Each SAC must be aware of frequency and nature of typographical and nonsubstantive errors made by employees of SAC's division. If any employee (typist, stenographer, Agent, supervisor, or other employee) is responsible for as many as five nonsubstantive errors detected by FBIHQ in correspondence prepared by that employee during any period on nine consecutive months, the SAC shall prepare an appropriate communication summarizing the employee's error record and offering recommendations as to any administrative action deemed desirable. Supervisory employees shall be considered for administrative action when they are responsible for as many as ten nonsubstantive errors during any period of six consecutive months in correspondence reviewed and approved by them. In an enclosure consisting of a copy of material, such as an incoming letter, which has been typed by the stenographer, any error shall be charged against the stenographer only, and not against reviewing personnel who have approved the communication itself.

(3) A stenographer or typist who has passed the Bureau's official stenographic and/or typing tests will be subject to the present rules and regulations the same as all other employees regardless of the length of service. When a stenographer or typist is assigned to a new type of work involving new procedures for less than 15 days, it is not necessary to write a memorandum for the personnel file or to recommend censure under the foregoing rules unless the errors are of mechanical nature, such as misspelling, which are not due to unfamiliarity with the work. However, a record should be maintained of such errors for the purpose of instructing and training such employees.

(4) Good judgment must be exercised in the cataloguing and handling of errors. Typographical errors can result in substantive errors and a series of form errors in a document can create a serious situation.

\*\*EffDte: 06/16/1980 MCRT#: 0      Div: RM      Cav:      SecCls:

## **10-23 NUMBER OF FBIHQ COPIES IN INVESTIGATIVE REPORTS**

The classification numbers, characters and copies of reports to FBIHQ are set out below. Office of Origin (OO) (field) and lead offices receive two copies unless specific reason (such as leads) exists or unless otherwise indicated in column (2). The characters

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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should be typed in capital letters in the reports. Those classifications which are subject to the prosecutive report guidelines are not included. For instructions involving the prosecutive report see MAOP, Part 2, 10-15. An asterisk (\*) after the classification indicates a reference classification only, to facilitate transmission of information to agency having jurisdiction. (See also MAOP, Part 2, 10-16.12(1)(f).)

Classi- fication	Character	(1) Copies to FBIHQ	(2) Exceptions
	Substantive character Conspiracy; e.g., Bank Robbery - Conspiracy. Same copies as for sub- stantive violation.		
1	Training Matters		
	FBI National Academy Applicant	0	Submit electronic communication (EC) summary
2	Neutrality Matters	4	9 to FBIHQ in Latin-American matters
3	Overthrow or Destruction of the Government	5	
5	Income Tax*		
11	Tax (other than income)*		
14	Sedition	4	
21	Food and Drugs*		
23	Prohibition*		
25	Selective Service Act - Reemployment; - Sedition; - Failure to Register, - Fraud Against the Government	3	If the case is closed adminis- tratively, original and three (3) copies of LHM to FBIHQ.
	Public Law 414, 82nd Congress (Title 8, USC, Section 1182(a)(22) Summary Report) Character remains "Selective Service Act."		If USA invokes Title 8, Section 1182(a)(22), submit original and 4 copies of LHM to FBIHQ. FD-165

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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			and/or FD-65 may be necessary, when process is or is not obtained and/or dismissed.
32	Identification (Fingerprint Matters)		
33	Uniform Crime Reporting		
35	Civil Service*		
36	Mail Fraud*		
44	Racial Violence Racial Discrimination Religious Violence Religious Discrimination Voting Laws - Racial	2	If LHM is authorized by FBIHQ, submit original and two (2) copies
48	Postal Violations (except Mail Fraud)*		
50	Involuntary Servitude and Slavery	2	
54	Customs Laws and Smuggling*		
55	Counterfeiting*		
56	Election Laws	2	
60	Antitrust	2	
61	Treason	4	
	Misprision of Treason	4	
62	Personnel Matter	3	4 to FBIHQ if in- quiry arises out of a substantive case
65	Espionage - followed by full name of country for which committed		
	(Individual)	5	
	(Organization)	5	
	Espionage - X (when no foreign ramification)	5	
65X	Espionage - X (when a foreign power is implicated in	0	Submit Computer Fraud and Abuse

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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	computer hacking)		(CFA) Data Transmittal Form FD-801
66	Administrative Matters	1	
	Bureau Automobile Accidents	3	2 to OO unless reason exists
67	Personnel Matters and Bureau Applicants	1	BUAPs (67B/D) Submit report or EC
73A	Background Investigation - Office of the Pardon Attorney	2	Telephonic contact, EC and/or teletype submission may be required in some instances and appropriately followed by report, FD-302 and/or insert.
73B	Limited Inquiry - Office of the Pardon Attorney	2	(See MIOG, Part 1, 73-1.1; MAOP, Part 2, 3-1.1 and 3-1.2; Correspondence Guide - Field, 1-17.)
77A	Background Investigation - Presidential Appointment with Senate Confirmation - Nonreimbursable	2	Telephonic contact, EC and/or teletype submission may be required in some instances and appropriately followed by report, FD-302 and/or insert
77B	Background Investigation - Administrative Office of the United States Courts (15-Year) - Reimbursable	2	
77C	Background Investigation - Administrative Office of the United States Courts (10-Year) - Reimbursable	2	
77E	Background Investigation - Department of Justice (HQ) - Nonreimbursable	2	(See MIOG, Part 1, 77-1, 77-1.1; MAOP, Part 2, 3-1.1, 3-1.2; Correspondence Guide-Field, 1-17.)
77F	Background Investigation - Department of Justice - (Foreign Intelligence Surveillance Court or Special Tribunal) -	2	

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

---

	Nonreimbursable		
77H	Background Investigation - Department of Justice (United States Attorney's Office) - Reimbursable	2	
77I	Background Investigation - Department of Justice - (Executive Office of United States Trustees or Executive Office of Immigration Review) - Reimbursable	2	
77L	Background Reinvestigation - Department of Justice (5-Year Reinvestigation) - Nonreimbursable)	2	
77N	Limited Inquiry - White House (DOJ) - Nonreimbursable	2	
77O	Limited Inquiry - Department of Justice - Nonreimbursable	2	
77P	Limited Inquiry - Administrative Office of the United States Courts - Nonreimbursable	2	
80	Public Relations Matters		
83	Claims Court	2	2 cc of C report to original 00
88	Unlawful Flight to Avoid Prosecution, Custody or Confinement - followed by substantive offense involved	1	0 Reports to FBIHQ, unless reason exists
	Unlawful Flight to Avoid Giving Testimony - followed by nature of state crime charged	1	0 Reports to FBIHQ, unless reason exists
	Unlawful Flight to Avoid Prosecution, Custody or Confinement - Damaging Property	1	
	Unlawful Flight to Avoid Giving Testimony - Damaging Property	1	
93	Ascertaining Financial Ability	2	0 Reports to FBIHQ unless case originated

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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			in Department of Justice
94	Research Matters		
95	Laboratory Investigative Services (Other Than Bureau)		
97	Registration Act - followed by full name of country involved	4	9 to FBIHQ in Latin-American and Chinese matters
98	Sabotage	4	
100	Domestic Security/Terrorism	5	
102	Voorhis Act	4	
105	See National Foreign Intelligence Program Manual		
109	Foreign Political Matters	4	
110	Foreign Economic Matters	4	
111	Foreign Social Conditions	4	
112	Foreign Funds	4	
113	Foreign Military and Naval Matters	4	
116A	Background Investigation - Department of Energy	2	Telephonic con- tact, EC and/or teletype submission
116B	Background Investigation - Department of Energy - (5-Year Reinvestigation)	2	may be required in some instances and appropriately followed by report, FD-302 and/or insert
116C	Background Investigation - Nuclear Regulatory Commission	2	
116D	Background Investigation - Nuclear Regulatory Commission (5-Year Reinvestigation)	2	(See also MIOG, Part 1, 116-4; MAOP, Part 2, 3-1.1, 3-1.2; Correspondence Guide-Field, 1-17.)
116E	Limited Inquiry - Department of Energy	2	
116F	Limited Inquiry - Nuclear Regulatory Commission	2	

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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117	Atomic Energy Act	4	
120	Federal Tort Claims Act - Civil Suits and Claims (Non-FBI Programs)	2	
131	Admiralty Matter	2	
134	Foreign Counterintelligence Assets (See National Foreign Intelligence Program Manual.)		
140A	Security of Government Employees - Office of Personnel Management	2	Telephonic con- tact, EC and/or teletype submission may be required in some instances
140B	Suitability Background Investigation - Referral (Name of Referring Agency)	2	and appropriately followed by report, FD-302 and/or insert
140C	Security of Government Employees - Name of Referral Agency	2	(See also MIOG, Part 1, Section 140; MAOP, Part 2, 3-1.1, 3-1.2;
140D	Limited Inquiry - Security of Government Employees	2	Correspondence Guide-Field, 1-17.)
140E	Limited Inquiry - Suitability Background Investigation	2	
149	Destruction of Aircraft or Motor Vehicle - False Report	4	
150	For administrative use of the Operations Management Section in recording harboring fugitive statistics		
153	Automobile Information Disclosure Act	2	
155	National Aeronautics and Space Act of 1958	6	
157	Civil Unrest		0 Reports 5 LHM
161A	Level I-Presidential Appointment, Senate Confirmation	2	Telephonic con- tact, EC and/or teletype submission may be required in some instances
161B	Level II-Presidential Appointment, Senate Confirmation	2	and appropriately followed by

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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161C	Level III-Presidential Appointment, Senate Confirmation	2	report, FD-302 and/or insert
161D	Level I-White House Staff	2	
161E	Level II-White House Staff Level II-White House Access Level II-National Security Council	2	(See also MIOG, Part 1, 161-4, 161-5, 161-9; MAOP, Part 2, 3-1.1, 3-1.2; Correspondence Guide-Field, 1-17.)
161F	Level II-White House Staff (Five-Year Reinvestigation) Level II-White House Access (Five-Year Reinvestigation) Level II-National Security Council (Five-Year Reinvestigation)	2	
161G	Level III-White House Staff Level III-White House Access	2	
161H	Level III-White House Staff (Five-Year Reinvestigation) Level III-White House Access (Five-Year Reinvestigation)	2	
161I	Level III-Congressional Committee		
161J	Level III-Congressional Committee (Five-Year Reinvestigation)	2	
161K	Expanded Name Check	2	
161L	Limited Update Investigation - Presidential Appointment Senate Confirmation	2	
161M	Level I - Presidential Appointment	2	
161N	Level II - Presidential Appointment	2	
161O	Level III - Presidential Appointment	2	
161P	Limited Update Investigation - Presidential Appointment	2	
161Q	Limited Inquiry - White House (Non-DOJ)	2	
161R	Limited Inquiry - Congressional Committee	2	

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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161S	Level IV - Presidential Appointment, Senate Confirmation (Five-Year Investigation)	2	
161T	Level IV - Presidential Appointment (Five-Year Investigation)	2	
162	Interstate Gambling Activities	3	
163	Foreign Police Cooperation - General Criminal Matters (163A)	0	6 LHM to FBIHQ
	Foreign Police Cooperation - International Criminal Police Organization (INTERPOL) (163B)	0	6 LHM to FBIHQ
	Foreign Police Cooperation - Terrorism (163C)	0	6 LHM to FBIHQ
	Foreign Police Cooperation - Bureau files and Criminal Justice Information Services Division - Information Requests (163E)	0	6 LHM to FBIHQ
	Foreign Police Cooperation - International Terrorism (163I)	0	6 LHM to FBIHQ
			(See MIOG, Part 1, 163-6; MAOP, Part 2, 3-1.1, 3-1.2; Correspondence Guide-Field, 1-17.)
173	Civil Rights Act, 1964		
	Public Accommodations - Civil Rights Act, 1964	2	
	Public Accommodations - Civil Rights Act, 1964, Interference with Federally Protected Activities	2	
	Public Facilities - Civil Rights Act, 1964	2	
	Public Facilities - Civil Rights Act, 1964		

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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	Interference with Federally Protected Activities	2	
	Public Education - Civil Rights Act, 1964	2	
	Public Education - Civil Rights Act, 1964 Interference with Federally Protected Activities	2	
	Employment - Civil Rights Act, 1964	2	
	Employment - Civil Rights Act, 1964 Interference of Federally Protected Activities	2	
174	Bombing Matters	4	Where appropriate, 7 LHM to FBIHQ
176	Antiriot Laws	3	
177	Discrimination in Housing	2	
184	Police Killings	2	
185	Protection of Foreign Officials and Official Guests of the United States	7	
187	Privacy Act of 1974 - Criminal	2	3 LHM to FBIHQ
188	Crime Resistance	2	
189	Equal Credit Opportunity Act	2	
190	Freedom of Information/Privacy Acts	2	
197	Civil Actions, Claims Against the Government, or Subpoena Matters - Civil Suits and Claims (FBI Programs)	0	3 LHM to FBIHQ (See MIOG, Part 1, 197-3.2(1) and 197-8.5 for excep- tions pertaining to automobile accidents and other instances in which the incident giving rise to a claim has been previously reported.)
198	Crime on Indian Reservation -	0	2 LHM to FBIHQ

**SENSITIVE**

## Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2

1

1

1

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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267	Drug-Related Homicide	2	
268	Engineering Technical Matters - FCI (See MIOG for instructions.)		
269	Engineering Technical Matters - Non-FCI (See MIOG for instructions.)		
271	See National Foreign Intelligence Program Manual		
278	See National Foreign Intelligence Program Manual		
281	Organized Crime/Drug Investigations	2	
282	Color of Law	2	If LHM is authorized by FBIHQ, submit original and two (2) copies
283	See National Foreign Intelligence Program Manual		
286A	FACE - Force or violence against person(s)	2	
286B	FACE - Threat of force or intimidation against person(s)	2	
286C	FACE - Property damage or destruction only	2	
286D	FACE - Religious freedom at a place of worship	2	
286E	FACE - Civil Action	2	
	315	International Terrorism Investigations (See National Foreign Intelligence Program Manual, Section 19.)	

\*Reference classification only, to facilitate transmission of  
information to agency having jurisdiction.

\*\*EffDte: 04/09/2004 MCRT#: 1329 Div: D1D3D5D6CT Cav: SecCls:

## **10-24 STANDARDIZED BUREAU ABBREVIATIONS**

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: D1D3D5D6D9 Cav: SecCls:

**SENSITIVE**

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**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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## **10-24.1 General Abbreviations Authorized in Intra-Bureau Communications**

Abbreviations authorized for use in all intra-Bureau communications:

ACDA .....	U.S. Arms Control and Disarmament Agency
ACMN .....	Altered Confidential Motor Number
ACSI .....	Assistant Chief of Staff, Intelligence, U.S. Air Force
ACSN .....	Altered Confidential Serial Number
ACVIN .....	Altered Confidential Vehicle Identification Number
ADM .....	Administrative Matters
ADW .....	Assault with a Dangerous Weapon
AEA .....	Atomic Energy Act
AFA .....	Ascertaining Financial Ability
AFM .....	Adoptive Forfeiture Matters
AFO .....	Assaulting a Federal Officer
AFOSI .....	Air Force Office of Special Investigations
AFSN .....	Air Force Serial Number
AG .....	Attorney General of the United States
AGO .....	Adjutant General's Office
AI .....	Administrative Inquiry
AID .....	Agency for International Development
AIDA .....	Automobile Information Disclosure Act
AIS .....	Automated Identification System
AKA .....	Also Known As
ALF .....	Anonymous Letter File
AMN .....	Altered Motor Number
AOTDT .....	Acts of Terrorism - Domestic Terrorists
AOTIT .....	Acts of Terrorism - International Terrorists
AP .....	Aircraft Piracy
APACS .....	Application for Pardon after Completion of Sentence
APCM .....	Alien Property Custodian Matter
APLI .....	Applicant (General)
APMN .....	Altered Public Motor Number
APRCR .....	Application for Pardon to Restore Civil Rights
APSN .....	Altered Public Serial Number
APVIN .....	Altered Public Vehicle Identification Number
ARL .....	Antiriot Laws
ARRFP .....	Authority Requested to Release Facts to the Press
ASAC .....	Assistant Special Agent in Charge
ASIO .....	Australian Security Intelligence Organization
ASN .....	Altered Serial Number (ITSMV Cases)
ASN .....	Army Serial Number
ATF .....	Bureau of Alcohol, Tobacco and Firearms
AUSA .....	Assistant United States Attorney
AVIN .....	Altered Vehicle Identification Number
BB .....	Bank Burglary
BDC .....	Bomb Data Center
BE .....	Bank Extortion
BEP .....	Bureau of Engraving and Printing
BKRY .....	Bankruptcy Fraud
BKTCY .....	Bankruptcy

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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BL ..... Bank Larceny  
BLA ..... Bills of Lading Act  
BOL ..... Broadcasting Obscene Language  
BPMS..... Bureau Personnel Management System  
BR ..... Bank Robbery  
BT ..... Bank Threats  
BUAP ..... Bureau Applicant  
BUCAR ..... Bureau Car  
BUDED ..... Bureau Deadline  
  
CAA ..... Crime Aboard Aircraft  
CAFM ..... Crime Against Family Member  
CAI ..... Con Artist Index  
CCSCAKA ..... Congressional, Cabinet, and Supreme Court  
                    Assassination, Kidnapping, and Assault  
CDF ..... Credit and/or Debit Card Fraud  
CFA ..... Computer Fraud and Abuse  
CFPO ..... Corruption of Federal Public Officials  
CFTC ..... Commodity Futures Trading Commission  
CGR ..... Crime on Government Reservation  
CHS ..... Crime on High Seas  
CI ..... Criminal Informant  
CIA ..... Central Intelligence Agency  
CID ..... Criminal Investigation Detachment  
CIR ..... Crime on Indian Reservation  
CJIS ..... Criminal Justice Information Services Division  
CMN ..... Confidential Motor Number  
| | CMS ..... Case Management System |  
CO ..... Conscientious Objector  
COB ..... Close of Business  
COC ..... Contempt of Court  
COI ..... Conflict of Interest  
COPMAT ..... Copyright Matter  
CP ..... Communist Party  
CPUSA ..... Communist Party, USA  
CR ..... Civil Rights  
CRA-64 ..... Civil Rights Act, 1964  
CRIPA ..... Civil Rights of Institutionalized Persons Act  
CS-B ..... Controlled Substance - Burglary  
CS-R ..... Controlled Substance - Robbery  
CSCS ..... Counterfeiting of State and Corporate Securities  
CSLPO ..... Corruption of State and Local Public Officials  
CSN ..... Confidential Serial Number  
CTCL ..... Claims Court  
CVIN ..... Confidential Vehicle Identification Number  
CWAA ..... Carrying Weapons Aboard Aircraft  
  
DAA-50 ..... Dependents Assistance Act of 1950  
DAMV ..... Destruction of Aircraft or Motor Vehicles  
DAPLI ..... Departmental Applicant  
DBA ..... Doing Business As  
DCA ..... Defense Communications Agency  
DCII ..... Defense Clearance and Investigations Index  
DCSI ..... Deputy Chief of Staff for Intelligence, U.S. Army  
DEA ..... Drug Enforcement Administration  
DEF ..... Destruction of Energy Facilities

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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DEPT ..... Department or Departmental  
DGP ..... Destruction of Government Property  
DIA ..... Defense Intelligence Agency  
DIH ..... Discrimination in Housing  
DIP ..... Destruction of Interstate Property  
DIS ..... Defense Investigative Service  
DMP ..... Damaging Property  
DNA ..... Defense Nuclear Agency  
DOB ..... Date of Birth  
DOD ..... Department of Defense  
DOE ..... Department of Energy  
DOE-A ..... Department of Energy - Applicant  
DOE-E ..... Department of Energy - Employee  
DOED ..... Department of Education  
DOF ..... Desecration of the Flag  
DOJ ..... Department of Justice  
DOKEX ..... Document Examiner  
DOT ..... Department of Transportation  
DP ..... Disorderly Person  
DPOB ..... Date and Place of Birth  
DRH ..... Drug-Related Homicide  
DUPREQ ..... Duplicate Request

E-MAIL ..... Electronic Mail  
EAR ..... Escape and Rescue  
EC ..... Electronic Communication  
EC ..... Environmental Crimes  
ECT ..... Extortionate Credit Transactions  
EEOA-72 ..... Equal Employment Opportunity Act of 1972  
EFP ..... Escaped Federal Prisoner  
EFTA ..... Electronic Fund Transfer Act  
EGA-78 ..... Ethics in Government Act of 1978  
EGP ..... Embezzlement of Government Property  
EID ..... Explosives and Incendiary Devices  
EL ..... Election Laws  
ELSUR ..... Electronic Surveillance  
EOD ..... Entry on Duty  
EPA ..... Environmental Protection Agency  
EPOW ..... Escaped Prisoner of War  
ERISA ..... Employee Retirement Income Security Act  
ESP ..... Espionage  
ETFCI ..... Engineering Technical Matters - FCI  
ETM ..... Engineering Technical Matters - Non-FCI  
EXT ..... Extortion

FAA ..... Federal Aviation Administration  
FACE..... Freedom of Access to Clinic Entrances Act of 1994  
FAG ..... Fraud Against the Government  
FAMNIFA ..... False Advertising or Misuse of Names to Indicate  
Federal Agency  
FBI ..... Federal Bureau of Investigation  
FBIHQ ..... Federal Bureau of Investigation Headquarters  
FCA ..... Farm Credit Administration  
FCC ..... Falsely Claiming U.S. Citizenship  
FCC ..... Federal Communications Commission  
FCI ..... Foreign Counterintelligence

**SENSITIVE**



**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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FCLAA ..... Federal Cigarette Labeling and Advertising Act  
FCU ..... Federal Credit Union  
FDIC ..... Federal Deposit Insurance Corporation  
FED.R.CIV.P. ... Federal Rules of Civil Procedure  
FED.R.CRIM.P. .. Federal Rules of Criminal Procedure  
FED.R.EVID. .... Federal Rules of Evidence  
FEMA ..... Federal Emergency Management Agency  
FERIC ..... False Entries in Records of Interstate Carriers  
FI ..... False Information  
FIF ..... Financial Institution Fraud  
Abbreviations approved for  
use in these cases are as  
follows: FCU ... Federal Credit Union  
SLA ... Saving and Loan Association  
FISUR ..... Physical Surveillance  
FJDM ..... Federal Juvenile Delinquency Matters  
FLIA ..... Federal Lending and Insurance Agencies  
FNU ..... First Name Unknown  
FOIA ..... Freedom of Information Act  
FPC ..... Foreign Police Cooperation  
FR ..... False Report  
FRAID ..... Fraud and Related Activity in Connection With  
Identification Documents  
FRLA ..... Federal Regulation of Lobbying Act  
FTCA ..... Federal Tort Claims Act  
FTWS ..... Federal Train Wreck Statute  
FUDE ..... Fugitive-Deserter  
FUG ..... Fugitive  
FY ..... Fiscal Year  
  
G-2 ..... Office of the Deputy Chief of Staff, G-2 (applies to  
some major Army Commands)  
GAO ..... General Accounting Office  
GOVT ..... Government or Governmental  
GSA ..... General Services Administration  
  
HA ..... Hatch Act  
HHS ..... Department of Health and Human Services  
HLPESA ..... Hazardous Liquid Pipeline Safety Act of 1979  
HT ..... Hostage Taking  
HUD ..... Department of Housing and Urban Development  
HUDM ..... Department of Housing and Urban Development Matters  
  
IAFIS ..... Integrated Automated Fingerprint Identification  
System  
IDAS ..... Identification Division Automated Services System  
IGA ..... Interstate Gambling Activities  
IGB ..... Illegal Gambling Business  
IGB-F ..... Illegal Gambling Business - Forfeiture  
IGB-O ..... Illegal Gambling Business - Obstruction  
III ..... Interstate Identification Index  
IINI ..... Innocent Images National Initiative  
ILO ..... International Labor Organization  
IMP ..... Impersonation  
INC ..... Incorporated  
INS ..... Immigration and Naturalization Service

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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IO ..... Identification Order  
IOC ..... Interception of Communications  
IOHTC ..... Interstate Obscene or Harassing Telephone Calls  
IPGP ..... Illegal Possession of Government Property  
IRS ..... Internal Revenue Service  
ISP ..... Industrial Security Program  
ISS ..... Involuntary Servitude and Slavery  
ITAR ..... Interstate Transportation in Aid of Racketeering  
ITF ..... Interstate Transportation of Fireworks  
ITGD ..... Interstate Transportation of Gambling Devices  
ITLT ..... Interstate Transportation of Lottery Tickets  
ITOM ..... Interstate Transportation of Obscene Matter  
ITPMG ..... Interstate Transportation of Prison-Made Goods  
ITSA ..... Interstate Transportation of Stolen Aircraft  
ITSB ..... Interstate Transportation of Strikebreakers  
ITSL ..... Interstate Transportation of Stolen Livestock  
ITSMV ..... Interstate Transportation of Stolen Motor Vehicle  
Abbreviations approved for use in these cases are  
as follows: VIN...Vehicle Identification Number  
MN...Motor Number  
SN...Serial Number  
Prefixes for use of the above are: A....Altered;  
C....Confidential; P....Public  
ITSP ..... Interstate Transportation of Stolen Property  
ITSP-CT ..... Interstate Transportation of Stolen Property -  
Commercialized Theft  
ITSP-MT ..... Interstate Transportation of Stolen Property - Major  
Theft  
ITUR ..... Interstate Transportation of Unsafe Refrigerators  
ITWI ..... Interstate Transmission of Wagering Information  
ITWP ..... Interstate Transportation of Wagering Paraphernalia  
IWFC ..... Interference with Flight Crew  
IWU ..... Illegal Wearing of Uniform  
  
JCS ..... Joint Chiefs of Staff  
JDA ..... Juvenile Delinquency Act  
  
KFO ..... Killing a Federal Officer  
KID ..... Kidnapping  
KRA ..... Kickback Racket Act  
  
LDB ..... Local Draft Board  
LEGAT ..... Legal Attache  
LEO ..... Law Enforcement OnLine  
LEOKA ..... Law Enforcement Officers Killed and Assaulted  
LEUN ..... Loyalty of Employees of the United Nations and Other  
Public International Organizations  
LFPS ..... Latent Fingerprint Section  
LHM ..... Letterhead Memorandum  
LMRA ..... Labor Management Relations Act, 1947  
LMRDA-IM ..... Labor-Management Reporting and Disclosure Act of  
1959 - Investigative Matter  
LNU ..... Last Name Unknown  
  
MAOP ..... Manual of Administrative Operations and Procedures  
MEMO ..... Memorandum

**SENSITIVE**

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**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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MEMOS ..... Memoranda  
MF ..... Mail Fraud  
MIG ..... Military Intelligence Group, U.S. Army  
MIOG ..... Manual of Investigative Operations and Guidelines  
MISC ..... Miscellaneous  
MISUR ..... Microphone Surveillance  
MN ..... Motor Number  
MO ..... Modus Operandi  
MP ..... Missing Person  
MPD ..... Metropolitan Police Department  
MRV ..... Mandatory Release Violator  
MSN ..... Marine Serial Number  
  
NA ..... National Academy  
NAANF ..... National Automobile Altered Numbers File  
NAC ..... National Agency Check  
NACC ..... National Agency Check Center, Department of the Army  
NASA ..... National Aeronautics and Space Administration  
NBA ..... National Bankruptcy Act  
NCAVC ..... National Center for the Analysis of Violent Crime  
NCIC ..... National Crime Information Center  
NFA ..... National Firearms Act  
NFCF ..... National Fraudulent Check File  
NIBRS ..... National Incident-Based Reporting System  
NIC ..... Naval Intelligence Command  
NICS ..... National Instant Criminal Background Check System  
NISC ..... Naval Investigative Service Command  
NISO ..... Naval Investigative Service Office (Field Installations)  
NLETS ..... National Law Enforcement Telecommunications System  
NLRB ..... National Labor Relations Board  
NMI ..... No Middle Initial  
NMN ..... No Middle Name  
NO ..... Number  
NRC ..... Nuclear Regulatory Commission  
NRC-A ..... Nuclear Regulatory Commission - Applicant  
NRC-E ..... Nuclear Regulatory Commission - Employee  
NRC-OPM ..... Nuclear Regulatory Commission - Office of Personnel Management  
NSA ..... National Security Agency  
NSF ..... National Science Foundation  
NSN ..... Naval Serial Number  
NSP ..... National Stolen Property  
NVMRA ..... Northern Virginia Metropolitan Resident Agency  
  
OCAF ..... Open Case Ammunition File  
OCI ..... Obstruction of Criminal Investigations  
OCO ..... Obstruction of Court Orders  
OHAHT ..... Overseas Homicide/Attempted Homicide - International Terrorism  
OMB ..... Office of Management and Budget  
OO ..... Office of Origin  
OOJ ..... Obstruction of Justice  
OPM ..... Office of Personnel Management  
OPRM ..... Office of Professional Responsibility Matter  
OSD ..... Office of Secretary of Defense

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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PA ..... Public Accommodations  
PAREN ..... Parenthesis  
PBV ..... Probation Violator  
PC ..... Peace Corps  
PCDTF ..... Public Corruption Data Transmittal Form  
PD ..... Police Department  
PE ..... Public Education  
PERJ ..... Perjury  
PF ..... Public Facilities  
PFO ..... Protection of Foreign Officials  
PHS ..... Public Health Service  
PIDWD ..... Mailing Private Identification Documents Without a  
Disclaimer  
PIOB..... President's Intelligence Oversight Board Matters  
PMN ..... Public Motor Number  
POB ..... Place of Birth  
PPSAKA ..... Presidential and Presidential Staff Assassination,  
Kidnapping and Assault  
PSN ..... Public Serial Number  
PV ..... Parole Violator  
PVIN ..... Public Vehicle Identification Number  
  
RA ..... Registration Act  
RCA ..... Red Cross Act  
RCMP ..... Royal Canadian Mounted Police  
REAIRTEL..... Reference is made to Airtel  
REBUAIRTEL..... Reference is made to Bureau Airtel  
RE E-MAIL ..... Reference is made to Electronic Mail  
REBU E-MAIL .... Reference is made to Bureau Electronic Mail  
REBUCAL ..... Reference is made to Bureau Call  
REBUEC ..... Reference is made to Bureau Electronic  
Communication  
REBUFAX ..... Reference is made to Bureau Facsimile  
REBULET..... Reference is made to Bureau Letter  
REBURS ..... Reference is made to Bureau Routing Slip  
REBUTEL ..... Reference is made to Bureau Teletype or Telegram  
RECAL ..... Reference is made to Call  
REEC ..... Reference is made to Electronic Communication  
REFAX ..... Reference is made to Facsimile  
REI ..... Racketeering Enterprise Investigation  
RELET..... Reference is made to Letter  
REMEMO..... Reference is made to Memorandum  
REMEMOS..... Reference is made to Memoranda  
REMYMEMO..... Reference is made to My Memorandum  
REMYMEMOS..... Reference is made to My Memoranda  
REREP ..... Reference is made to Report  
RERS ..... Reference is made to Routing Slip  
RETEL ..... Reference is made to Teletype or Telegram  
REUR E-MAIL .... Reference is made to your Electronic Mail  
REURAIRTEL..... Reference is made to your Airtel  
REURCAL ..... Reference is made to your Call  
REUREC ..... Reference is made to your Electronic Communication  
REUREP ..... Reference is made to your Report  
REURFAX ..... Reference is made to your Facsimile  
REURLET..... Reference is made to your Letter

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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REURMEMO..... Reference is made to your Memorandum  
REURMEMOS..... Reference is made to your Memoranda  
REURS ..... Reference is made to your Routing Slip  
REURTEL ..... Reference is made to your Teletype or Telegram  
RICO ..... Racketeer Influenced and Corrupt Organizations  
RUC ..... Referred Upon Completion to Office of Origin

SA ..... Special Agent  
SAA ..... Special Agent Accountant  
SAB ..... Sabotage  
SAC ..... Special Agent in Charge  
SB ..... Sports Bribery  
SBA ..... Small Business Administration  
SC ..... Special Clerk  
SCIP ..... Security Clearance Investigations Program  
SCM ..... Security Countermeasures  
SE ..... Special Employee  
SED ..... Sedition  
SFCAA ..... State Firearms Control Assistance Act  
SGE ..... Security of Government Employees  
SI ..... Security Informant  
SKA ..... Switchblade Knife Act  
SLA ..... Savings and Loan Association  
SN ..... Serial Number  
SO ..... Sheriff's Office  
SOM ..... Security Officer Matters  
SPEN ..... State Penitentiary  
SPM ..... Subpoena Matter  
SPM ..... Security Programs Manager  
SPOL ..... State Police  
SPR ..... State Prison  
SSA ..... Selective Service Act  
SSADM ..... Social Security Administration  
SSAN ..... Social Security Account Number  
SSCO ..... Selective Service Conscientious Objector  
SSN ..... Selective Service Number  
SUAIRTEL..... Submit Airtel  
SUCOP ..... Submit Copy  
SULET..... Submit Letter  
SUREP ..... Submit Report  
SUTEL ..... Submit Teletype Summary

T/A ..... Trading As  
TCA ..... Trademark Counterfeiting Act  
TCP ..... Tampering with Consumer Products  
TECIP ..... Top Echelon Criminal Informant Program  
TENFUG ..... Ten Most Wanted Fugitives  
TESUR ..... Technical Surveillance  
TFIS ..... Theft From Interstate Shipment  
TGP ..... Theft of Government Property  
TR ..... Treason and Related Statutes  
TRAC ..... Terrorist Research and Analytical Center  
TWEA ..... Trading with the Enemy Act

UACB ..... Unless Advised to the Contrary by Bureau  
UCR ..... Uniform Crime Reporting

**SENSITIVE**

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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UFAC ..... Unlawful Flight to Avoid Custody or Confinement  
UFAP ..... Unlawful Flight to Avoid Prosecution  
UFAT ..... Unlawful Flight to Avoid Testimony  
UISC ..... Unreported Interstate Shipment of Cigarettes  
UMTD ..... Use of Mails to Defraud  
UNSUBS ..... Unknown Subjects  
UPRF ..... Unlawful Possession or Receipt of Firearms  
USA ..... United States Attorney  
USAF ..... United States Air Force  
USAIRR ..... United States Army Investigative Records Repository  
USCAPLI ..... United States Courts Applicant  
USCG ..... United States Coast Guard  
USDC ..... United States District Court  
USDJ ..... United States District Judge  
USM ..... United States Marshal  
USMAGIS ..... United States Magistrate  
USMC ..... United States Marine Corps  
USPS ..... United States Postal Service  
USSS ..... United States Secret Service

VA ..... Veterans Affairs, Department of  
VAM ..... Veterans Affairs Matters  
VICAP ..... Violent Criminal Apprehension Program  
VIKEX ..... Victim Extortion  
VIKID ..... Victim Kidnapping  
VIN ..... Vehicle Identification Number  
VRA-65 ..... Voting Rights Act, 1965

WF ..... Wanted Flyer  
WH ..... White House  
WHO ..... World Health Organization  
WSTA ..... White Slave Traffic Act

\*\*EffDte: 03/12/2004 MCRT#: 1323 Div: D1D3D5D6RM Cav:                      SecCls:

**| 10-24.2 Abbreviations to be Used in Espionage and Foreign Counterintelligence Cases|(See MAOP, Part II, 10-17.7; Correspondence Guide-Field, 1-6.3, 2-10.3.5(8)(c); Correspondence Guide-FBIHQ, 1-2.3.)|**

Abbreviations of countries to be used with the characters of espionage and foreign counterintelligence cases:

COUNTRY	ABBREVIATION
<div></div>	

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**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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\*\*EffDte: 09/13/1993 MCRT#: 102 Div: D5CT Cav: SecCls:

**| 10-24.3 Abbreviations of Authorized Field Office Locations (See Correspondence Guide-Field, 1-6.4|and Correspondence Guide-FBIHQ, 1-2.4)|**

Abbreviations of field office locations:

CITY	ABBREVIATION	CITY	ABBREVIATION
Albany	AL	Memphis	ME
Albuquerque	AQ	Miami	MM
Anchorage	AN	Milwaukee	MW
Atlanta	AT	Minneapolis	MP
Baltimore	BA	Mobile	MO
Birmingham	BH	Newark	NK
Boston	BS	New Haven	NH
Buffalo	BF	New Orleans	NO
Charlotte	CE	New York	NY
Chicago	CG	Norfolk	NF
Cincinnati	CI	Oklahoma City	OC
Cleveland	CV	Omaha	OM
Columbia	CO	Philadelphia	PH
Dallas	DL	Phoenix	PX
Denver	DN	Pittsburgh	PG

**SENSITIVE**

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**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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Detroit	DE	Portland	PD
El Paso	EP	Richmond	RH
Honolulu	HN	Sacramento	SC
Houston	HO	Saint Louis	SL
Indianapolis	IP	Salt Lake City	SU
Jackson	JN	San Antonio	SA
Jacksonville	JK	San Diego	SD
Kansas City	KC	San Francisco	SF
Knoxville	KX	San Juan	SJ
Las Vegas	LV	Seattle	SE
Little Rock	LR	Springfield	SI
Los Angeles	LA	Tampa	TP
Louisville	LS	Washington	WFO
		Field Office	

METROPOLITAN RESIDENT AGENCIES:

| Brooklyn-Queens      BQ  
|  
| |METROPOLITAN OFFICES:

| Maryland Metropolitan  
|    Office at  
|    Calverton            MMOC|

\*\*EffDte: 03/14/1997 MCRT#: 639    Div: RM                    Cav:                    SecCls:

**10-24.4    Abbreviations of Foreign Office Locations (See Correspondence Guide-Field, 1-6.5.)**

Abbreviations of foreign office locations - to be used for identifying second and subsequent pages:

FOREIGN OFFICE	ABBREVIATION
Almaty	AY
Ankara	AA
Athens	AH

**SENSITIVE**



**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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	Bangkok	BK
	Berlin	BN
	Bern	BR
	Bogota	BG
	Brasilia	BI
	Bridgetown	BB
	Brussels	BL
	Buenos Aires	BE
	Cairo	CZ
	Canberra	CN
	Caracas	CR
	Copenhagen	CH
	Hong Kong	HK
	Islamabad	IS
	Kiev	KV
	Lagos	LG
	London	LO
	Madrid	MD
	Manila	MH
	Mexico City	MX
	Montevideo	MN
	Moscow	MC
	Ottawa	OT
	Panama City	PC
	Paris	PA
	Pretoria	PT
	Riyadh	RY
	Rome	RO

**SENSITIVE**

	Santiago	SN
	Seoul	SO
	Singapore	SG
	Taipei	TA
	Tallinn	TL
	Tel Aviv	TE
	Tokyo	TO
	Vienna	VN
	Warsaw	WR
	LIAISON OFFICE	
	Honolulu	HN
	Miami	MM
	San Juan	SJ

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: OI Cav: SecCls:

## 10-24.5 Abbreviations of States

Two-letter abbreviations of state and territory names are authorized for use with ZIP Codes only - all caps; no periods or inner spaces are necessary.

	STATE	ABBREVIATION
	Alabama	AL
	Alaska	AK
	American Samoa	AS
	Arizona	AZ
	Arkansas	AR
	California	CA
	Colorado	CO
	Connecticut	CT
	Delaware	DE
	District of Columbia	DC
	Florida	FL
	Georgia	GA
	Guam	GU
	Hawaii	HI
	Idaho	ID

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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Illinois	IL
Indiana	IN
Iowa	IA
Kansas	KS
Kentucky	KY
Louisiana	LA
Maine	ME
Maryland	MD
Massachusetts	MA
Michigan	MI
Minnesota	MN
Mississippi	MS
Missouri	MO
Montana	MT
Nebraska	NE
Nevada	NV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM
New York	NY
North Carolina	NC
North Dakota	ND
Ohio	OH
Oklahoma	OK
Oregon	OR
Pennsylvania	PA
Puerto Rico	PR
Rhode Island	RI
South Carolina	SC
South Dakota	SD
Tennessee	TN
Texas	TX
Trust Territories	TT
Utah	UT
Vermont	VT
Virgin Islands	VI
Virginia	VA
Washington	WA
West Virginia	WV
Wisconsin	WI
Wyoming	WY

\*\*EffDte: 02/14/2000 MCRT#: 952 Div: PA Cav: SecCls:

## **10-25 FBI FORMS**

\*\*EffDte: 10/19/1990 MCRT#: 0 Div: RM Cav: SecCls:

### **10-25.1 Definition of Forms (See Legal Attache Manual, 2-16 & 2-16.1.)**

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Basically, forms are pieces of paper with constant data and allotted blank space for fill-in information, numbered or unnumbered, temporary or permanent, prepared within or outside the reproducing facilities of an organization. Forms may also be automated for printing on FBI personal computer equipment. ALL FBI FORMS, WHETHER THEY ARE AUTOMATED OR NOT, MUST BE APPROVED BY FBIHQ. Forms being submitted for approval of adoption, revision, consolidation, deletion or automation usage must be forwarded by electronic communication to the|Records Management|Division, marked "Attention: Forms Desk." This communication must show complete justification for any proposed FBI form. The justification must include the following pertinent information:

- (1) What is the purpose of the form?
- (2) Where is the form to be used?
- (3) When is the form used? (daily, weekly, monthly, quarterly, etc.)
- (4) Why is the form necessary? (production, permanent record)
- (5) How is the form used and by whom? (manually, operationally)
- (6) Frequency of use (daily, monthly, etc.)
- (7) Type(s) of paper and color on which form is printed.
- (8) Should the form be prepunched for filing. Where?

Forms proposed for automation will be researched for frequency of use by the Forms Desk.

\*\*EffDte: 08/15/2002 MCRT#: 1074 Div: RM Cav: SecCls:

## **10-25.2 FD- (Field) Forms - Supply Items**

Approval communication for FD- (Field) forms must include the following statement if forms are to be made Bureau Stock Items:  
| "These|forms|should|be made Bureau Stock Items for the purpose of distribution to all appropriate Bureau personnel."

\*\*EffDte: 10/17/1997 MCRT#: 717 Div: RM Cav: SecCls:

## **10-25.3 FBI Form Book (See Legal Attache Manual, 2-16 & 2-16.1.)**

- (1) All FBI authorized forms are maintained in form

books, supervised in the field by Administrative Officers/Office Services Managers and at FBIHQ by a designated employee in each division.

(2) Upon receipt of FBIHQ approval for the use of a form in an individual field office, a copy of the numbered form should be placed in the section of the FBI Form Book designated for same, and two numbered copies of the form forwarded to FBIHQ by electronic communication for the attention of Forms Desk, Records Management Division. Form numbers consist of the teletype abbreviation of the office followed by consecutive numbers (assigned by the Forms Desk) and the date of the FBIHQ approval communication.

(3) Field offices are authorized to reproduce only those forms approved for use in each respective office.

(4) The Table of Contents and Index for the field form book is revised by the Forms Desk and can be located on the Forms Desk's web site on the FBI Intranet at <http://30.100.99.1>, by clicking on "WEBS" and on "Forms Desk." Supplies of forms on hand by a field office are to be kept to a minimum and should not exceed the number anticipated for use over a three-month period.

\*\*EffDte: 08/15/2002 MCRT#: 1074 Div: RM Cav: SecCls:

## **10-25.4 Annual Forms Survey**

(1) Each field office, LEGAT office, and FBIHQ division is required to conduct a detailed review of forms approved for its use. In addition to this annual review of individual office forms, four field offices are selected and advised by FBIHQ to review approved FD- (Field) forms. This does not preclude submission of FD-forms proposals by remaining offices.

(2) An administrative tickler should be maintained by all field offices and FBIHQ divisions to ensure that results of the review (sent by electronic communication) reach the Forms Desk, Records Management Division, by February 15.

(3) Certain considerations should be given during an annual review:

- (a) Deletion of forms serving no useful purpose;
- (b) Consolidation of forms having similar functions;
- (c) Revision of forms to improve and streamline operational procedures.

(4) Forms proposed for adoption, revision, consolidation, or deletion, as a result of this annual review, must be submitted to Forms Desk, Records Management Division, for approval. Include all

proposals and justification in one communication.

\*\*EffDte: 08/15/2002 MCRT#: 1074 Div: RM Cav: SecCls:

## **10-25.5 Reminders**

(1) Employee responsible for the form book should ensure current samples of forms are on file; current forms must be used in proposing revisions of forms. Obsolete forms should be removed from the form book and destroyed.

(2) Forms proposals for the exclusive use of individual field offices must be submitted by electronic communication to the Forms Desk, |Records Management|Division|(RMD).| FORM NUMBERS are assigned by Forms Desk, |RMD. |

(3) Upon distribution of a new revision of a form to field offices, PENDING REQUESTS previously received at FBIHQ WILL BE CANCELED.

(4) FD- (Field) forms are not to be reproduced on PHOTOCOPYING EQUIPMENT except in extreme emergency.

(5) The FBI Form Book should be up to date with copies of current revisions even though existing supplies of previous revisions may be depleted. This is particularly important in instances in which proposed revisions of forms are submitted by a suggestion.

(6) Public-Use Forms: Forms that are to be used by the public (outside of the FBI) MUST be approved by the Forms Desk. Further outside approval may be necessary.

(7) Font Style: TIMES ROMAN is the font style designated for use in forms (DOJ Graphics Standards Manual).

(8) Customization: Names, addresses, and telephone numbers should be omitted from forms in order to allow for greater distribution and longer use. The addition of specifications such as official Bureau names creates confusion in the Bureau's supply program and results in greater expenditure due to the constant form revisions caused by personnel transfers and reorganizations.

(a) Customization of stationery is prohibited. As set out in the DOJ's Graphics Standards Manual, "The primary consideration in the design of stationery is ORGANIZATION identification.... The printing of names of officers or officials of the executive or judicial branches of the government on official stationery and preprinted mastheads may be accomplished ONLY after approval by the Joint Committee on Printing."

(b) Customization of forms is prohibited. For example, if there has been an FD form (one devised for use by all

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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divisions) created for a specific purpose (such as the facsimile form, FD-448), proposed new forms used for the SAME purpose will NOT be approved and should NOT be used.

(9) Unapproved and Obsolete Forms: Use of unapproved and obsolete forms is prohibited. This INCLUDES the creation and use of forms designed by computer software.

(10) Forms Supply Requests: Division supply technicians should be requested to place orders for ALL forms. FD and O forms (i.e., Form FD-448, O-4) should be ordered via supply requisition (FD-218). FBIHQ division forms (i.e., 3-790) should be ordered via printing requisition (Form O-11) and should be sent to the Forms Desk. There are several Standard Forms (SF)--NOT considered FBI forms--listed in the Bureau supply catalog (can be ordered via FD-218); however, most Standard Forms must be ordered through the General Services Administration via Requisition for Supplies and/or Equipment, FD-369. DOJ forms must also be ordered via FD-369. The Forms Desk can obtain FD and O forms for requesters if URGENTLY needed; however, the Forms Desk does not retain a supply of all forms and maintains control of ONLY FBI forms (FD forms, O forms, and forms unique to FBIHQ, field offices and Legats).

\*\*EffDte: 08/15/2002 MCRT#: 1074 Div: RM                      Cav:                      SecCls:

\*\*\*\*\* END OF REPORT \*\*\*\*\*

**SENSITIVE**

## **SECTION 11. MISCELLANEOUS REGULATIONS**

\*\*EffDte: 02/28/1978 MCRT#: 0      Div: D3D9D0RM      Cav:      SecCls:  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-26-2007 BY 60324 AUC BAW/CPB/STP

### **11-1 FIELD OFFICE LAW ENFORCEMENT CORRESPONDENCE**

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: RM      Cav:      SecCls:

#### **11-1.1 Deleted**

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: PA      Cav:      SecCls:

##### **11-1.1.1 Deleted**

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: PA      Cav:      SecCls:

##### **11-1.1.2 Deleted**

\*\*EffDte: 12/12/1991 MCRT#: 0      Div: PA      Cav:      SecCls:

### **11-1.2 Recommendation for Letter from Director (See MAOP, Part 1, 5-17.)**

(1) When letters of congratulations, appreciation, or condolence from the Director to individuals other than FBI employees are recommended by the field, such recommendations should be submitted promptly on Form FD-468, not on Form FD-255 (Recommendation for an Incentive Award). Requests should include the following:

(a) Full identifying data, titles, etc., and address of person(s) to be written;

(b) Specific data on which recommendation is based;

(c) Results of field office indices check.

(2) Unless specified, letters are mailed directly from Headquarters to the addressee and no informational copies are made except for requesting office. If the addressee is a superior, other letterhead copies will be provided for each subordinate being commended. Any special circumstances such as the following should be



| noted:

- (a) Copy to be sent to addressee's superior;
  - (b) Letter to be sent back to the field office for presentation;
  - (c) Any deadline should be noted and highlighted.
- (3) If requests involve letters to individuals who reside within another field office's territory, approval should be sought from that office and included in the remarks on the FD-468. For example, when an election of officers of a police association occurs at a convention held in a field office territory, recommendations for congratulatory letters should be submitted by that office. Approval should be sought from the field office where the officer resides and this information should be included in the FD-468.

| (4) FORM FD-468, NOT|ELECTRONIC COMMUNICATIONS,|SHOULD BE USED AS THIS FORM CLARIFIES REQUEST AND EXPEDITES PROCESSING.

(5) REQUESTS SHOULD NOT BE COMBINED WITH FORM FD-255 (Recommendation for Incentive Award).

\*\*EffDte: 06/20/2000 MCRT#: 997 Div: PA Cav: SecCls:

## **11-2 MAILING LISTS OF FIELD OFFICES**

The mailing lists of field offices are compiled at FBIHQ on the basis of information submitted by the various field offices. The SAC will be held responsible for making timely notification to FBIHQ regarding required changes. When a revised mailing list is received from FBIHQ, it is the responsibility of each SAC to ensure that prompt and appropriate changes are made in the office's mailing procedures. Current changes are indicated by an asterisk.

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: D3 Cav: SecCls:

### **| 11-2.1 |Deleted|**

\*\*EffDte: 06/06/1996 MCRT#: 566 Div: D3 Cav: SecCls:

### **| 11-3 |DELETED|**

\*\*EffDte: 06/08/1995 MCRT#: 396 Div: PA Cav: SecCls:

## **11-4     COPYRIGHT**

(1) Copyright laws invest the copyright holder with the exclusive right to control the reproduction and derivative use of the copyrighted material. This protection is extended to "original works of authorship fixed in any tangible medium." Therefore, copyrighted materials are not to be reproduced for internal use or public distribution without the permission of the copyright owner unless such reproduction is allowed by a statutory exception to this general requirement.

(2) The doctrine of "fair use" is a statutory exception most likely applicable to reproduction for noncommercial purposes. Fair use generally permits the reproduction of a portion of copyrighted material without the copyright owner's permission for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. In determining whether the use is fair, factors to be considered are: the purpose of the copying, whether for commercial or nonprofit educational purposes; the portion copied in relation to the whole work; the type of work copied, i.e., books, photographs or charts; the potential diminution of the market or value of the copyrighted work.

(3) Permissible ranges of copying have not been specifically provided for by statutory construction. However, under a rule of reasonableness, a single copying of a chapter of a book; an article from a periodical or newspaper; a chart, drawing, photograph from a book, periodical or newspaper would come within the fair use exception. Copying should be limited to exact need and should not substitute for the purchase of reprints or books from the publisher. Whenever copyrighted material is reproduced, the notice of copyright should be included on the first page of the copied material. The notice of copyright is generally found at the beginning of the book or magazine, and states who holds the copyright and the date of the copyright.

Any specific problems regarding copyright matters should be referred  
| to Administrative Law Unit, | Office of the General Counsel, | FBIHQ.

\*\*EffDte: 09/09/1994 MCRT#: 281    Div: D9                    Cav:                    SecCls:

## **| 11-5     FBIHQ INFORMATION MANAGEMENT POLICY**

\*\*EffDte: 12/12/1991 MCRT#: 0        Div: RM                    Cav:                    SecCls:

### **| 11-5.1     FBIHQ Filing of Documents for Official Records**

|                    (1) Federal regulations governing document filing:

|                   To assist FBIHQ officials and supervisors in  
| determining if documents should become part of our official records,  
| the following laws, regulations, policies, and guidelines should be  
| adhered to:

|                   (a) Title 44, United States Code (USC), Section  
| 3101, requires that the head of each Federal agency shall make and  
| preserve records containing adequate and proper documentation of the  
| organization, functions, policies, decisions, procedures, and  
| essential transactions of the agency and designed to furnish the  
| information necessary to protect the legal and financial rights of the  
| Government and of persons directly affected by the agency's  
| activities.

|                   (b) Title 44, USC, Section 3102, requires that the  
| head of each Federal agency shall establish and maintain an active,  
| continuing program for the economical and efficient management of the  
| records of the agency. The program, among other things, shall provide  
| for:

|                   1. Effective controls over the creation, and  
| over the maintenance and use of records in the conduct of current  
| business;

|                   2. In cooperation with the Administrator of  
| General Services and the Archivist in applying standards, procedures,  
| and techniques designed to improve the management of records, promote  
| the maintenance and security of records deemed appropriate for  
| preservation, and facilitate the segregation and disposal of records  
| of temporary value.

|                   (c) Title 36, Code of Federal Regulations - To  
| ensure that complete and accurate records are made and retained in the  
| FBI, it is essential that we distinguish between records and nonrecord  
| materials by the appropriate application of the above laws.

|                   (2) Documentary materials are records when they meet both  
| the following conditions:

|                   (a) They are made or received by the FBI under  
| Federal law or in connection with the transaction of FBI business; and

|                   (b) They are preserved or are appropriate for  
| preservation as evidence of the FBI organization and activities or  
| because of the value of the information they contain. (If a document  
| is filed for informational purposes only, it should have long-term  
| use. If not, it should only be maintained by the interested party and  
| destroyed when no longer needed.)

|                   (3) The following categories of documents are  
| informational in character and should not be routinely filed as  
| official records:

|                   (a) Teletypes from other Government agencies which  
| provide general intelligence information but do not directly support

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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| specific investigations, counterintelligence activities, or  
| investigative program management.

| (b) VISA teletypes re visitors or immigrants which  
| are not relevant to our investigative or counterintelligence  
| responsibilities.

| (c) Transmittal Form documents which are of no value  
| for recordkeeping purposes.

| (d) Statistical gathering documents (once data is  
| loaded into our computer system or captured in other ways, there is no  
| need to keep the document).

| (e) "For Information Memo" which doesn't meet the  
| criteria of an official record.

| (f) Training and Conference Documents (There should  
| be one document which describes the training or conference maintained  
| as an official record, but not every teletype to and from field  
| offices confirming attendance and containing other administrative  
| information should be filed.)

| (g) Negative Request for Agency Check (FD-356)  
| Negative FBIHQ Record Checks (FD-493)  
| Negative CIA Record Checks (FD-786, 0-66)

| (The field office that requested these checks will have the results.)

\*\*EffDte: 12/12/1991 MCRT#: 0 Div: RM Cav: SecCls:

## **11-5.2 Bureau Manuals - Making and Transmitting Manual Changes**

(1) Manual policy changes are to be accomplished and  
transmitted to the field in one of the following ways:

(a) By routine manual changes with no advance  
notification to manual users. (See (3) below.)

(b) By memorandum to all Special Agents in Charge  
(SAC) followed by manual change. The manual changes should be  
prepared at the same time as the SAC Memorandum.

(c) Deleted

(d) Policy changes which must be transmitted  
immediately to manual users may be sent by all-office electronic  
communications (EC), and policy changes containing highly  
sensitive information may be transmitted by classified all-office EC.  
| FBIHQ, |Manuals Desk, MUST appear in the|attention line|of all-office  
ECs. These are the ONLY approved exceptions to the issuance of policy  
changes by SAC Memoranda.

**SENSITIVE**

(2) Policy changes transmitted by all-office EC are to be followed by a manual change EC directed to the Manuals Desk, | Records Management Division (RMD), | within 10 workdays.

(3) Prior to the submission of a manual change EC and an SAC Memorandum (or all-office EC--see (1)(d)) providing advance notification to FBI personnel, contact should be made with the Manuals Desk for assistance. See Section 14 of the "Correspondence Guide - FBIHQ" for the proper format for making manual changes. Rough drafts of the manual change EC and SAC Memorandum MUST be submitted to the Manuals Desk prior to submitting them to appropriate officials for approval. Ensure a lead is included in the EC AND properly set for the | RMD | so that Manuals Desk has an automated notification of the request. Additionally, the original and any file copies of the manual change EC and the original and file copies of the SAC Memorandum MUST be sent to the Manuals Desk for handling. The manual change EC may be uploaded by the originating division; however, the SAC Memorandum | must | be uploaded ONLY by the Manuals Desk.

(4) Deleted

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Cav:

SecCls:

## **| 11-6 SURVEYS DIRECTED FROM FBIHQ TO FBI FIELD OFFICES**

(1) DEFINITION: A survey is defined as any FBIHQ request | for information directed to field and/or Legal Attache offices that | requires, either on a one-time or recurring basis, the collection of | facts, figures, or other data that, when aggregated, are essential in | determining the status, value, performance and/or condition of a | program, process, policy, system, or other organizational function.

(2) The information provided by surveys may serve any | operational, administrative, legal, or quality feedback requirement | required by FBIHQ, including information requirements originating from | outside the FBI.

(3) The 1983 policy, as provided below, will continue to | apply:

(a) A control file will be maintained in each FBIHQ | division (separate offices included) to act as a repository for copies | of all surveys to the field which originate from that division/office;

(b) Each FBIHQ division/office will designate a | manager to oversee this control file and to coordinate, plan, and | review all division/office surveys prior to their being forwarded for | approval; and

(c) Any standing and periodic surveys approved as to | form and frequency may thereafter be disseminated without resubmission

| for approval.

|           (4) JUSTIFICATION REQUIREMENTS FOR SURVEYS: In order to  
| ensure that only essential surveys are sent to field offices, all  
| divisions/offices will, when requesting authority to survey the field,  
| provide justification for such requests in accordance with the  
| following guidelines:

|           (a) Provide a statement that characterizes the value  
| of the survey, how the information will be used, and the  
| organizational objectives to be attained.

|           (b) Certify that the information requested is  
| unavailable from existing FBIHQ information systems or records and  
| that the data collection requirements are worth the time that will be  
| redirected from investigations.

|           (c) Certify that only the minimum level of  
| information is being requested to satisfy FBIHQ needs and only from  
| the appropriate field offices.

|           (d) Ensure that the survey or request is as concise  
| as possible and provides for ease of use and completion. To  
| accomplish this, the sponsoring component will assure the following:

|                   1. Instructions and questions are clearly  
| worded, with consistent formats;

|                   2. Uses the most efficient distribution/  
| collection/processing media (e.g., computer networks);

|                   3. Uses standard time frames (e.g., end of  
| fiscal year) when possible;

|                   4. Provides a reasonable deadline;

|                   5. Provides a contact person/telephone number  
| for questions from the field offices; and

|                   6. Provides information feedback to the  
| participating field offices, when appropriate.

|           (e) When the survey is approved, the Inspection  
| Division's Organizational Program Evaluation and Analysis (OPEA) Unit  
| will be included on the copy count of the document that transmits the  
| survey to the field.

|           (5) OPEA ASSISTANCE:

|           (a) OPEA will provide prompt assistance, when  
| requested, in the development of surveys and/or requests for  
| information.

|           (b) OPEA will maintain an index of approved surveys,  
| including the topic(s), originating division/office, a general  
| statement of the nature and extent of the targeted respondents, and

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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| date of the survey. This index will be available to all FBIHQ  
| divisions and offices to aid in their search for preexisting data and  
| to provide samples of survey questions.

| (6) FINAL APPROVAL: Each survey that meets the terms of  
| the above definition will be forwarded to the Deputy Director for  
| final approval. The cover communication that transmits the survey  
| will contain a specific statement that the survey has been approved by  
| the Deputy Director.

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## **| 11-7 ADMINISTRATIVE USE OF INTERNET/INTERNET ELECTRONIC MAIL (E-MAIL) POLICY AND GUIDELINES**

| (1) The Internet is an interconnection of computer networks  
| that enables connected machines to communicate directly with one  
| another. It connects universities, research labs, and commercial,  
| military and government sites around the world. Users of the Internet  
| can exchange E-mail as well as send files to one another.

| (2) There has been a surge of interest among FBI employees  
| over the past few years to enhance their information and communication  
| resources by utilizing the Internet. As the FBI utilizes new forms of  
| technology such as the Internet, there is a crucial need for policy  
| and guidelines. Set forth are the administrative FBI policy and  
| guidelines for Internet E-mail, utilizing the Internet as a research  
| tool, and guidelines for providing public information via the  
| Internet.

| (3) The following topics are addressed in 11-7.1 through  
| 11-7.8:

| (a) GENERAL INFORMATION defines the FBI's  
| administrative purpose for using the Internet and user responsibility  
| when accessing the Internet.

| (b) INTERNET CONDUCT describes acceptable behavior  
| and user expectation when accessing the Internet.

| (c) PRESERVATION OF RECORDS defines a federal  
| record, FBI policy for processing and preserving Internet E-mail  
| messages, and guidelines for creating E-mail messages.

| (d) INTERNET E-MAIL ACCOUNTS defines an FBI E-mail  
| account and provides procedures for obtaining an account.

| (e) SECURITY explains multiuser usage, passwords,  
| downloading files to FBI systems and system requirements needed to  
| access the Internet.

| (f) PUBLIC INFORMATION explains what type of

**SENSITIVE**

| information the FBI can publish on the Internet and Home Pages.

| (g) POINTS OF CONTACT (POC) contains the POC for  
| various Internet matters.

| (h) GLOSSARY defines terms used in this document  
| which are essential in understanding the administrative Internet  
| policy.

\*\*EffDte: 11/17/1998 MCRT#: 845 Div: D4 Cav: SecCls:

## **| 11-7.1 General Information**

| (1) The FBI will use the Internet to solicit and accept  
| Internet E-mail, as a research tool for authorized purposes (See Title  
| 5, C.F.R., Section 2635.704(b)(2) and Title 41 C.F.R. Section 128-  
| 1.5006-4), and to provide public information on the World Wide Web  
| (WWW) (example: press releases, major case information, pamphlets,  
| congressional testimonies, job opportunities, Freedom of Information  
| and Privacy Act issues and the like).

| (2) Internet policies and guidelines are applicable to all  
| FBI employees, federal or state government personnel, contractors, or  
| anyone who is granted access to FBI systems.

| (3) Users of FBI systems are individually responsible for  
| understanding and respecting Internet policies and guidelines.

| (4) The Security Officer is to ensure compliance with FBIHQ  
| security policy for FBI microcomputer systems as contained in the  
| MIOG, Part II, 35-9. The points contained in the All SACs Memorandum  
| 20-90, dated July 23, 1990, entitled "Security Awareness Training for  
| All FBI Employees," must be brought to the attention of all employees  
| semiannually. Administrative Internet Policy will be included in this  
| briefing (see MIOG, Part I, 261-2).

\*\*EffDte: 11/17/1998 MCRT#: 845 Div: D4 Cav: SecCls:

## **11-7.2 Internet Conduct**

(1) Neither the Internet nor the FBI's Internet resources  
afford individual users any expectation of privacy or confidentiality.  
Users should understand that the Internet is not a secure medium and  
all Internet activities and communications are subject to  
interception/exploitation by unauthorized persons.

(2) The following policy defines the required conduct and  
expectations of anyone who is granted access to the Internet on FBI  
systems:



**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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(a) Internet activities involving FBI resources are subject to monitoring (including retrieval and retention) and will be monitored by authorized FBI security, systems, and management personnel (and their authorized Agents). Any use of, or access to FBI resources constitutes consent of such monitoring. (This in no way means that users are free to divulge any information transmitted or received via the Internet. The FBI's requirement that employees must keep all information acquired in their official capacities strictly confidential, applies to Internet communications also, and employees are prohibited from disclosing FBI information to any person or agency not authorized to receive it.) FBI employees are reminded that they should always be mindful of the high standards of behavior expected of them at all times in their personal and official activities (see MAOP, Part 1, Section 1).

(b) Information derived from such FBI monitoring and any violation of subsections (c) through (f), below, involving the use of Bureau mainframe or laptop computers, may serve as a basis for administrative, disciplinary, or legal proceedings if evidence illustrates that an employee is involved in illegal or improper activities which violate federal or state laws, regulations, or FBI policies.

(c) Use of the Internet is a privilege, not a right, which may be revoked at any time for inappropriate conduct. The following are examples which will cause the user's access to be revoked: use of the Internet for unlawful or malicious activities; abusive or objectionable language in either public or private messages; browsing sexually explicit sites and chat rooms, or transmitting or forwarding sexually explicit material through Internet or FBI e-mail systems; misrepresentation of oneself or the FBI; sending chain letters; other activities that could cause congestion and disruption of networks and systems.

(d) Users will not knowingly engage or participate in any activity that causes harm to the FBI (i.e., creating or procreating viruses, loading, downloading unofficial software or shareware, unauthorized access to other systems, or any other unlawful or improper act).

(e) Users will not discuss or transmit sensitive or classified information on the Internet or within Internet E-mail messages.

(f) Users will not create or transmit materials that violate federal or state regulations; or promote discrimination on the basis of race, creed, color, gender, religion, disability, or sexual orientation.

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Cav:

SecCls:

**SENSITIVE**

### **| 11-7.3    Preservation of Records/Processing Mail**

|            (1)    The FBI is required by law to preserve federal records  
| according to Federal Records Act (FRA) 44 United States Code, Chapters  
| 31 and 33. Federal regulations from the National Archives and Records  
| Administration (NARA), in concert with FBI policy, govern the life  
| cycle of these records which includes storage, preservation,  
| retrieval, and disposition schedules.

|            (2)    E-mail messages, attachments and essential transmission  
| data are federal records when they meet the criteria defined in the  
| following Federal Records Act.

| WHAT CONSTITUTES A RECORD: Federal records include all books,  
| papers, maps, photographs, machine readable material, or other  
| documentary materials, regardless of physical form or characteristic,  
| made or received by an agency of the United States government under  
| federal law or in connection with the transaction of public business  
| and preserved or appropriate for preservation by that agency or its  
| legitimate successor as evidence of the organization, functions,  
| policies, decisions, procedures, operations or other activities of  
| the government or because of the informational value of data in them.

| WHAT CONSTITUTES A NONRECORD: A nonfederal record is information  
| that is not categorized as a federal record and does not require  
| retention beyond its useful life as determined by the originator  
| and/or recipient. Nonrecord information may be purged or destroyed  
| when the information has served the purpose for which it was intended.  
| The following examples, while not all inclusive, illustrate types of  
| nonrecord information: (1) Informal notes and cover notes that are  
| merely informative in nature. (2) Working papers and drafts which have  
| not been approved and are subject to review. (3) Informative notes,  
| communications or documents which an approving official decides should  
| not go to file. (4) Information that is preserved for reference only.  
| (5) Library and museum material made or acquired and preserved solely  
| for reference or exhibition purposes, extra copies of documents  
| preserved only for convenience of reference, and stocks of  
| publications and of processed documents are included as nonrecords  
| (Title 44, United States Code, Section 3301).

|            (3)    The following policy and guidelines will be used when  
| processing incoming and outgoing Internet E-mail:

|            (a)    Internet E-mail, attachments and essential  
| transmission data will be processed like incoming mail from the United  
| States Postal Service (USPS). Once an Internet message is received,  
| it should be (to include but not necessarily inclusive) searched in  
| indices, distributed to correct personnel to determine what  
| classification, file or control file to which the Internet E-mail  
| message should be saved (if a federal record), and follow the  
| current saving and destruction policy (see MAOP, Part II, 2-2.1  
| through 2-4.3).

|            (b)    The sender of an outgoing Internet E-mail message

| or attachment that has been deemed a federal record must determine to  
| which classification, file or control file the outgoing Internet E-  
| mail message should be saved. This is also required of the sender  
| when sending a message or attachment that is deemed a federal record  
| via the Internet to another Bureau employee.

| (c) Internet E-mail messages and transmission data can  
| be easily uploaded into the ECF component of ACS because messages are  
| usually in electronic format. If this data is loaded into the ECF  
| component of ACS, this information is retrievable by Case ID,  
| attributes, serial or full text. Although E-mail messages are usually  
| in electronic format, attachments could be in another format such as  
| graphics which are not viewable in any component of ACS. Those  
| attachments should be printed (if possible), serialized and placed in  
| a paper file. Use current FBI policies to determine if these records  
| should be loaded into additional FBI applications such as CLEA, IIIA,  
| and/or the Telephone Application, etc. Note: All files and programs  
| that are downloaded to FBI systems from the Internet or from any  
| outside sources must be to a standalone computer or to a floppy disk,  
| approved by the Computer Specialist or Security Officer and scanned  
| for viruses prior to introduction to any other FBI computer (see  
| 11-7.5 "Security").

| (d) Check incoming Internet E-mail daily. Internet  
| E-mail should be checked more frequently if warranted by the volume of  
| mail received.

| (e) Because of the impact on the FBI's reputation and  
| credibility, messages that are deemed federal records that the user  
| creates and disseminates should be stated in an intelligible, concise  
| and professional manner. Obtain necessary approval as required by  
| your division before sending a message.

| (f) Some systems have limitations on the number of  
| characters in a message. Therefore, keep outgoing Internet E-mail  
| messages short and limited to one subject, if possible.

| (g) Because of software and graphic constraints,  
| attachments in Internet E-mail messages should be avoided where  
| possible. Some systems are not compatible and difficulty could result  
| when reviewing messages and files.

\*\*EffDte: 11/17/1998 MCRT#: 845 Div: D4RM Cav: SecCls:

## **| 11-7.4 Internet E-mail Accounts**

| (1) Every FBIHQ division and field office has an FBI  
| Internet account. Some FBI employees have an individual FBI Internet  
| E-mail account to be used for official FBI business.  
| In this document, Internet E-mail accounts are any Internet E-mail  
| accounts that are paid for by the FBI (does not include  
| investigative, covert, or other specialized investigative accounts).

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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| For example: Fieldoffice@FBI.GOV; FBIAcademy.EDU;  
| AnyUsersName@FBI.GOV; HQDivision@FBI.GOV and so forth.

| (2) The following procedures will be used in obtaining an  
| individual Internet E-mail account:

| (a) E-mail accounts will be granted to users that can  
| provide a sufficient justification to the SAC or appropriate authority  
| in the division or field office. Notify IRD of any existing or new  
| accounts granted, for IRD inventory purposes.

| (b) If approval is granted, you must meet system  
| requirements and obtain funding for system requirements and/or funding  
| for the account if necessary (see EC titled "Internet Account  
| Distribution/Guidelines" dated February 28, 1997).

| (c) FBI.GOV Internet E-mail accounts will be  
| reevaluated monthly by IRD to determine if users have maintained a  
| need for the account. The account will be terminated within 90 days  
| for nonuse. Non-FBI.GOV E-mail accounts that are paid for with FBI  
| funds should also be reevaluated monthly and terminated within 90 days  
| for nonuse.

\*\*EffDte: 11/17/1998 MCRT#: 845 Div: D4 Cav: SecCls:

## **| 11-7.5 Security (See MAOP, Part II, 11-7.3.)**

| The following policy describes what is required to avoid  
| potential abuse of the Internet and to provide accountability when  
| accessing the Internet on FBI systems.

| (1) At a minimum, Watchdog software or a similar software  
| package will be used to track usage on "multiuser" FBI Internet  
| systems. The following illustrates the type of audit trail with the  
| minimum information that must be captured to facilitate reconstruction  
| of events if compromise or unauthorized activities occur: user name,  
| date, time on and off the Internet (see MIOG Part II, 35-9.3.1).

| (a) Watchdog or a similar software requires each user  
| be assigned a unique ID and will also require the user to create a  
| password, to be used with the ID for authentication. The ID may be  
| publicly known, but passwords must be kept secret.

| (b) Contact your Computer Specialist for access to the  
| Internet or if you forget your Watchdog (or similar software) password  
| and ID.

| (c) Contact your Computer Specialist or Security  
| Officer immediately to report security violations or misuse (see  
| MIOG, Part II, 35-9.3.1).

| (2) The following system requirements (not necessarily

**SENSITIVE**

**SENSITIVE**

**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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| inclusive) are necessary to access the Internet: standalone computer  
| (486 or higher), 28kbps (or higher modem), Windows 3.1 or Windows 95,  
| 8MB RAM recommended and 6 MB free hard disk space. The hard drive  
| must never have been used for FBINET or sanitized using Norton  
| Utilities Disk Wipe Government Version. For detailed information see  
| EC titled "Internet Account Distribution/Guidelines" dated  
| February 28, 1997.

| (3) All files and programs that are downloaded to FBI  
| systems from the Internet or from any outside source must be to a  
| standalone computer or to a floppy disk, approved by the Computer  
| Specialist or Security Officer and must be scanned for viruses prior  
| to introduction to any other FBI computer (see MIOG, Part II,  
| 35-9.4.4).

| (4) Users are reminded that the Internet is not a secure  
| medium and all Internet activities and communications are subject to  
| interception/exploitation by unauthorized persons.

\*\*EffDte: 11/17/1998 MCRT#: 845 Div: D4 Cav: SecCls:

## **| 11-7.6 Public Information**

| (1) In general, per the news media guidelines, FBIHQ  
| provides public information regarding national and international  
| matters. Field offices provide local public information. Field  
| offices are authorized by the Director to make more wide-ranging  
| statements on a case-by-case basis.

| (2) In regard to the Internet, the Office of Public and  
| Congressional Affairs (OPCA) oversees the content and appearance of  
| official FBI material on the web. Prior to placement on the FBI Home  
| Page, FBI matters must be reviewed and approved by the National Press  
| Office (NPO) and the OPCA, with concurrence of other appropriate FBIHQ  
| divisions, as needed. This is to ensure consistency with current FBI  
| and DOJ policy and guidelines. (See MAOP, Part II, 5-10.)

| (3) FBI field offices may request their own Home Page  
| accessible through the FBIHQ Home Page. Field offices are responsible  
| for submitting their respective Field Office Home Page information and  
| ensuring that information is updated as needed via the NPO and OPCA.  
| OPCA is responsible for placement, removal, and updating of official  
| FBI material on the WWW/FBI Home Page. The sole purpose of this  
| process is to ensure consistency on national issues and compliance  
| with DOJ guidelines.

| (4) Submit information for a Field Office Home Page to the  
| NPO and OPCA. Information should be local in nature and avoid  
| repetition of information included on the FBIHQ Home Page. Submit  
| information on a computer disk, in WordPerfect or Freelance programs,  
| ASCII format, with or without formatting instructions, and include a  
| paper copy. For detailed information, see Airtel titled, "Policy For

**SENSITIVE**

| Publishing FBI Information On The World Wide Web" dated September 22,  
| 1995.

\*\*EffDte: 11/17/1998 MCRT#: 845 Div: D4 Cav: SecCls:

## **| 11-7.7 Internet Points of Contact**

| Contact the division or unit below on the following Internet  
| issues if you have any questions:

ISSUE	DIVISION AND/OR UNIT
Legal:	Office of General Counsel, Administrative
	Law Unit
	Chief Division Counsel
Home Page:	Office of Public and Congressional
	Affairs, Press Office
System Requirements:	Information Resources Division,
	Investigative Applications Support Unit
Noninvestigative Accounts:	Information Resources Division,
	Investigative Applications Support Unit
Investigative Accounts:	Criminal Investigative Division,
	Corruption/Civil Rights Section,
	Undercover and Sensitive Operations Unit
(Major Cases)	National Security Division,
	Special Surveillance Group (SSG),
	FCI/CT Lookout & Undercover Support Unit
	(NS-5D)

\*\*EffDte: 11/17/1998 MCRT#: 845 Div: D4 Cav: SecCls:

## **| 11-7.8 Glossary**

ACS	Automated Case Support.
Appropriate authority	In this document, appropriate authority refers
	to FBIHQ or field office management (i.e.,
	Section Chief or higher at FBIHQ; SAC in the
	field office).
Authorized Purposes	Those purposes for which government property is
	made available to the public or purposes
	authorized in accordance with law or regulation

**SENSITIVE**  
**Man1-ID: MAOPP2 MANUAL OF ADMIN OPERATIONS AND PROCEDURES PART 2**

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	(see Title 5, C.F.R., Section 2635.704(b)(2)).
CFR	Code of Federal Regulations.
Download	To transmit a file or program from a central   computer to a smaller computer or a computer at   a remote location.
ECF	Electronic Case File. A component of ACS. ECF   serves as the central electronic repository   for the FBI's official investigative textual   documents. ECF provides the capability to   upload word processing documents to the   mainframe, where they are then filed and   serialized.
Electronic Mail	Also referred to as E-mail, is the most   frequently used communications tool on the   Internet. E-mail are messages that are sent by   computer from one person to another, then saved   until the recipient chooses to read them. E-   mail arrives immediately and does not require   the recipient to be present, nor does it   interrupt anything else the recipient may be   doing.
FRA	Federal Records Act.
Internet	The Internet is an interconnection of computer   networks that enables connected machines to   communicate directly with one another. It   connects universities, research labs and   commercial, military and government sites   around the world. Users of the Internet can   exchange E-mail as well as send files to one   another.
Internet Account	In this document, any Internet account that is   paid for by the FBI (does not include accounts   used in investigative, covert, or other   specialized investigative uses).
Multiuser	When more than one user accesses the same FBI   system or account.
NARA	National Archives and Records Administration.
Password	A secret character string that is required to   log onto a computer system, thus preventing   unauthorized individuals from obtaining access   to the computer. Passwords are used to   authenticate.
Research	Research, in this document, refers to the   collection and maintenance of publicly   accessible information for job-related purposes

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---

| but does not include the collection and  
| maintenance of information that is intended to  
| be covert or that which is related to any other  
| specialized investigation that requires  
| authorization from an FBI official.

| Sensitive Information Information that requires protection due to the  
| risk or magnitude of loss or harm that could  
| result from inadvertent or deliberate  
| disclosure, modification and/or destruction of  
| information. Also referred to as Sensitive but  
| Unclassified Information and Limited Official  
| Use Information. (See MIOG, Part II, 35-12.)

| Transmission Data Sometimes referred to as Receipt Data. Can  
| include information such as the date and time  
| message was sent, date and time message was  
| read, acknowledgment by recipient and the  
| identities of senders and recipients. For  
| messages where senders/recipients are  
| identified by "handle" or distribution list,  
| address group, or the like, the means to  
| identify the associated names must also be  
| included.

| USPS United States Postal Service.

| WWW World Wide Web. The entire constellation of  
| resources that can be accessed by Gopher, FTP,  
| HTP, WAIS and other search tools.

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\*\*\*\*\* END OF REPORT \*\*\*\*\*

# MAOP INDEX

## INDEX A, B, C

### (A)

Abbreviations, standard Bureau, II, 10-24, 10-24.1 thru 10-24.5

airtels, in, II, 10-6.5

countries, II, 10-24.2

field offices, II, 10-24.3

Legats, II, 10-24.4

letters, in, II, 10-2.1.13

Liaison offices, II, 10-24.4

states, II, 10-24.5

Accidents, automobile (See Automobile.)

Accomplishment Report, FD-515, II, 3-5 thru 3-5.4

control file, II, 2-4.5.13, 3-5.1, 3-5.2

Organized Crime/Drug or Violent Crimes/Major Offenders Programs, Supplemental Form, FD-515a, II, 3-5.2

Accomplishments, FCI (See National Foreign Intelligence Program Manual.)

Accountants

probationary Agent, assignments, II, 8-1.2.5

use of, II, 2-6.2

Accounting investigations, II, 2-6

adding to character of case, II, 10-16.8

types of cases, II, 2-6.2

Acquisition

forecast, II, 6-6.1, 6-6.1.1

planner, II, 6-6, 6-6.1, 6-6.1.1, 6-6.2

resources review database, II, 6-6.1.1

reviews, II, 6-6.1, 6-6.1.1

Activities of employees, I, 1-1 thru 1-30

alcohol, use of (See Alcohol policy and Alcoholism.)

arrest of employee, I, 1-15.2

authorship, past or current employee, I, 1-24

classes, attendance, teaching, or conducting of, I, 1-11

confidential nature of FBI operations, I, 1-19

contacts with foreign nationals, I, 1-19.1; II, 8-1.1.2

criminal conduct

indefinite suspension, I, 13-11.1

penalty, I, 13-13

Departmental Orders I, 1-1, 1-21.2

drugs, use of, I, 1-2

government property, use of, I, 1-3

illegal acts, participation in, I, 1-4

membership in organizations

labor, I, 1-8

law enforcement, I, 1-6, 1-7

nonfederal, I, 1-9

reserve and national guard units, I, 1-17

misconduct, reporting to Office of Professional Responsibility,

semiannual reminder, I, 1-23

monetary and financial matters, I, 1-1, 1-14 thru 1-14.2

conflict of interest, I, 1-1

witnesses, subjects furnishing information to FBI, dealings with, I, 1-14.1

outside employment, I, 1-1, 1-16, 1-16.1, 20-6

political, engagement in, I, 1-18

public speech, employee rights and

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obligations, I, 1-26 thru 1-26.4  
seminars, attendance, teaching, or conducting of, I, 1-11  
Adding machines, purchase of, II, 6-7.1.6  
Address, reporting changes in, I, 20-2.1  
field office or resident agency, II, 1-3.7, 1-3.8, 2-1.2.5  
upon transfer, I, 11-1  
Administrative actions, confidentiality of, I, 1-15.1  
data, in reports, II, 9-3.5.7, 10-15.2, 10-15.2.1, 10-16.14  
files, II, 2-4.2, 2-4.2.1, 2-4.3.6  
destruction, II, 2-4.5.1, 2-4.5.17  
indexing, II, 2-3.6.4, 2-4.2.1  
inquiries (See Misconduct of employees.)  
officer (See also Office services manager and Support services supervisor.)  
duties of, II, 1-1.1  
posting position, I, 11-16.7  
Time Capture System, I, 8-1.10; II, 3-3  
Advance of funds, II, 1-2.3.2, 6-2.10 thru 6-2.10.7  
amount limitation, II, 6-2.10.6  
approving official, II, 6-2.10.2  
balance outstanding, II, 6-1.2.1  
buy money, returning, II, 6-13.7  
case funding, II, 6-12 (See also MIOG Index.)  
permanent advance, II, 6-3.1  
centralized control system, II, 6-12  
control file, II, 6-12.1, 6-12.4  
draft system, II, 6-2.10.3, 6-2.10.5, 6-2.10.6, 6-2.10.7, 6-3.1, 6-3.5.1, 6-3.6, 6-3.6.1, 6-3.7, 6-3.9.1, 6-13.7  
government credit card holder, II, 6-2.10.1, 6-2.10.4, 6-2.10.6  
homefinding, II, 6-2.10.7  
imprest fund account, II, 6-2.10.3, 6-2.10.5, 6-2.10.6, 6-2.10.7  
issued by Travel Advance and Payment Unit, II, 6-2.10.3, 6-2.10.5, 6-2.10.6, 6-2.10.7  
limitations, II, 6-2.10.4, 6-2.10.6, 6-2.10.7  
liquidation, II, 6-2.10.5, 6-3.7  
misuse of, II, 6-2.10.1  
mobile homes, II, 6-2.10.7  
pay to employees assigned to foreign areas, II, 6-2.11 thru 6-2.11.8  
processing requirements, II, 6-2.10.3  
purpose, II, 6-2.10.1  
show money, returning, II, 6-13.7  
TDY advance of funds, II, 6-2.10 thru 6-2.10.7  
temporary quarters, II, 6-2.10.7  
transfer-related, II, 1-2.3.2, 6-2.10 thru 6-2.10.5, 6-2.10.7  
transportation and storage of household goods by the commuted rate system, II, 6-2.10.7  
travel on transfer, II, 6-2.10.7  
trip, II, 6-2.10.5, 6-2.10.6  
vouchers, time limits, II, 6-1.2.1  
Advance Procurement Plan, II, 6-6.2  
Adverse personnel actions, I, 10-6, 13-10, 13-13, 14-4.1, 14-4.2, 21-1, 21-8  
defined, I, 14-4.2 (See also Misconduct of employee, Disciplinary actions and specific violations, i.e., Alcohol.)  
Affidavit, I, 1-15.3, 13-5; II, 2-4.1.1  
Affirmative Employment Program, I, 4-6  
Agent-clerk ratio, computation of, I, 20-12  
Agent's (investigative) name to be included in communications to FBIHQ, II, 10-10.1  
Air travel  
free tickets and coupons, I, 1-14; II, 6-1.1.3  
frequent flyer awards, II, 6-1.1.3  
ticketless (See Ticketless.)  
upgrade of tickets, II, 6-1.1.2  
Aircraft

helicopters, use of in rappelling or insertions, II, [8-10.2](#)  
rental of (See [MIOG](#), Part II, Section 25.)  
unauthorized use, loss or damage to, I, [13-13](#)  
use of privately owned, II, [6-1.2.2](#)  
Airline reservations, II, [6-1.1.2](#), [6-1.1.6](#), [6-4.1](#)  
Airmail, use of, II, [2-2.2.4](#)  
Airtels  
definition of, II, [10-1.8](#)  
handling incoming, II, [2-2.1.4](#)  
preparation of, II, [10-6](#) thru [10-6.8](#)  
Alarm systems in offices (See [Security](#).)  
Alcohol policy, I, [1-2](#), [1-30](#) thru [1-30.4](#), [8-1.12.2](#), [12-1.5](#), [12-1.7](#)  
penalty for driving while intoxicated, I, [1-3.1](#), [1-30.3](#), [13-13](#)  
statement of, I, [1-30.2](#)  
suspension of premium compensation, I, [8-1.12.2](#)  
Alcoholism treatment for employees (See [Employee Assistance Program](#).)  
use of alcohol, I, [1-2](#), [1-3.1](#), [1-30](#) thru [1-30.4](#), [8-1.12.2](#), [12-1.5](#), [12-1.7](#)  
Alimony payments, allotments, I, [16-11](#)  
Allotments and assignments of pay, I, [16-11](#)  
Allowances and benefits  
relocation and temporary duty (See [Relocation allowances and benefits](#) and [Temporary Duty \(TDY\) Benefits](#).)  
Altercations, verbal, I, [13-2](#)  
Alternate Work Schedules, I, [20-7.2](#); II, [1-2.4.2](#)  
Amended pages, II, [10-22.1](#) thru [10-22.3](#)  
American Express Cards, II, [6-1.1](#), [6-1.1.2](#), [6-1.3.2](#), [6-4](#) thru [6-4.11](#)  
(See also [Credit cards](#), [Government Credit cards](#) and [Government travel account](#).)  
property receipt, separate, II, [6-10.2](#)  
Americans with Disabilities Act of 1990, I, [4-10.1](#), [4-10.3](#)  
Ammunition, shipping, II, [2-2.2.1](#), [6-2.3.9](#)  
Annuitants, reemployment of, I, [15-2.9](#), [16-7.11](#), [18-9](#)  
Antiriot laws cases, closing, II, [2-5.2.4](#)  
Antitrust cases  
closing, II, [2-5.2.4](#)  
subjects' descriptions, reporting, II, [10-17.11.2](#)  
Appeals, employee (See also [Grievances](#).)  
disciplinary action  
nonveteran, I, [13-12](#), [14-4.2](#), [21-1](#)  
veteran, I, [13-10](#), [13-11.1](#), [13-13](#), [14-4.1](#), [21-1](#)  
part-time employees, I, [20-21](#)  
performance appraisals, I, [5-5](#); II, [2-4.5.12](#)  
position classification decisions, I, [14-3](#); II, [2-4.5.12](#)  
salary retention, denial of, I, [14-5.4](#)  
SAMMS Board committee, I, [3-10](#)  
within-grade increase, denial of, I, [8-8.6](#), [14-6](#)  
Appearance  
compensation, receiving for, I, [20-6.3.2](#)  
field office, II, [2-1](#) thru [2-1.6](#)  
responsibility of SAC, II, [2-1.1](#)  
standards for employees, I, [20-20](#) thru [20-20.3](#)  
Appendix  
in LHMS, II, [10-4.5](#)  
in reports, II, [10-17.15](#)  
Applications for positions (See [Career development matters](#) or [Promotions](#).)  
Applicants  
reporting results of investigation  
Bureau, II, [10-9](#)  
other, II, [10-9](#)  
Appointment  
effective date of, I, [2-1](#)  
of veterans, I, [10-3](#)

probationary period, I, 21-1  
relatives of Bureau managers, I, 1-15.4  
Approval  
of briefing materials prepared for outside presentation, II, 9-1.1  
of outgoing communications, II, 1-3.13.4, 10-10.9 thru 10-10.9.6  
recording delegated, II, 10-10.9.1  
Armored carrier/courier robberies, submission of FD-430, II, 9-6  
Arrest checks, I, 20-26; II, 10-12  
Arrest of  
employee  
criminal matter, I, 1-15.2  
driving under influence of alcohol, I, 1-3.1, 1-30.3, 12-1.5  
involvement with, I, 1-15.2  
traffic matter, I, 12-1.7  
news media member, II, 5-7.1  
nonemployee, I, 1-15.2  
subject, sending U.S. Attorney FD-351, II, 10-11  
Arrests, participating in while on medical restrictions, I, 20-5.2.1  
Articles, books, written by past or current employee, I, 1-24  
ASAC  
career development of, I, 3-2.10 thru 3-2.10.17  
applications, I, 3-2.10.12  
removal from candidate pool, I, 3-2.10.10  
duties and authority of, II, 1-1.1  
leave, II, 1-2 (Also see Leave Administration Guide.)  
rotation, I, 3-6.11  
Ascertaining financial ability case, reports, II, 10-9  
Assignment  
definition of reassignment, I, 7-2, 21-4, 21-8  
details outside FBI, I, 1-28, 3-2.20, 11-18 thru 11-18.4.4  
Probationary Agent's, II, 8-1.2.5  
reassignment during administrative inquiry, I, 13-1  
special, confidentiality of, I, 1-19  
temporary, I, 5-2, 7-2, 11-17  
Agent, I, 3-1, 3-1.2.8  
Assistant Directors  
authority to approve disciplinary action, I, 13-2  
Assistant inspectors, I, 3-2.6, 3-2.7  
Associate Division Counsel (See Chief Division Counsel.)  
Association dues, payroll allotments, I, 16-11  
Atomic Energy Act of 1954, dissemination regarding, II, 9-3.3.3  
Attendance Register/TURK (See also Forms.)  
employees required to use, II, 1-2.5(4), 3-3  
overtime, recording of on, II, 3-3.2(3)(f)(g)  
purpose of, II, 1-2.5(4), 3-3(2)  
recording of  
Agent trainees, II, 3-3  
exercise period, I, 20-5.4  
major cases, II, 3-3.2  
midnight period, 10 p.m. to 2 a.m., II, 3-3.2(6)  
National Academy cases, II, 3-3.2  
night duty, II, 3-3.2(6)  
surveillance, II, 3-3.2(5)  
temporary assignments  
at FBIHQ, II, 3-3.2  
in other field office territory, II, 3-3, 3-3.2  
training  
at FBIHQ, II, 3-3.2(3)  
in other field office territory, II, 3-3.2(3)  
transfer, II, 3-3, 3-3.2(4)(d)  
househunting trip, before, II, 3-3.2(7)

- relocation leave, II, 3-3.2(7)
- seeking permanent quarters, after, II, 3-3.2(7)
- travel outside headquarters city, II, 3-3.2(7)
- undercover assignments, II, 3-3.2(5)
- reports, II, 3-3
- retention of, II, 2-4.5.12, 3-3.2(9)
- review of, II, 1-2.5(4), 3-3.2(9)
- Attorney, acting as, I, 20-6.1
- Attorney General
- Order 532-73, II, 9-3.5.3
- Audit
- of FBI computer system user activities, I, 13-3
- TURK/ISRAA information, by SAC, II, 3-3, 3-5.1, 3-5.2
- AUO, I, 8-1.6 (See Availability pay.)
- Author's request for FBI assistance, II, 5-8.2
- Automated data processing (ADP) equipment, reporting loss, II, 6-7.5
- Automated Investigative Systems
- indexing requirements, II, 2-3.2, 2-3.5, 2-3.6.2
- Automobile
- accident, I, 1-3.1, 12-2 thru 12-2.5.3
- administrative action, I, 12-2.5.2, 13-13
- claims/suits from (See Claims/suits, motor vehicle accident.)
- contacting U.S. Attorney, I, 12-2.4.4
- control file, I, 12-2.2.1
- financial responsibility of employee, I, 1-3.1, 12-2.5.1; II, 6-1.2.3
- forms to be executed, I, 12-2.3 thru 12-2.3.3
- investigation, report of, I, 12-2.2 thru 12-2.2.9
- copy count, I, 12-2.2.3
- cover memorandum, I, 12-2.2.9
- deadline, I, 12-2.2.3
- testimony, recording of, I, 12-2.2.7
- medical expenses, recovery of (See Injuries.)
- notification of, I, 12-2.1.1, 12-2.1.2
- responsibility for, affixing, I, 12-2.5.1
- Bureau vehicles
- assignment of, II, 6-8.1
- costs, reporting, II, 6-8.5.1
- driving while under the influence, Bucar privileges, duty and availability pay
- suspended, I, 1-3.1, 1-30.3, 8-1.12.2, 12-1.5, 12-1.7, 13-13
- FD-73, use of, II, 6-8.2
- firearms, in, I, 1-3.2 (Also see MIOG, Part II, Section 12.)
- gasoline, payment of, II, 6-7.1.6, 6-8.5, 6-9.2.6
- government property in, I, 1-3.2
- home-to-work, use of, I, 1-3.1.1
- invoices for services to, II, 6-8.5, 6-9.2.6
- license plates for, II, 6-8.4
- monthly report, II, 6-8.5.1
- operation of, I, 12-1 thru 12-1.7
- Honors Interns employees, I, 12-1.1.2
- summer employees, I, 12-1.1.2
- purchase of insurance, I, 12-2.5.1, 12-4; II, 6-8.2.1
- repairs to, payments, II, 6-8.5
- sale of, II, 6-8.11
- security of, II, 1-1.2, 6-8.7, 6-8.7.1
- undercover and surveillance, II, 6-8.7.1
- semiannual review of take-home, I, 1-3.1.1
- servicing and maintenance, II, 6-8.3
- storage of, II, 6-8.6
- payment for, II, 6-9.2.6
- transfer of, II, 6-8.5, 6-8.12
- use of for official business, I, 1-3, 1-3.1, 1-3.1.2; II, 8-5

- to transport ill/injured employees, I, [1-3.1](#); II, [6-8.2](#)
- driving record, certification of, I, [12-1.2.3](#)
- driving under influence of alcohol/ liquor, I, [1-3.1](#), [1-30.1](#), [1-30.2](#), [1-30.3](#), [8-1.12.2](#),  
[12-1.5](#), [12-1.7](#), [13-13](#)
- excess, obtaining from GSA, II, [6-8.9.2](#)
- forms, accident, I, [12-2.3.1](#) thru [12-2.3.3](#)
- injuries, employee claims for, I, [12-2.5.3](#)
  - in personal vehicle, I, [12-3.1](#)
- motor vehicle operators, I, [12-1.1](#) thru [12-1.5](#)
  - certification of, I, [12-1.2.3](#), [12-1.2.4](#), [12-1.3](#)
  - recertification of, I, [12-1.4](#)
  - requirements for, I, [12-1.2](#)
  - suspension of, I, [12-1.5](#)
    - when under influence of narcotics or liquor (See [Automobile](#), [Bureau vehicles](#),  
[driving under the influence](#).)
- personally owned vehicle
  - authorization for use of, I, [12-3.2](#); II, [1-2.3.2](#), [6-2.5.3](#)
  - emergency replacement of, II, [6-2.2.6](#)
  - injuries, compensation for, I, [12-3.1](#)
  - mileage, I, [12-3.3](#); II, [6-1.2.2](#), [6-2.4.3](#), [6-2.5.3](#), [6-2.12](#)
  - shipment of, II, [6-2](#), [6-2.2.1](#), [6-2.2.3](#), [6-2.2.5](#)
  - storage of, II, [6-2.10.7](#)
  - travel expenses, claiming, I, [12-3.3](#); II, [6-1.2.2](#)
- physical fitness, driver, certification of, I, [12-1.2.2](#)
- rental of, I, [1-3.1.2](#), [12-2.2.5](#); II, [6-1.2.3](#), [6-2.4.3](#), [6-2.6.3](#), [6-2.10.4](#), [6-7.1.6](#),  
[6-8.5](#), [6-8.10](#)
  - accident liability, I, [1-3.1.2](#), [12-2.5.1](#); II, [6-1.2.3](#)
  - collision damage waiver fee, II, [6-1.2.3](#), [6-2.4.3](#)
  - control file, II, [6-8.10](#)
- road test, driving, I, [12-1.2.3](#), [12-1.2.4](#), [12-1.2.5](#)
- seizure of for Bureau use, II, [6-8.9.1](#)
  - jurisdiction, II, [6-8.9.1](#)
  - procedure, II, [6-8.9.1](#)
- traffic violation matters, I, [12-1.7](#)
- Automotive maintenance facility, II, [6-8.8](#)
- Availability
  - authority to discipline for regulation violation, I, [13-2](#)
  - employee, II, [1-2](#) thru [1-2.6](#)
    - penalty for lapse, I, [13-13](#)
  - leave, during, II, [1-2](#)
  - pay, I, [8-1](#) thru [8-1.13](#), [8-2](#), [8-2.1](#) (See also [Premium compensation](#).)
    - alcohol-related misconduct, I, [1-3.1](#), [1-30.3](#), [8-1.12.2](#)
    - authority, I, [8-1.1](#)
    - certification, I, [8-1.5](#)
      - recertification, I, [8-1.11](#)
      - refusal to certify, I, [8-1.5](#)
    - commuting time, I, [1-3.1](#)
    - computation of annual hours requirement, I, [8-1.9](#)
    - creditable hours, I, [8-1.7](#)
      - not creditable, I, [8-1.8](#)
    - decertification, I, [8-1.11](#)
    - definitions, I, [8-1.3](#)
      - regular workday, I, [8-1.3](#)
      - unscheduled work hours, I, [8-1.3](#)
    - discontinuance of, voluntary, I, [8-1.3](#)
    - eligibility, I, [8-1.4](#)
      - new Agents, I, [8-1.4](#)
      - part-time employees, I, [8-1.4](#), [20-28.3](#)
      - SES employees, I, [8-1.4](#)
    - failure to qualify, suspension, I, [8-1.11](#)
    - file reviews, II, [3-3.2](#)



House Appropriations Committee assignments, I, [11-18.4.2](#)  
leave during, I, [8-1.6](#)  
payment of, I, [8-1.6](#)  
recording unscheduled hours, I, [8-1.10](#)  
reporting, I, [8-1.10](#); II, [3-3.2](#)  
temporary duty and transfers, I, [8-1.6](#); II, [3-3.2](#)  
suspension for  
alcohol-related misconduct, I, [8-1.12.2](#)  
health/medical reasons, I, [8-1.12.1](#)  
length, I, [8-1.11](#)  
personal hardship, I, [8-1.13](#)  
time off from duty awards, I, [5-15.7](#)  
training, I, [8-1.6](#); II, [3-3.2](#), [8-1.5](#)  
travel time, I, [8-1.6](#), [8-1.7](#), [8-1.8](#)  
TURK, II, [3-3.2](#)  
Resident Agents, II, [1-3.11](#)  
SAC, II, [1-2](#), [1-2.1](#)  
travel, during, II, [1-2](#), [1-2.2](#)  
two-hour rule, II, [1-2](#), [1-2.5](#)  
weather, during inclement, II, [1-2](#), [1-2.4.3](#)  
Awards, I, [1-13.2.2](#), [1-14](#), [5-13](#) thru [5-25.6](#)  
cash, types of, I, [5-15](#) thru [5-15.7](#)  
certificates for exceptional performance, I, [5-14](#)  
certificates of appreciation, I, [5-18](#), [5-18.2](#), [5-18.3](#)  
commendation letter, I, [5-16](#)  
Director's, for excellence, I, [5-25](#)  
federal service emblem, I, [5-21](#)  
foreign language, I, [22-4](#)  
frequent flyer, II, [6-1.1.3](#), [6-1.3.4](#)  
incentive, I, [5-15](#)  
letter of appreciation, I, [5-17](#)  
memorial plaque, I, [5-23](#) thru [5-23.1](#)  
on-the-spot, I, [5-15.6](#)  
presentation of, I, [5-14](#), [5-15](#), [5-20.2](#)  
principal relief supervisors, I, [3-2.2](#), [5-15.1](#), [5-15.5](#)  
public service, I, [5-18](#)  
plaques, I, [5-18.1](#)  
purpose of, I, [5-13.2](#)  
quality step increases, I, [5-13.1](#), [5-14](#), [8-8](#), [8-8.1](#), [8-8.7](#)  
retirement plaque, I, [5-22](#)  
Senior Executive Service, I, [5-15.4](#)  
service, I, [5-20](#)  
suggestion, I, [5-19](#)  
Thomas E. DuHadway Humanitarian, I, [5-25.2](#), [5-25.3](#)  
time off from duty, I, [5-15.7](#)  
travel savings program, II, [6-1.3.4](#)  
AWOL  
authority to discipline for, I, [13-2](#)  
definition of (See Leave Administration Guide.)  
penalties for, I, [13-13](#)

**(B) [top]**

Background investigations  
employees' opinions, I, [1-15.3](#); II, [10-17.11.2](#)  
Pardon Attorney's Office cases, office of origin, II, [10-16.2](#)  
representatives' (outside the FBI) opinions, I, [1-15.3](#); II, [10-17.11.2](#)  
Badges (See also Identification cards.)  
destruction of, II, [2-4.5.21](#)  
photographed, not to be, I, [1-3.4](#)

return to FBIHQ, I, [17-1.7.1](#); II, [6-10.2](#)  
security of, I, [1-3.4](#)  
Ballistic protective undergarments, shipping to Quantico, I, [17-1.7.1](#); II, [6-10.2](#)  
Bank records, II, [10-13.1](#)  
Bank robbery cases, closing, II, [2-5.2.4](#)  
Bankruptcy cases, closing, II, [2-5.2.4](#)  
Beneficiary, designation of, I, [16-7.6](#), [18-2.17](#), [18-3.17](#), [20-17](#) thru [20-17.5](#)  
Birth certificates, fees, payment, II, [6-1.2.3](#)  
Births, reporting, I, [20-2.2](#)  
Blood donor programs, I, [16-6](#) thru [16-6.1.3](#)  
Bloodborne pathogens, I, [16-5.1.3](#)  
Blue slip, [FD-37](#) (See [Forms](#), [FD-37](#).)  
Boats  
  purchase of fuels, II, [6-7.1.6](#)  
  shipment of, II, [6-2.2.1](#)  
Body fat measurement, I, [20-5.3](#)  
Bomb, hoax, mailing between FBI offices, II, [2-2.2](#) (See also [MIOG](#).)  
Bond default fugitive, adding to case title, II, [10-16.7.2](#)  
Bonds  
  purchase of (prohibition), I, [1-1](#)  
  Savings, I, [11-14.7](#)  
Breaks (See also [Leave Administration Guide](#).)  
  lunch/dinner, I, [20-22](#)  
  rest, I, [20-16](#)  
Briefing material for outside presentation or testimony by Bureau officials, II, [9-1.1](#)  
Brooklyn Plan, juveniles, pretrial diversion accomplishments, II, [3-5.2.14](#)  
Building pass, JEH (See [Identification](#), [cards](#).)  
Bullet-proof property (See [Ballistic protective undergarments](#).)  
Bureau of Alcohol, Tobacco and Firearms, II, [9-3.3.2](#)  
Bureau seal, use of, I, [1-3.5](#), [1-3.7](#), [16-3.5](#)  
Bureau, use of name, I, [1-3.4](#), [1-3.7](#), [16-3.5](#)  
Business cards, use of, I, [1-3.5](#)  
Buy-bust funds, returning, II, [6-13.7](#)

(C) [\[top\]](#)

Cabinet member, inquiries from, II, [1-1.5](#), [9-4.2.5](#)  
Calculators, purchase of, II, [6-3.6](#), [6-7.1.6](#)  
Cameras, purchase of, II, [6-3.6](#), [6-7.1.6](#)  
Capitalization  
  names of persons and organizations, II, [10-2.1.13](#), [10-17.15](#)  
Career development matters, Special Agent, I, [3-1](#) thru [3-11](#)  
  career boards, I, [3-2.19](#), [3-3](#), [3-3.1](#), [3-3.3](#), [3-3.4](#), [18-2.1.17](#), [18-3.1.4](#)  
    documentation and recordings, retention of, I, [3-3.1](#), [3-6.4.2](#)  
    recording, of, I, [3-3.1](#)  
    records available to EEO Counselor, (See [MIOG](#), Part I, Section 280.)  
    training, selections for, I, [3-3.1](#), [3-3.1.1](#)  
  career paths, I, [3-2](#), [3-11](#)  
    for operational and service divisions, I, [3-2.17](#)  
  details, I, [3-2.20](#)  
  disciplinary probation, I, [13-14](#) thru [13-14.5](#)  
  grievances, I, [3-9](#)  
  hardship transfers, I, [3-2.1](#), [3-6.13](#), [11-4](#) thru [11-5](#)  
  House Appropriations Committee, I, [3-8](#), [11-18.4](#) thru [11-18.4.4](#)  
  lateral transfers, I, [3-6.6.3](#), [3-6.6.5](#)  
  position advertising, I, [3-6.3](#), [3-6.4](#)  
  position application, I, [3-6.4](#) thru [3-6.4.2](#)  
    feedback and counseling, I, [3-2.10.8](#), [3-6.4.2](#)  
  promotions, I, [1-15.1](#), [3-1](#) (See also [Promotions](#), [Special Agent](#).)  
  removal from Executive Development and Selection Program, I, [3-2.1](#), [3-6.1](#), [3-6.2](#),

3-6.5, 3-7, 3-7.1, 11-7  
Special Agent positions, I, 3-2 thru 3-2.21  
ASAC, I, 3-2.10 thru 3-2.10.17  
Associate SAC, I, 3-2.14  
Critical Incident Response Group, I, 3-2.18  
division counsels, term, I, 3-2.21  
Hostage Rescue Team, I, 3-2.18  
inspector, I, 3-2.2, 3-2.6, 3-2.7, 3-2.11  
Legal Attaches (See Legal Attache Manual.)  
relief supervisor, I, 3-2.1, 3-2.2  
    promotion to field supervisor, I, 3-6.6.2  
resident Agent, supervisory senior, I, 3-2.5; II, 1-3.13.6  
SAC, I, 3-2.15  
San Juan positions, I, 3-2.19  
section chief, I, 3-2.13  
Special Detail Group, I, 3-2.18  
supervisor, field, I, 3-2.5  
    stationary/nonstationary, I, 3-6.5, 3-6.6.1  
supervisory Special Agent, FBIHQ, I, 3-2.4  
unit chief, I, 3-2.8  
spouse  
    not having supervision or rating responsibility for, I, 3-6.1  
step down, I, 3-7.1  
training  
    management courses, II, 8-1.5  
    programs, I, 3-4 thru 3-4.2  
Career development matters, support (See Promotion and placement, support.)  
file retention and destruction, I, 7-6.7  
Career ladders, support (See Promotion and placement, support.)  
Career path promotions, support, I, 7-5.1  
Carlson Wagonlit Travel, II, 6-1.1.1, 6-1.1.2, 6-1.1.6, 6-4.1, 6-4.2, 6-4.12.2,  
    6-4.12.3, 6-4.12.5  
Case  
advance of funds for, II, 6-12 thru 6-12.3  
character of, II, 10-16.8  
closing of, I, 11-15.1; II, 2-3.6.1, 2-3.6.2, 2-3.6.4, 2-4.5.23, 2-5.2.4, 3-4.5,  
    10-9  
    office of origin notifying auxiliary office of, II, 2-5.2.4  
    returning serials to file, II, 2-4.3.5  
    supervisors must approve, II, 3-4.5  
cost data, requests for, II, 9-5  
counts, MAR, II, 3-4.5  
delinquency, use of Form FD-205, II, 10-10.8  
file review, II, 1-1.4, 1-3.13.3, 8-1.2.3  
funding, SAC authority, II, 6-11 (See also MIOG, Part II, 10-11.)  
judicial decisions adversely affecting, II, 4-3  
major  
    dissemination of information concerning, II, 9-6  
    SAC's role (See also MIOG.), II, 1-2  
    TURK purposes, II, 3-3.2  
office of origin, determining, II, 10-16.2  
opening of  
    indexing in RAs, II, 2-4.3.1  
    requirements for, II, 2-5.1  
pending, II, 2-5.2.1  
pending inactive, II, 2-5.2.2  
reclassifying, listing on monthly administrative report, II, 3-4.6  
RUC, II, 2-5.2.3, 9-6  
spin-off, II, 3-4.10  
status of  
    Agent's responsibility, II, 10-11

Form 0-1, use of by FBIHQ, II, [10-6](#), [10-10.8](#)  
Form FD-320, use of, II, [10-11](#)  
inquiries from interested officials, II, [10-10.4](#)  
marking of on file, II, [2-5.2](#)  
showing on letters, airtels, etc., II, [10-2.1.9](#), [10-6.7](#), [10-10.1](#)  
symbols, II, [10-15.2.1](#), [10-16.10](#)  
types, determining, II, [2-5.2.1](#) thru [2-5.2.5](#)  
supervision of by  
  case Agents in OO and AO, II, [1-1.4](#)  
  office of origin, II, [1-1.4](#)  
  resident Agents, II, [1-3.13.2](#)  
title of, II, [10-16.7](#) thru [10-16.7.4](#), [10-17.6](#)  
  additions to, II, [10-16.7.2](#)  
  changed, II, [10-16.7.4](#)  
  fugitive, use of in, II, [10-16.7.2](#)  
  known subject case, II, [10-16.7.1](#)  
  unknown subject case, II, [10-16.7.3](#)  
  victim, use of in, II, [10-16.7.2](#), [10-16.7.3](#)  
unaddressed, II, [2-5.2.5](#)  
Cases, results of, general rules regarding written notification to FBIHQ and other offices, II, [10-9](#)  
Cash  
  evidence (See [Evidence](#).)  
  for passenger transportation services, II, [6-1.1.2](#)  
  submission to FBIHQ, II, [6-13.4](#)  
Caution statement, II, [7-2.4.1](#), [10-2.2.1](#), [10-4.9](#), [10-5.1](#), [10-6.6](#), [10-10.2](#),  
  [10-15.2.2](#), [10-16.16](#), [10-17.8](#), [10-20.1](#)  
Central Intelligence Agency records checks, I, [20-2.5.1](#), [20-25](#)  
Certificates for Exceptional performance, I, [5-14](#)  
Changed case titles  
  indexing, II, [2-3.3.1](#), [2-3.6.1](#), [2-3.6.4](#), [2-3.8](#)  
Characterizations  
  domestic security/terrorism organizations, II, [10-17.13.1](#)  
  public source material, containing, II, [9-4.4.2](#)  
Chargeout nonexpendable property, I, [1-3](#)  
Charitable activities or organizations, participation by SA, I, [20-6.3.2](#)  
Charity campaigns, I, [16-10](#)  
Charity contributions to, payroll allotments, I, [16-11](#)  
Charts, official Bureau, requests for, II, [5-7.2](#)  
Check  
  deductions from, I, [16-11](#)  
  garnishing (See [Garnishment](#).)  
  government, loss of, I, [20-18](#)  
  mailing to resident agency, II, [2-2.2.4](#)  
  resigned employee, I, [17-1.6](#)  
  submitting to FBIHQ, II, [6-13.1](#), [6-13.2](#), [6-13.3](#), [6-13.4](#), [6-13.9](#), [6-13.10](#)  
  transfer, routing employee's, I, [11-14.7](#) (See [Salary](#).)  
Chief division counsel, associate division counsel  
  duties, I, [4-8](#)  
EEO Counselor, not to serve, I, [4-5.1](#)  
  selection of, I, [4-7](#)  
  term, I, [3-2.21](#)  
  transfers, I, [11-11](#)  
Child support and/or alimony payments, I, [16-11](#)  
Chronic letter writers, II, [2-4.5.12](#)  
Circuit court of appeals  
  disposition form R-84, use of, II, [4-6](#)  
  security cases (See [MIOG](#), Part II, Section 9.)  
  significant cases, reporting, II, [4-4](#)  
Circulars, destruction of, II, [2-4.5.23](#)  
Civil/RICO,

- contempt of court violations, office
  - of origin, II, [10-16.2](#)
- reporting accomplishments, II, [3-5.2.8](#)
- Civil rights cases
  - closing, II, [2-5.2.4](#)
  - results of investigation, II, [10-9](#)
- Civil Service Reform Act of 1978, I, [1-23.1](#), [13-13](#), [14-5](#)
- Civil Service Retirement System, I, [8-15](#), [18-1](#), [18-2](#) (See [Retirement](#).)
- Claims/suits
  - against the U.S., Public Law 89-506, I, [12-2.4.2](#)
  - contacting U.S. Attorney, I, [12-2.4.4](#)
  - government shipments, loss/damage to, II, [6-2.3.8](#)
  - Military Personnel and Civilian Employees' Claim Act of, I, [19-0](#)
  - motor vehicle accident, I, [12-2.4](#), [12-2.4.1](#), [12-2.4.3](#)
    - claim against government, Public Law 89-506, I, [12-2.4.2](#)
    - collection damage from non-Bureau employee, Public Law 89-508, I, [12-2.4.1](#)
    - contacting U.S. Attorney, I, [12-2.4.4](#)
    - forwarding claim to FBIHQ, I, [12-2.4.6](#)
    - suit against or for U.S. or employee, I, [12-2.4.3](#)
    - third party rights, I, [12-2.4.5](#)
  - personal property, loss/damage
    - allowable claim, I, [19-2](#)
    - claim form DOJ-110, use of, I, [19-8](#), [19-10](#), [19-14](#)
    - compensation for loss, I, [19-11](#)
    - evidence supporting, I, [19-9](#)
    - nonallowable claim, I, [19-3](#)
    - Schedule of Property, Form DOJ-110A, I, [19-8](#), [19-15](#)
- Classes (See also [Training](#).)
  - attendance, I, [1-11](#); II, [8-2.1](#)
  - Business English, FBIHQ, II, [8-2.1](#)
  - conducting of, I, [1-11](#)
  - Proofreading, FBIHQ, II, [8-2.1](#)
  - teaching of, I, [1-11](#)
- Classified information, classifying of, disclosure of, and other instructions (See [MIOG](#) and [National Foreign Intelligence Program Manual](#).)
  - dissemination to state and local agencies, II, [9-3.1.3](#)
  - security violations
    - mishandling, disciplinary action, I, [13-13](#)
- Clerk-Agent ratio, computation of, I, [20-12](#)
- Closing cases (See [Cases](#), [closing of](#), and [MIOG](#), substantive sections.)
- Clothing, claim for loss/damage, I, [19-2](#)
  - depreciation allowance, I, [19-11](#)
- Code
  - names, indexing, II, [2-3.3.1](#), [2-3.6.1](#)
  - of Federal Regulations
    - authority of Director, I, [0-1](#), [0-2](#)
    - press policy, II, [5-1.2](#) thru [5-1.3](#)
  - words, II, [10-6.5](#)
- Codes, field office, used by Accounting Section, II, [6-7.1.2](#), [6-7.1.6](#)
- Combination locks (See [MIOG](#), Part II, Sections [16-7.2.6](#) and [26-5.4](#).)
- Combinations, changing
  - cash fund boxes, II, [6-3.2](#)
  - safes, excess property, II, [6-7.3](#)
- Communications, written, II, [10-1](#) thru [10-25.5](#)
  - addressing of envelopes, II, [10-10.11](#)
  - completeness of, II, [10-10.1](#)
  - errors in, correcting of, II, [10-22](#) thru [10-22.7](#)
  - initialing of incoming, II, [10-10.10](#)
  - Legats, leads, II, [10-16.15](#)
  - miscellaneous instructions concerning, II, [10-10](#) thru [10-10.14](#)
  - notations on, II, [10-2.3.6](#)

recording results of investigation, general rules for, II, 10-9  
reproduction of, I, 1-3.6; II, 1-1.5.1, 10-21 thru 10-21.2, 10-25.3, 10-25.5, 11-4  
requesting FBIHQ advice, II, 10-10.13, 10-16.15  
SAC Memorandum, II, 10-3.1  
types of, definitions, II, 10-1 thru 10-1.11  
use of character "miscellaneous-information concerning," II, 10-10.14  
Compensatory time (See Leave Administration Guide.)  
Agents receiving, I, 8-1.6, 8-1.7  
while on compressed schedule, II, 1-2.4.2  
Competition Advocacy  
Office of, II, 6-6, 6-6.1, 6-6.1.1, 6-6.2  
Program, II, 6-6 thru 6-6.2  
Competition Advocate, II, 6-6, 6-6.2  
Competition in Contracting Act, II, 6-6  
Competition Review Committee, II, 6-6, 6-6.1  
Complainant, chronic, II, 2-4.5.23  
Complaints  
EEO (See EEO.)  
FD-302, use of, II, 10-13.3  
filing, II, 2-4.1.1  
investigative (See MIOG Index.)  
Compressed Work Schedule, I, 20-7.2; II, 1-2.4.2  
Computer (See also MIOG.)  
addresses, indexing, II, 2-3.3.2  
audit of FBI computer system user activities, I, 13-3  
files, maintaining in off-site/RA, II, 2-4.3.1  
fraud and abuse cases, copies of LHMs, II, 10-4.3  
security of (See MIOG, Part II, Section 35.)  
specialists, selection and promotion, I, 11-16.3.2 (See also MIOG Index.)  
use of FBI records for official purposes, I, 1-3  
violations, disciplinary action, I, 13-13  
Conduct standards for employees, I, 1-1 thru 1-30; II, 6-1.7  
Conferences  
Agent  
annual  
auditing instructors, II, 8-3.2  
Employee Assistance Program, II, 8-1.3.2  
general, I, 4-7.1; II, 8-1.3.2  
Shooting Incident Review Group, II, 8-1.3.2  
squad, II, 8-1.3.2  
beneficiaries of death benefits, valid and invalid designation, discuss at, I, 20-17.5  
EEO matters, concerning, I, 4-7.1; II, 8-1.3.2, 8-2.2  
planning, travel costs, II, 6-1  
police, Agent attendance at, II, 8-5  
SAC with supervisory staff, II, 1-1.6  
support personnel  
at FBIHQ, I, 4-7.1; II, 8-2.2  
auditing instructors, II, 8-3.2  
Employee Assistance Program, II, 8-2.2  
in field office, I, 4-7.1; II, 8-2.2  
upward mobility plan to be discussed, I, 4-9  
Confidential  
Financial Disclosure Reports, I, 1-14; II, 2-4.2.1  
funding (See Case funding, SAC authority.)  
source material, not to be in employees' publications, I, 1-24  
trash, II, 2-1.3 (See also MIOG and National Foreign Intelligence Program Manual.)  
travel voucher (See Forms, SF-1012.)  
vouchers, destruction, II, 2-4.5.9  
Confidentiality of  
FBI operations, I, 1-19  
press matters, II, 5-1.1

Conflict of interest (See also MIOG, Part I, Section 58.)  
certification, I, [1-14](#)  
financial, I, [1-1](#), [1-14](#), [1-14.1](#), [1-14.2](#), [20-6.1](#), [20-6.3.2](#); II, [6-11](#)  
political activities of employees, I, [1-18.1](#), [1-18.3](#)  
Congress, member of, inquiries from, II, [1-1.5](#), [9-4.2.4](#), [9-4.2.5](#), [9-4.2.6](#)  
Consensual monitoring  
transcriptions, use of preamble statement, II, [10-13.3](#)  
Consultation, receiving compensation for, I, [20-6.3.2](#)  
Contacts  
recording of outside, II, [9-3.5.3](#)  
with foreign nationals, I, [1-19.1](#); II, [8-1.1.2](#)  
Contracts, II, [6-3.6](#), [6-5](#), [6-5.2](#), [6-8.10](#), [6-9.2.4](#), [6-11](#)  
Control files (See [File](#).)  
Conviction, reporting change in, form R-84, II, [4-6](#)  
Copiers, requests for (See [Supplies/equipment](#).)  
Copies  
forward two or three, II, [2-4.1](#)  
of official documents, retention for personal use, I, [1-3.6](#)  
Copyright material, reproduction of, II, [11-4](#)  
Corrections on communications, II, [10-22](#) thru [10-22.7](#)  
Corruption  
employees, disclosing waste and fraud, I, [1-1](#)  
Cost  
of living allowances, I, [8-12](#), [11-1](#), [11-14.5](#)  
requests for investigative, II, [9-5](#)  
Counselor Matters Data Base, EEO, I, [4-5.1.3](#), [4-5.1.4](#)  
Court  
actions to be reported to FBIHQ quarterly, II, [4-3](#), [4-3.1](#)  
leave (See [Leave Administration Guide](#).)  
Supreme (See [Supreme Court](#).)  
testimony (See also MIOG, Part II, Section 6.)  
federal, first appearance in, II, [8-1.3.1](#)  
fees received for (See [Leave Administration Guide](#).)  
trial, observing of for training, II, [8-1.3.1](#)  
Credentials  
destruction of, II, [2-4.5.21](#)  
photographs for, II, [1-1.8.3](#)  
return to FBIHQ, I, [17-1.7.1](#); II, [6-10.2](#)  
security of, I, [1-3.4](#)  
Credit  
cards (See also [Government credit card](#).)  
American Express (AMEX), II, [6-1.1.2](#), [6-4](#) thru [6-4.11](#)  
misuse of, II, [6-4.1.1](#)  
telephone (See [Telephone](#) and MIOG Index.)  
U.S. Government National, II, [6-7.1.6](#), [6-8.5](#)  
use of  
on transfer and temporary duty, II, [6-2.10.6](#)  
checks, II, [6-4.10](#), [10-12](#)  
inquiries, verification of employment, I, [20-15.2](#)  
Crime Aboard Aircraft cases, confirming USA's opinion, II, [10-11](#)  
Criminal conduct (See [Activities of employees](#).)  
Criminal profiling (See MIOG, Part I, Section 252.)  
Crisis (hostage) negotiation training, II, [8-7](#) (See also MIOG, Part II, Section 30-2.)  
Crisis management training, II, [8-6](#) (See also MIOG, Part II, Section 30.)  
Cryptographics systems, training given to employees under transfer to Legat offices, I, [11-15.1](#)  
Cryptomaterials, use of, I, [1-1](#) (See COMSEC Custodian Manual.)  
Custodian of Records, Field Divisions, II, [2-2](#), [10-13.1](#)  
Customs Service, U.S., dissemination to, II, [9-3.3.2](#)

# MAOP INDEX

## INDEX D, E, F

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

(D) [top]

Daily reports, FD-28, II, [1-2.5](#)

Damage assessment

automated data processing equipment, loss of, II, [6-7.5](#) (See also MIOG.)missing files, II, [2-4.3.8](#) (Also see MIOG.)Deadline, definition of, II, [10-10.3](#)

Death

benefits

FEGLI, I, [16-7.12](#)Public Safety Officers, I, [16-14](#)

funeral leave (See Leave Administration Guide.)

reporting of

employee, I, [16-7.12](#), [20-2.3.2](#)relative of employee, I, [20-2.3.1](#)service connected, I, [15-1](#), [15-1.10](#)Debt Collection Act of 1982, II, [6-2.10.5](#)Debts, payment of personal, I, [1-14](#)failure to pay, penalty, I, [13-13](#)Defense Industrial Security Clearance Office, II, [9-3.3.1](#)Defense Language Aptitude Battery, I, [22-1.5](#)Deferred Prosecution System, adding to character of case, II, [10-16.8](#)

Delay

in investigation, II, [1-1.4](#)letter, FD-205, II, [10-10.8](#)Delimitations Agreement, II, [9-2.2](#)

Delinquency

case (See Case.)

stenographic, I, [20-13](#)typing, I, [20-13](#)

Demotion

compensation, I, [8-9](#)Department of Energy applicant/employee cases, II, [10-16.7.2](#), [10-23](#)Department of Justice Appropriation Authorization Act, II, [6-8.2.1](#)Departmental Order 350-65, I, [1-1](#), [1-21.2](#), [13-13](#), [20-6.1](#)" 532-73, II, [9-3.5.3](#)" 635-75, I, [1-23](#)" 960-81, I, [1-1](#)" 1411.2, I, [4-9](#)" 1713.4, I, [4-3](#)" 1713.5, I, [4-3](#)" 2300.5B, II, [6-6](#), [6-6.1](#)" 2300.8A, II, [6-6](#)" 2410.4, II, [2-1.2.7](#)" 2610.2A, I, [1-29](#), [20-26](#)" 2630.2A, I, [1-3](#); II, [6-7.5](#)" 3464, II, [9-2.5](#)

Description of subjects and suspects in

investigative report, II, [10-17.11.1](#)nonprosecutive summary report, II, [10-20.1](#)

Deserter cases

case captions, II, [10-16.7.1](#)closing, II, [2-5.2.4](#)office of origin, II, [10-16.2](#)



reporting apprehension, II, 10-9  
retaining photographs in files, II, 2-4.3.6  
Desks  
items in, II, 2-1.1  
supervisory, in field offices, II, 1-4  
Destruction of Aircraft or Motor Vehicles cases, confirming USA's opinion, II, 10-11  
Destruction of ELSUR tape recordings (See FCI Manual.)  
Destruction of official/confidential trash, II, 2-3.1 (See also MIOG and National Foreign Intelligence Program Manual.)  
Destruction of records, II, 2-4.5 thru 2-4.5.29  
administrative files, II, 2-4.3.6, 2-4.5.2, 2-4.5.17  
after inspection, II, 2-4.5.13  
Agents' notes, II, 10-12  
attendance register/TURK (FD-420 and FD-420a and Register FD-31), II, 2-4.5.10, 3-3.2  
authority, II, 2-4.5  
automated workload tracking reports, II, 2-4.5.13  
auxiliary case files, II, 2-4.5.2  
career board documentation and recordings (See Career development matters, Special Agent.)  
support personnel records, I, 7-6.7  
circulars/flyers, II, 2-4.5.23  
computer/magnetic media (See MIOG Index.)  
control files, II, 2-4.5.2, 2-4.5.13, 2-4.5.15, 2-4.5.23  
copies, II, 2-4.3.1, 2-4.3.6, 2-4.5.2, 2-4.5.3  
dissemination files, II, 2-4.5.23  
employment application files (record checks and unsuccessful applicants), II, 2-4.5.2  
Form FD-430, II, 2-4.5.2  
Freedom of Information/Privacy Acts files, II, 2-4.5.1, 2-4.5.2  
Fugitive Bank Robbery (FUBANK)circulars, II, 2-4.5.2  
index cards, II, 2-3.7, 2-4.5.2  
internal office memoranda, II, 2-4.5.23  
investigative files, II, 2-4.5.1  
"Investigator," II, 2-4.5.23  
"Law Enforcement Bulletin" and indexing lists, II, 2-4.5.23  
leave records, II, 2-4.5.10, 2-4.5.12, 2-4.5.16  
Legat files, II, 2-4.5.2 (See also Legal Attache Manual, Section 2-15.2.)  
mail records, receipts, etc., II, 2-2.1, 2-2.2.2  
Memorandum to All SACs (formerly SAC Letters), II, 2-4.2.1, 2-4.5.12, 2-4.5.17, 10-3.1  
National Bank Robbery Album (NABRA) circulars, II, 2-4.5.2  
newspaper clippings, II, 8-3.4  
noninvestigative files, II, 2-4.5.3, 2-4.5.9  
OCIS/ISIS/IIS/TIS notations, files containing, II, 2-4.5.29  
office of origin files, II, 2-4.5.2  
OPR records, II, 2-4.5.29  
pending transcription workload and delinquency report, II, 2-4.5.13  
personnel files, II, 2-4.2.1, 2-4.5.12, 2-4.5.17  
record checks, II, 2-4.5.2, 2-4.5.13  
Recreation Association records, II, 2-4.5.23  
restrictions  
administrative files, II, 2-4.5.1  
Freedom of Information/Privacy Acts requests, II, 2-4.5.1  
litigation matters, II, 2-4.5.1  
original documents, II, 2-4.5.1  
tax information, II, 2-4.5.1  
retirement records, II, 2-4.5.15  
tax information, II, 2-4.5.1, 2-4.5.2, 2-4.5.11, 2-4.5.12  
training files, II, 2-4.5.11  
use of FD-478, II, 2-4.5  
Detail assignments, I, 3-2.20, 11-18 thru 11-18.4.4  
ethical conduct while on, I, 1-28  
Dictaphone Transcriber Test, I, 6-1, 6-2, 6-2.4, 6-7

## Dictation

guide, investigative report, II, [10-18.1](#)

slip, FD-77, II, [10-18.1](#), [10-19](#)

Dinner period, I, [20-22](#) (See also [Leave Administration Guide.](#))

part-time employees, I, [20-22](#)

Direct deposit (electronic funds transfer) of salary, I, [16-11](#)

Director, FBI, authority of, I, [0-1](#)

Director's awards for excellence, I, [5-25](#)

Disabilities, Persons with, Program, I [4-7.2](#), [4-10](#) thru [4-10.5](#)

Disability, I, [15-1](#) thru [15-1.16](#)

compensation for, I, [15-1.9](#), [15-1.10.1](#), [15-1.10.2](#)

EEO complaints from personnel with, I, [4-4](#), [4-4.1](#)

Public Safety Officers' Benefit, I, [16-14](#)

retirement, I, [18-2.1.2](#), [18-3.3](#)

Disciplinary actions (See also [Misconduct of employees.](#))

advising employee of pending, I, [1-15.2](#)

appeals of by

nonveteran, I, [13-13](#), [14-4.2](#)

veteran, I, [10-6](#), [13-10](#), [13-13](#), [14-4.1](#)

automobile accident, I, [12-2.5.2](#)

censure, I, [13-13](#)

classified information, mishandling, I, [13-13](#)

drug-related, I, [1-25.11](#)

leave during (See [Leave Administration Guide.](#))

list of offenses and penalties, I, [13-13](#)

probation, I, [13-13](#), [13-14](#) thru [13-14.5](#) (Also see [Leave Administration Guide.](#))

promotion delayed, I, [13-13](#), [13-14.3](#)

reassignment, temporary, I, [13-1](#)

recommendations for, I, [1-15.1](#)

resignation during, I, [13-12](#)

suspension without pay, I, [13-9](#)

transfers, affecting, I, [11-2.4](#), [11-3](#), [13-14.3](#)

types of, I, [13-14](#)

unclassified information, mishandling, I, [13-13](#)

veteran rights during, I, [10-6](#), [13-10](#), [14-4.1](#)

Discounts on goods and services, I, [1-13.2.2](#); II, [6-9.3](#) thru [6-9.3.8](#)

Discrimination, FBI employee (See [EEO](#) and MIOG, Part I, Section 280.)

Discrimination in Housing cases, closing, II, [2-5.2.4](#)

Discriminatory terminology, reports not to contain, II, [10-17.11.2](#)

Dismissal, early due to weather/emergency, II, [1-2.4.3](#)

Disposition form R-84, final or amended, submission to FBIHQ, II, [3-5.4](#), [4-6](#)

Disruption of office

authority to discipline for, I, [13-2](#)

Dissemination of information, I, [1-24](#); II, [9-1](#) thru [9-11](#) (See also MIOG, Part II, Section 18, and MIOG Index.)

authorized requests, II, [9-4.2](#)

basis for, II, [9-2](#)

Bureau employees, by past or current in connection with written material for publication, I, [1-24](#)

Bureau employees, past or present, concerning, II, [9-4.4](#) (Also see [Recommendations and Opinions.](#))

classified information, II, [9-3.1.3](#) (See also [National Foreign Intelligence Program Manual](#), and MIOG, Part II, Section 26.)

congressional requests, FBIHQ coordination of, II, [1-1.5](#), [9-4.2.5](#)

contacts, recording of outside, II, [9-3.5.3](#)

control file, II, [9-3.1.4](#), [9-3.5.3](#)

cost of investigation requests, II, [9-5](#)

Delimitations Agreement, II, [9-2.2](#)

Departmental Order 3464, II, [9-2.5](#)

during training sessions and academic workshops, II, [9-11](#)

exceptional circumstances, II, [9-3.1](#), [9-3.1.2](#), [9-3.1.5](#)

Executive Order 10450, II, [9-2.4](#), [9-3.3.1](#), [9-4.4.5](#)  
FBIHQ, to, II, [1-1.5](#), [10-10.1](#)  
federal agencies requiring, list of, II, [9-3.3.2](#)  
field office, request directed to, II, [9-4.3.2](#)  
financial gain, for, I, [1-14](#)  
foreign police/intelligence requests, II, [9-3](#), [9-8](#)  
grand jury material, II, [2-4.4.4](#), [9-3.1.3](#), [9-9](#)  
identifying data, needed, II, [9-4.3.1](#)  
informant's identity, II, [9-3.1.3](#)  
information from  
    foreign police/source, II, [10-17.12.3](#)  
    Legal Attaches, II, [10-17.12.3](#)  
    other government agency, II, [9-4.4.4](#), [10-17.12.2](#)  
    public source, II, [9-4.4.2](#)  
    questionable or unreliable source, II, [9-3.3.4](#), [10-17.12.1](#)  
    reliable source, II, [9-4.4.1](#)  
    rumor or gossip category, II, [9-4.4.3](#)  
    technical surveillance, II, [9-7.2.2](#)  
Key facility, employees of, II, [9-3.3.1](#)  
local government agencies, to  
    criminal justice agencies, II, [9-3.1.1](#)  
    noncriminal justice agencies, II, [9-3.1.2](#)  
    Privacy Act considerations, II, [9-3.1.2](#), [9-3.1.5](#)  
major cases, II, [9-6](#)  
methods of, II, [9-3.5.1](#) thru [9-3.5.6](#), [9-4.5.1](#), [9-4.5.2](#)  
    blind memorandum, II, [9-4.5.2](#)  
    letter/LHM, II, [9-3.5.2](#), [9-4.5.2](#)  
    notations on original request, II, [9-4.5.3](#)  
    orally, II, [9-3.5.3](#)  
        use of FD-159, II, [9-3.5.3](#)  
    reports, II, [9-3.5.1](#), [9-4.5.1](#)  
    routing slip, FD-342, II, [9-3.5.5](#), [9-4.5.2](#)  
    teletypes, II, [9-3.5.6](#)  
name checks (See [Name checks](#).)  
National Security Act of 1947, II, [9-2.3](#)  
Privacy Act  
    accounting, II, [9-3.5.3](#)  
    considerations when disseminating to  
        FBIHQ, II, [1-1.5](#)  
        state and local agencies, II, [9-3.1.2](#), [9-3.1.5](#)  
    of 1978, Right to Financial, II, [9-10](#)  
probation officer, requests, II, [9-4.2.3](#)  
property stamp, II, [9-3.5.1](#), [9-3.5.2](#), [9-3.5.7](#), [9-4.5.2](#), [10-4.9](#)  
responsibility of FBI for, II, [9-1](#)  
third agency rule, II, [9-4.4.4](#)  
threats to  
    foreign establishment/official, II, [9-7.2](#), [9-7.2.1](#)  
    life, II, [9-7](#) (See also [MIOG Index](#).)  
    President and other officials, II, [9-7.1](#)  
types of information disseminated, II, [9-2](#) thru [9-3.5.2](#), [9-4.2.7](#) thru [9-4.5.2](#)  
Divorces, reporting, I, [20-2.5.2](#)  
Doctors, available through health service, I, [16-5.1.2](#)  
Documentation, use of, II, [10-17.14](#)  
Domestic Security/Terrorism cases  
    characterizations, II, [10-17.13.1](#)  
    reporting requirements, II, [10-9](#)  
    Letterhead memoranda, II, [10-4.3](#), [10-9](#)  
Draft system, II, [6-3](#) thru [6-3.11](#)  
    accountability report, II, [6-3.7](#)  
    advances (See [Advance of funds](#).)  
    audits, II, [6-3.5.1](#), [6-3.9](#), [6-3.9.1](#)

## cashiers

- absence or resignation, II, [6-3.8 thru 6-3.8.4](#)
- alternate, II, [6-3.4](#)
- designation of, II, [6-3.3.1](#)
- name change, II, [6-3.11](#)
- confidential expenditures, II, [6-11](#)
- definition and purpose, II, [6-3.1](#)
- destruction of records, II, [2-4.5.9](#)
- draft approval officer, II, [6-3.3](#)
- emergency funds, II, [6-3.1](#)
- expenses for transfers, travel, and TDY, II, [6-1.2](#), [6-1.7.4](#)
- forms, II, [6-3.5.1](#)
- items that may not be paid from, II, [6-3.6](#)
- petty cash fund, II, [6-3](#), [6-3.1](#), [6-3.6](#), [6-3.8](#)
  - liquidation of, II, [6-3.10](#)
- procurement approval, II, [6-3.6](#)
- receipts and invoices, II, [6-3.6](#), [6-3.6.1](#), [6-3.7](#), [6-9.3.3](#)
- refunds, II, [6-3.6.1](#)
- regulations governing use, II, [6-3.6](#), [6-3.7](#)
- rental of automobile, II, [6-8.10](#)
- repairs of automobile, II, [6-8.5](#)
- replenishment of, II, [6-3.7](#)
- safekeeping funds, II, [6-3.2](#), [6-3.2.1](#)
- shipments, II, [6-2.3.2](#), [6-2.3.5](#)
- submission to FBIHQ, II, [6-3.6.1](#)
- supplies, II, [6-3.6](#), [6-7.1.2](#), [6-7.1.6](#), [6-9](#)
- transfer of fund, II, [6-3.8 thru 6-3.8.3](#)
- travel vouchers, II, [6-3.6](#)
  - non-Bureau personnel, II, [6-3.6](#)
- Dress standards, I, [20-20 thru 20-20.2](#)
- Driving while intoxicated (See [Alcohol policy.](#))
- Drug (See also [Drugs.](#))
- Deterrence Program (DDP), I, [1-25 thru 1-25.11](#), [15-3.1](#), [15-3.2](#), [15-3.3.1](#)
- evidence, II, [2-4.4.7](#), [2-4.4.9](#), [2-4.4.11](#)
- testing, I, [1-25 thru 1-25.11](#)
- Drugs (See also [Drug.](#))
- purchase of evidence, II, [6-11](#)
- use of, employees', I, [1-2](#), [1-25.2](#), [12-1.5](#)
  - penalties, I, [13-13](#)
  - treatment for abuse (See [Employee Assistance Program.](#))
- Drunk driving (See [Alcohol policy.](#))
- Dues, payment of, II, [6-1.2.3](#)
- DuHadway, Thomas E., Humanitarian Award, I, [5-25.2](#), [5-25.3](#)
- Duplicate files, II, [2-4.3.1](#)
- Duty
  - improper performance allegations (See [Misconduct of employees.](#))
  - temporary, I, [11-17](#) (See also [Temporary Duty Assignments and Temporary Duty Benefits.](#))

**(E) [top]**

- Eavesdropping, space vulnerable to, II, [2-1.3](#)
- Education (See [School.](#))
- EEO, I, [4-1 thru 4-9.1](#)
  - complaints, I, [4-4](#)
    - disability basis, filing, I, [4-4](#), [4-4.1](#)
    - files, I, [20-4.1](#)
    - form JMD-379, use of, I, [4-5.1.4](#)
    - promotions, regarding, I, [7-7](#)
  - conferences concerning, I, [4-7.1](#); II, [8-1.3.2](#), [8-2.2](#)

- counselor, I, 4-5.1, 4-5.1.1
- class actions, I, 4-5.1
- data base, I, 4-5.1.3, 4-5.1.4
- files available to, I, 4-5.1.2
- notes, I, 4-5.1, 4-5.1.4, 4-5.1.5; II, 2-4.5.15
- documents, filing, I, 20-4.1
- DOJ regulations, display of, I, 4-3
- employee awareness of, I, 4-7
- handicapped individuals, notice of rights, display of, I, 4-3, 4-4.1
- investigations (See MIOG, Part I, Section 280.)
- investigator, I, 4-5.2, 4-5.2.1
  - evaluation of work, I, 4-5.2
  - files available to, I, 4-5.2.2 (See MIOG, Part I, Section 280.)
- objectives of program, I, 4-1
- officials/coordinators, Bureau, I, 4-5, 4-7.2
- officials, responsibilities regarding support promotions, I, 7-3
- plan of action, I, 4-3, 4-6.1
  - display of, I, 4-6.1
  - recruitment suggestions, I, 4-6.1.1
- policy statement on Executive Development and Selection Program, I, 4-8
- Report of counseling, I, 4-5.1.4
- subclassifications, I, 4-5.3
- training, I, 4-5.1, 4-7
- upward mobility plan (See Upward mobility.)
- Election laws cases, closing, II, 2-5.2.4
- Electronic surveillance
  - equipment, not to install without FBIHQ authority, I, 1-4
  - evidence, II, 2-4.4.4, 2-4.4.5
  - indexing subjects in general index, II, 2-3.3.1
- Electronic Technician
  - hazardous duty pay, I, 8-7
  - physical fitness program, I, 20-5.4
  - transfers, I, 11-16.3.1
  - vacancies, filling, I, 11-16.3.1
- Emergency notification designee, change in, I, 20-2.7
- Employee
  - activities and conduct, I, 1-1 thru 1-28
  - Assistance Program, I, 1-25.6, 15-3 thru 15-4
    - alcohol policy, I, 1-30.1 thru 1-30.4
    - conferences, annual, presentation regarding, II, 8-1.3.2, 8-2.2
    - confidentiality of records/information, I, 15-3.2, 15-3.5
    - coordinator, not to be Security Officer, I, 15-3.4 (See also MIOG.)
    - EEO counselors, access to records, I, 4-5.1.2
    - EEO investigators, access to records (See MIOG, Part I, Section 280.)
    - on-call schedule, I, 15-3.3.2
    - self-referral procedure, I, 15-3.3.1
    - dissemination of information regarding past or present, II, 9-4.4 (See also Part I, Sections 1 and 20 of this manual re employment verification and testimonials.)
  - employment records, access to through Privacy Act, I, 1-15.1
  - indoctrination procedures (See Indoctrination of employees.)
  - membership in organizations, I, 1-6, 1-8, 1-9
- Employment
  - minors, I, 20-10
  - outside
    - authorship of past or current employees, I, 1-24
    - Bureau authorization, I, 1-9, 1-10, 1-11, 1-12, 1-16, 20-6.2
    - Bureau policy, I, 1-1, 1-16, 1-16.1, 20-6 thru 20-6.3.2
      - Special Agents, I, 1-1, 20-6.3.2
      - part-time, I, 20-28.3
    - DOJ Order 350-65, I, 20-6.1
    - political activities, I, 1-18.1

- post-employment restrictions (See Ethics Reform Act of 1989.)
- teaching, speaking & writing, I, 1-16.2
- relatives, I, 1-15.4, 20-23 (See also MIOG.)
- temporary limited, for students, I, 20-23
- verification of current or former, I, 1-15.3, 20-15.1
- women, I, 20-10
- work permits, I, 20-9
- Enclosures, number of copies to send, II, 2-4.1, 10-2.1.7, 10-2.3.1, 10-4.3,  
10-6.2, 10-6.3, 10-16.11
- Entrapment, I, 1-4
- Envelopes, addressing of, II, 10-10.11
- Epilepsy, SAs, medical restrictions (See Seizure disorders.)
- Equal employment opportunity (See EEO.)
- Equipment, procurement of (See Supplies/equipment.)
- Errors in communications, II, 10-22 thru 10-22.7
  - administrative handling of, II, 10-22.6
  - correction procedures, II, 10-22.1 thru 10-22.5
- FD-302s after initialing, II, 10-22.4
- form (0-17), II, 10-22.2
- typographical, II, 10-22.7
- Espionage cases
  - abbreviations of countries in, II, 10-24.2
  - use of T symbols, II, 10-17.12
- Ethical conduct of employees, I, 1-1
  - on detail, I, 1-28
- Ethics
  - advice, orientation and training, I, 1-1
  - handbook, I, 13-13, 20-6.1
  - Reform Act of 1989, I, 1-1
    - post-employment restrictions, I, 1-1
- Evidence
  - access to storage facility, II, 2-4.4.2, 2-4.4.3
  - administrative handling and storage of evidentiary property, II, 2-4.4.4
  - authority to acquire, II, 2-4.4.1
    - receipt for property received/returned/released/seized, FD-597 (See Forms.)
  - automobiles, II, 2-4.4.14
    - stolen, II, 2-4.4.14
  - bulky nonevidentiary (1C) property, II, 2-4.4.4, 2-4.4.16
    - charging out, II, 2-4.4.3, 2-4.4.16
  - chain of custody, II, 2-4.4.1 thru 2-4.4.17
  - charging out, II, 2-4.3.5, 2-4.4.3, 2-4.4.12, 2-4.4.16
  - clothing, drying room, II, 2-4.4.5
  - control log, II, 2-4.4.2, 2-4.4.3, 2-4.4.7, 2-4.4.10 (See also Forms, FD-455.)
  - control room, II, 2-4.4.2
  - control technician, II, 2-4.4.3
  - destruction, II, 2-4.4.3
  - disposition of when case closed, II, 2-4.4.17
  - documentary, II, 2-4.4.5, 2-4.4.17 (See also MIOG, Part II, Section 28, and Legal Handbook for Special Agents, Section 5.)
  - documenting and submission to ECT, 10-day deadline, II, 2-4.4.3, 2-4.4.4,  
2-4.4.10, 2-4.4.16
  - drug, II, 2-4.4.7, 2-4.4.9, 2-4.4.11
    - destruction of (See MIOG, Part I, Section 281.)
    - purchase of, II, 6-11 (See also MIOG.)
    - vault, access to, II, 2-4.4.2, 2-4.4.7, 2-4.4.8
  - ELSUR evidence, II, 2-4.4.4, 2-4.4.5
  - firearms, II, 2-4.4.6 (See also MIOG.)
  - grand jury material, II, 2-4.4.4, 2-4.4.16
  - hazardous materials, II, 2-4.4.4
  - inventory, II, 2-4.4.4, 2-4.4.15, 2-4.4.16
  - label, FD-723 (See Forms.)

mailing of, II, [2-2.2.2](#), [2-4.4.4](#), [2-4.4.11](#), [2-4.4.16](#)  
classified (See [MIOG](#), Part II, 26-7.)  
to and from resident agencies, II, [2-4.4.4](#), [2-4.4.11](#)  
marshal's responsibilities for, II, [2-4.4.14](#)  
money, II, [2-4.4.8](#)  
national security information, II, [2-4.4.4](#)  
obscene material, II, [2-4.4.4](#), [2-4.4.11](#)  
1A evidence (nonevidentiary), II, [2-4.4.16](#)  
charging out, II, [2-4.3.5](#)  
definition of, II, [2-4.4.16](#)  
forwarding to OO, II, [2-4.3.2](#), [2-4.5.1](#), [10-13.10](#)  
transmittal, II, [2-4.3.2](#), [2-4.4.16](#)  
use of FD-340 and/or FD-340b, II, [2-4.4.16](#)  
use of FD-340a, II, [2-4.4.16](#)  
1C (bulky evidence), II, [2-4.4.4](#), [2-4.4.16](#)  
preautomated, automated entry, II, [2-4.4.4](#)  
purchase of, II, [6-11](#)  
release to outside agencies, II, [2-4.4.13](#)  
retention in field, II, [2-4.4](#) thru [2-4.4.17](#)  
return of, II, [2-4.4.1](#)  
receipt for property received/returned/released/seized, [FD-597](#) (See [Forms](#).)  
storage  
drugs and valuables, II, [2-4.4.9](#)  
RAs, in, II, [2-4.4.10](#)  
turned over to marshal, record of, II, [2-4.4.14](#)  
money, II, [2-4.4.8](#), [2-4.4.14](#)  
valuable, II, [2-4.4.8](#), [2-4.4.9](#), [2-4.4.10](#)  
transmitting, II, [2-4.4.11](#)  
vault, access to, II, [2-4.4.2](#), [2-4.4.7](#), [2-4.4.8](#)  
Exams, CPA and Bar (See [Leave Administration Guide](#).)  
Excess and/or seized property, II, [6-8.9](#)  
Excess equipment or supplies, declaration of surplus, II, [6-7.3](#)  
Excess vehicles (See [Automobile](#).)  
Executive Development Institute, I, [3-4.13](#)  
Executive Locator System, I, [1-2.1](#), [1-2.3](#)  
Executive Order 5396 (See [Leave Administration Guide](#).)  
Executive Order 10450, I, [1-25.2](#), [1-29](#), [20-26](#); II, [9-2.4](#), [9-3.3.1](#), [9-4.4.5](#)  
Executive Order 10927, I, [16-10](#)  
Executive Order 11491, I, [1-8](#)  
Executive Order 12292, II, [6-2.11](#)  
Executive Order 12333, I, [1-22](#)  
Executive Order 12356, I, [1-25.2](#), [1-29](#); II, [2-2.2.2](#), [10-2.3.6](#), [10-18.1](#)  
Executive Order 12564, I, [1-25.1](#), [1-25.8.2](#), [1-25.11](#), [15-3.2](#)  
Executive Order 12674, I, [1-1](#)  
Executive Order 12764, I, [1-21.2](#), [13-13](#); II, [6-4.9](#)  
Executive Order 12863, I, [1-22](#)  
Executive Order 12968, I, [20-26](#)  
Executive Pay Act, I, [5-14](#)  
Executive Travel Notification, II, [1-2.1](#)  
Exhibits (See [Evidence](#).)  
computer printout, NCIC, retaining, II, [7-1.1](#), [7-2.1](#), [7-3.1](#)  
Exit interviews  
maternity reasons, I, [17-2.2](#)  
military reasons, I, [10-5.1](#), [17-2.3](#)  
post-employment restrictions, I, [1-1](#)  
recommendation re reinstatement, support employee aspiring to SA position, I, [17-2.1](#)  
resignations/separation, I, [17-2](#)  
unvouchered expenses, II, [6-2.10.5](#)  
Expense accounts (See [Travel expenses](#).)  
Expenses of government employee witnesses, payment, II, [6-1.9](#)  
Express mail, U.S. Postal Service, II, [2-2.2](#), [2-2.2.3](#) (See also [Federal Express](#).)

**(F) [top]**

Facsimile, use of by RA, II, [1-3.11](#)

Fair Labor Standards Act (See [Leave Administration Guide](#).)

False statements on FBI application, I, [1-21.1](#)

**FBI**

Academy, per diem/meals at during TDY, II, [6-1.3.1](#)

financial involvement with employees, I, [1-14.2](#); II, [6-11](#)

information or records, confidentiality of, I, [1-19](#); II, [9-2.5](#)

name or initials, use of, I, [1-3.4](#), [1-3.7](#), [16-3.5](#)

**operations**

circuit court decision affecting, II, [4-4](#)

confidential nature of, I, [1-19](#)

press-publicity matters, II, [5-1.1](#)

state legislation affecting, II, [4-2](#)

Seal, use of, I, [1-3.5](#), [1-3.7](#), [16-3.5](#)

**FBIRA, I, 2-8, [16-3.1](#) thru [16-4.3](#)**

activity announcements, I, [16-4.2](#)

bylaws, I, [16-3.4](#)

card, return of, upon resignation, I, [17-1.7.3](#)

filing of records, II, [2-4.5.23](#)

funds, use of, I, [16-3.3](#)

literature, I, [16-4.3](#)

membership, I, [16-3.2](#)

merchandising, I, [16-3.5](#)

tax-exempt status, I, [16-3.3](#)

**FCI cases, news inquiries, II, [5-4.1](#)**

**FD-302, II, [10-13](#) thru [10-13.10](#) (See also [Forms](#).)**

background investigations, sample of, II, [10-13.3](#)

chain of custody, II, [2-4.4.1](#)

composite, II, [10-13.3](#)

copies (three) to be made, II, [2-4.1](#), [10-2.1.7](#), [10-2.3.1](#), [10-4.3](#), [10-6.2](#), [10-6.3](#),  
[10-13.3](#), [10-16.11](#)

dictation date, II, [10-13.3](#), [10-13.4](#)

errors, II, [10-22.4](#)

filing of, II, [2-4.3.2](#)

in resident agencies, II, [2-4.3.1](#)

how prepared, II, [10-13.3](#) thru [10-13.8](#)

indexing, II, [2-3.6.1](#), [2-4.3.2](#), [10-13.9](#)

responsibility for, II, [2-3.6.1](#)

initialing of, II, [2-4.3.2](#), [10-10.9.2](#), [10-13.4](#), [10-13.8](#)

name of Agent(s) or others, and date, in, II, [10-13.3](#)

numbering of, II, [10-13.5](#)

original, handling of, I, [13-3](#); II, [2-4.3.2](#), [2-4.5.1](#), [10-13.10](#)

preparation of by non-Agent FBI or non-FBI personnel, II, [10-13](#)

serializing, II, [2-4.1.1](#), [2-4.3.2](#)

source information, use of for, II, [10-13.12](#)

when prepared, II, [10-13](#) thru [10-13.3](#)

**Federal**

Aviation Administration, dissemination to, II, [9-3.3.2](#)

Claims Collection Act of 1966, I, [12-2.4.1](#)

**Employee's**

Benefits Improvement Act of 1986, I, [15-2.12](#)

Compensation Act, I, [1-3.1](#), [15-1](#) thru [15-1.1](#), [15-2.11](#), [20-5.4](#)

false statement to obtain compensation, I, [15-1.16](#)

Group Life Insurance (FEGLI), I, [2-7](#), [8-15](#), [16-7](#) thru [16-7.14](#) (See also [Insurance](#).)

part-time employees, I, [20-21](#), [20-28.4](#)

Health Benefit Program, I, [15-2](#) thru [15-2.12.1](#)

cancelling enrollment, I, [15-2.6](#)

part-time employees, I, [20-21](#), [20-28.4](#)



- Spouse Equity Act, I, [15-2.12](#)
- table of permissible changes in enrollment, I, [15-2.4](#)
- temporary continuation of coverage, I, [15-2.12.1](#), [15-2.12.2](#), [15-2.13](#) thru [15-2.13.5](#)
- Health Benefits Act, I, [15-2.12](#)
- Pay Comparability Act of 1990, I, [8-1.1](#), [8-14](#)
- Retirement System, I, [18-1](#), [18-3](#)
- retirement plaque, I, [5-22](#)
- Express, II, [2-2.1](#), [2-2.2](#), [2-2.2.1](#) (See also [Express mail](#).)
- airbill, release signature, not to be signed, II, [2-2.2.1](#)
- evidence, II, [2-4.4.11](#)
- powership, II, [2-2.1](#), [2-2.2.1](#)
- sticker (SEL-17), II, [2-2.2.1](#)
- Insurance Contributions Act, I, [20-23](#)
- Safety Councils, I, [16-9](#)
- Standard Requisitioning and Issue Procedure (Fedstrip), II, [6-7.1.2](#)
- Tort Claims Act, I, [1-3.1](#)
- Fedstrip, II, [6-7.1.2](#)
- address codes, II, [6-7.1.2](#), [6-8.11](#)
- order report, computer printout, II, [6-7.1.2](#)
- Fees and expenses of government employee witnesses, II, [6-1.9](#)
- Field office
- Information Management System (FOIMS)
- lead application, II, [2-5.3](#)
- tickler application, II, [2-5.3](#)
- Vehicle Management Application, II, [6-8.5.1](#)
- relocation, form to submit, II, [2-1.2.5](#)
- Special Surveillance Group Daily Worksheets, II, [2-4.5.23](#)
- supervisors, I, [3-2.5](#)
- authorized to act in place of SAC, II, [1-1.1](#)
- changes in responsibilities, reporting, II, [1-1.1](#)
- duties of, II, [1-1.1](#)
- supervisory desks, II, [1-4](#)
- support account (See [Case funding](#), [SAC authority](#) and [Draft system](#).)
- surveys from FBIHQ, II, [11-6](#)
- Field Police Training Program (See [Police Schools](#).)
- File
- classifications, list of security-and applicant-related, II, [2-4](#)
- control
- Accomplishment Report (FD-515), II, [2-4.5.13](#), [3-5.1](#), [3-5.2](#)
- advance of funds, II, [6-12.1](#), [6-12.3](#)
- automobile
- accident, I, [12-2.2.1](#)
- rental, II, [6-8.10](#)
- complaint form (FD-71), II, [2-4.5.15](#)
- cumulative/comparative reports (FD-515), II, [2-4.5.13](#)
- definition and use, II, [2-4.1.5](#), [3-4.11](#)
- delivery service, II, [2-4.5.18](#)
- destruction procedures, classified material, II, [2-1.3](#)
- dissemination of information, II, [2-4.5.2](#), [2-4.5.23](#), [9-3.1.4](#), [9-3.5.3](#)
- equal employment opportunity, II, [2-4.5.12](#)
- evidence envelope (FD-340a), filing of, II, [2-4.4.16](#)
- file destruction listing, II, [2-4.5](#)
- foreign national field office, II, [2-4.5.12](#)
- indexing, II, [2-3](#)
- informant's
- annual letters, II, [2-4.5.12](#)
- quarterly progress letters, II, [2-4.5.13](#)
- in-service, II, [8-1.6.5](#)
- INS Form I-94, II, [2-4.5.18](#)
- inventory, II, [2-4.4.15](#)
- leads, II, [2-4.1.2](#), [2-4.1.5](#), [3-4.11](#)

lost or stolen government property, II, 6-7.5  
missing files, II, 2-4.3.8  
news releases, II, 5-2.1.4  
nontax criminal information, II, 2-4.5.2  
Probationary Agent Program, II, 8-1.2.3  
public service award, I, 5-18.1  
record checks of  b2  
and Passport Office, II, 2-4.5.13  
report, II, 2-4.1.5, 3-4.11  
Resource Management Information System, II, 2-4.5.13  
security classifications re-consolidation, II, 2-4.3.6  
Special Surveillance Group, II, 2-4.5.23  
speech, II, 5-4.2.1  
survey, II, 11-6  
tax return, II, 2-4.5.11  
temporary duty, I, 11-17  
travel, II, 6-1.2  
unaddressed work, II, 2-4.5.13, 2-5.2.5  
fronts and backs, color coded, II, 2-4  
numbers  
obtaining from FBIHQ, FD-217, II, 10-10.12  
universal case, record check requests, II, 3-4.7  
use in communications, II, 10-2.1.5, 10-2.2.5, 10-2.3.5, 10-4.6, 10-6.4,  
10-10.5, 10-16.13  
Public Affairs, II, 5-5.1  
review of case, 120-day, II, 1-1.4, 1-3.6, 1-3.13.3, 2-4.5.13  
informants (See MIOG, Part I, Section 137.)  
Probationary Agents, 60-day, II, 1-1.4, 1-3.13.3, 8-1.2.3  
travel time, TURK, II, 3-3.2  
review sheets, destruction, I, 5-4; II, 1-1.4, 1-3.13.3  
storage room, II, 2-4.3.1  
Files  
administrative, II, 2-4, 2-4.1, 2-4.2, 2-4.2.1, 2-4.3.6, 2-4.5.17  
classification 1, II, 2-4.2.1  
" 66, II, 2-4.2.1  
" 67, II, 2-4.2.1  
" 80, II, 2-4.2.1  
" 94, II, 2-4.2.1  
general procedures, II, 2-4.1  
charge out procedures, II, 2-4.3.1, 2-4.3.3, 2-4.3.4  
recharging of, II, 2-4.3.4  
time period, II, 2-4.3.4  
confidentiality of during personnel actions, I, 1-15.1  
consolidation of, II, 2-4.3.6  
control (See File.)  
dead, II, 2-4.1.4  
destruction of (See Destruction of records.)  
double zero, II, 2-3.6.4, 2-4.1.3, 2-4.5.2  
duplicate, maintained in RA/off-site, II, 2-4.3.1  
duplication of, II, 2-4.3.5  
EEO  
investigator's review of, I, 4-5.2.2 (See MIOG.)  
matters, not filed in, I, 20-4.1  
investigative, II, 2-4.1  
mailing, II, 2-4.3.1  
maintenance in RA/off-site, II, 2-4.3.1  
missing, II, 2-4.3.8  
NCIC (See NCIC.)  
new mail, charging out of, II, 2-4.3.5  
original, maintaining in RA/off-site, II, 2-4.3.1  
performance (See Performance.)

personnel, employee's  
access to, I, 20-4.2 (See also Legal Attache Manual.)  
Appeals Committee (SAMMS) decisions, not to be filed, I, 3-10  
destruction of (See Destruction of records.)  
disposition of during military leave, I, 10-5.2, 20-4.1; II, 2-4.2.1  
EEO matters, not to be filed, I, 20-4.1  
handling and maintenance of, I, 20-4.1; II, 2-4.2.1  
maintained by SAC, I, 20-4.1; II, 2-4.2.1  
medical file, I, 11-1.3, 17-1.7.1, 20-4.1; II, 2-4.2.1  
security review, I, 20-26  
security subfile (See Security subfile.)  
transfer to offices other than FBIHQ, I, 11-1.3  
when forwarded to FBIHQ, I, 17-1.7.1, 20-4.1; II, 2-4.2.1, 2-4.5.17  
personnel, office, II, 2-4.2.1  
procedures for filing, II, 2-4.3  
FBIHQ, II, 11-5.1  
reclassification of, II, 2-4.3.7  
removal from office, II, 2-4.3, 2-4.3.5  
serialization, II, 2-4.1.1, 2-4.1.2, 2-4.1.3, 2-4.3.1, 2-4.3.5  
serials in  
charge out procedures, II, 2-4.3.1, 2-4.3.3, 2-4.3.5  
permanent basis, II, 2-4.3.5  
recharging of, II, 2-4.3.5  
temporary basis, II, 2-4.3.5  
time period, II, 2-4.3.5  
missing, II, 2-4.3.8  
spin off (subfiles), II, 3-4.10  
storage in RA/off-site, II, 2-4.3.1  
transport to and from RA/off-site, II, 2-4.3.1  
zero, II, 2-4.1, 2-4.1.2, 2-4.4.16, 2-4.5.2  
indexing, II, 2-3.3, 2-3.3.1, 2-3.6.4  
Financial and monetary matters, I, 1-1, 1-12 thru 1-14.2  
conflict of interest (See Conflict of interest.)  
financial disclosure reports, confidential and public, I, 1-14  
financial involvement with employees, relatives, or friends of employees,  
restriction, I, 1-14.2; II, 6-11  
letter sent to outside individual not to injure financial standings, II, 10-2.2.7  
Firearms  
evidence/disposal of, II, 2-4.4.6 (See also MIOG.)  
in field offices, II, 2-1.5  
instruction, training, conferences, seminars, per diem, II, 6-1.3.1  
left in Bureau vehicles, I, 1-3.2 (Also see MIOG, Part II, Section 12.)  
medical restrictions, use of, I, 20-5.2.1  
personally owned, I, 20-4.1; II, 6-10.2  
reference collection, II, 2-4.4.6  
shipment of, I, 17-1.7.1; II, 2-2.2.1, 2-2.2.2, 6-2.3.9, 6-10.2  
training (See also MIOG, Part II, Section 12.)  
of support personnel, I, 20-14  
First amendment rights information  
disseminating, II, 9-4.4.5  
filing of (See MIOG Index.)  
FIT tests, I, 20-5.4  
Fitness Information System (FITS), I, 20-5.4  
Fitness, penalty for lapse, I, 13-13  
Five-year reinvestigations, I, 20-26 (See also MIOG.)  
Fixed Assets Accounting System, I, 1-13.1  
Flexible and Alternate Work Schedules, I, 20-7; II, 1-2.4.2  
Flexitime, I, 20-7.1; II, 1-2.4.2  
Flower fund, I, 16-3.3  
FOIMS  
Alternate Offices Indices Searches, II, 2-3.8.1

monthly administrative report, II, 3-4.3, 3-4.5  
Vehicle Management Application, II, 6-8.5.1  
Folder, performance (See Performance folders.)  
Food and Drug Administration, dissemination to, II, 9-3.3.2  
Foreign  
agencies, reporting information from, II, 10-17.12.3  
air travel by U.S. flag air carriers, II, 6-1.1.2  
assignment, I, 11-14 thru 11-15.1  
contacts with nationals, I, 1-19.1; II, 8-1.1.2  
counterintelligence cases, abbreviations of countries, II, 10-24.2  
Fugitive File (See NCIC.)  
Gifts and Decorations Act, I, 1-13.2.2  
Intelligence Advisory Board, I, 1-22  
language  
awards, I, 22-4  
incentive program (FLIP), I, 22-1.5  
testing, I, 22-1 thru 22-1.7  
contract linguists, I, 22-1.3  
language specialists, I, 22-1.3  
retesting, I, 22-1.7  
SA applicants, I, 22-1.7  
training, I, 22-2 thru 22-2.6; II, 1-1.9  
transfer of SA linguists, I, 11-1, 11-11.1  
translations, I, 22-6  
police cooperation cases, reporting by LHM, II, 10-9  
police training, II, 8-11  
travel (See MIOG, Part II, 23-8, and Leave Administration Guide.)  
insurance, purchase of when driving Bureau vehicles in foreign country, I, 12-4;  
II, 6-8.2.1  
official, I, 1-20  
relatives residing in or traveling to specified hazardous areas, I, 1-20.1  
unofficial, I, 1-20; II, 8-1.1.2  
briefings, I, 1-20.1  
polygraph examinations, I, 1-20  
Forfeitures  
Forfeiture and Abandoned Property Manual, II, 6-8.9.1  
seized vehicles, II, 6-8.9, 6-8.9.1  
Forms  
annual survey of, II, 10-25.4  
See Forms Index  
Freedom of Information/Privacy Act (See also MIOG, Part I, Section 190.)  
files, destruction of requests, II, 2-4.5.1, 2-4.5.2  
Frequent Flyer Awards Program, II, 6-1.1.3, 6-1.3.4  
travel savings form, FD-867 (See Forms.)  
Fugitive, case status, II, 2-5.2.2 (See also MIOG, Part II, Section 21.)  
Top Ten, II, 2-5.2.4  
Fugitive, NCIC, inquiries and entries, handling of, II, 7-2 thru 7-2.10  
Fugitive, probation, parole, and mandatory release, reporting apprehension, II, 10-9  
Fugitive, use of in title, II, 10-16.7.2  
Fund, Humanitarian Expense, I, 16-15  
Fundraising activities, I, 16-10.1  
Funeral leave (See Leave Administration Guide.)  
Furlough, military, I, 10-5.4, 10-5.5.2

# MAOP INDEX

## INDEX G, H, I, J, K, L, M

### (G)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

Garnishment of wages for debts, I, 20-27 thru 20-27.4Gasoline, payment of, II, 6-7.1.6, 6-8.5, 6-9.2.6General Accounting Office, liaison with, II, 9-4.2.4General Services Administration (See GSA.)Geographic pay adjustments, I, 8-15GI Bills, I, 10-10

#### Gifts

employee solicitation/acceptance, I, 1-1, 1-13 thru 1-13.3.1, 1-14, 1-14.1; II, 6-7.4disposition of prohibited, I, 1-13.2.3FBIRA Funds, from, I, 16-3.3foreign, bidding on, II, 6-7.4informants, to or from, I, 1-14.1Glasses, wearing of by ETs, I, 20-5.1.6"Gossip" information, disseminating, II, 9-4.4.3, 10-17.11

#### Government

Credit Card (See also Credit Cards.)advance of funds (See Advance of funds.)authorized card usage, II, 6-4.1billing information, II, 6-4.5cancellation of card, II, 6-4.8employee rights and privileges, II, 6-4.10employee separates from Bureau, II, 6-4.8employee transfers within Bureau, II, 6-4.7financial obligations/liability, II, 6-4.9government vehicles, boats or aircraft, II, 6-7.1.6lost and unused tickets, II, 6-4.4lost or stolen card, II, 6-4.6, 6-7.1.6misuse of, II, 6-4.1.1partially used tickets, II, 6-4.3

passenger transportation services,

use of to buy, II, 6-1.1, 6-1.1.2, 6-4.1Privacy Act notice, II, 6-4.11prohibited uses, II, 6-7.1.6security of card, II, 6-4.6Employees' Training Act, I, 1-3.3, 22-2.1; II, 6-1.1.3, 6-2.9.1, 8-1.4training at nongovernment facility, II, 8-1.4service agreement, II, 8-1.4, 8-2.1use of Bureau word processing services, I, 1-3.3property (See Property.)shipments, II, 6-2.3 thru 6-2.3.9Travel Account (American Express), II, 6-1.1, 6-4.12 thru 6-4.12.5Grade retention, I, 3-1.1, 14-5.2

#### Grand Jury material

1A Exhibits, marking, II, 2-4.4.4dissemination of pursuant to Rule 6(e), Fed.R.Crim.P., II, 9-3.1.3, 9-9FD-302s on diskette, II, 10-13.8labeling, II, 2-4.4.4, 9-9subfile, II, 2-4.4.4, 2-5.1, 10-13.8 (See also MIOG.)subpoenas, indexed, not to be, in investigation, II, 2-3.3.1Gratuities, acceptance of, I, 1-12Grievances, employee, I, 14-1 thru 14-7 (See also EEO and Appeals, employee.)

- performance appraisal related, I, [5-6](#)
- correspondence, destruction of, II, [2-4.5.12](#)
- promotion/selection-based, I, [7-7](#)
- Special Agent, I, [3-9](#)
- Grooming standards, I, [20-20](#) thru [20-20.3](#)
- GSA
  - request for services from, use of GSA form 2957, II, [6-7.1.6](#)
- GTR, II, [2-4.4.6](#), [6-1.1](#) thru [6-1.1.5](#), [6-2.4.3](#)
  - instructions to complete, II, [6-1.1.3](#)
  - issuance, II, [6-1.1.1](#)
  - lost or stolen, II, [6-1.1.5](#)
  - not to be used for, II, [6-1.1.2](#)
  - unused tickets, II, [6-1.1.4](#)
  - use, II, [6-1.1.2](#)
  - voucher reporting, II, [6-1.2.1](#)
- Guides, working, review of, II, [2-1.4](#)

**(H)    [top]**

- Hair standards, I, [20-20.2](#)
- Handicapped individuals
  - EEO complaints, I, [4-4.1](#)
- Hardship transfers, I, [3-2.1](#), [3-6.13](#), [11-4](#) thru [11-5](#), [11-16.4](#), [11-16.5](#)
  - medical, I, [11-4.1](#)
  - relief supervisors, I, [3-2.1](#), [3-6.13](#)
  - temporary duty, I, [11-5](#), [11-17](#)
- Hatch Act, I, [1-18](#)
- Hazardous Duty Pay, I, [8-7](#)
- Health
  - insurance (See [Insurance](#).)
  - military, nonpay status, payment of premiums, I, [15-2.5](#)
  - services
    - FBIHQ, I, [16-5.1](#) thru [16-5.1.3](#)
    - Field, I, [16-5.2](#)
- Heaters, purchase of, II, [6-3.6](#), [6-7.1.6](#)
- Helicopters, rappelling from or insertions by, II, [8-10](#)
- Highest previous rate, I, [8-9](#)
- Hiring students, I, [20-23](#)
- Holiday
  - duty, I, [20-23](#); II, [1-1.1](#), [1-2.4.4](#)
  - list of legal, II, [1-2.4.4](#)
  - premium pay, I, [1-3.1](#), [8-1.7.6](#), [8-2.4](#); II, [1-2.4.2](#)
  - part-time employees, I, [20-21](#)
- Homefinding, II, [6-2.4](#) thru [6-2.4.3](#), [6-2.10.7](#), [6-2.12](#), [6-3.6](#)
  - Bucar, not to be used, II, [6-2.4.3](#)
  - leave (See [Leave](#), [housing](#).)
- Honoraria, I, [1-1](#) (See also [Gratuities](#), [acceptance of](#).)
- Honorary degrees, receipt of, I, [1-13.2.2](#)
- Hostage negotiation training (See [Crisis \(hostage\) negotiation training](#).)
- Hostage Rescue Team, (I, [11-12](#))
- HRT, (I, [11-12](#))
- HRT Transfer Policy, (I, [11-12](#))
- Hostage Rescue Team transfers, I, [11-12](#)
- House
  - Appropriations Committee, assignment to, I, [3-8](#), [11-18.4](#) thru [11-18.4.4](#)
  - trailer, shipping of, II, [6-2.2.7](#)
- Household goods/personal effects
  - Inspection, II, [6-2.8.2](#)
  - storage of, I, [19-4](#); II, [6-2](#), [6-2.2.1](#), [6-2.2.2](#), [6-2.2.4](#), [6-2.10.7](#), [6-2.12](#)
  - transportation of, I, [11-14.2](#), [11-14.6](#), [19-3](#); II, [6-2.2.1](#), [6-2.2.3](#), [6-2.6.1](#),

[6-2.10.7](#), [6-2.12](#), [6-3.6](#)

outside conterminous U.S., I, [11-14.2](#), [11-14.6](#); II, [6-2.2.3](#)

#### Housing

FBIHQ, I, [16-1](#) thru [16-1.8](#)

information circular FD-273, I, [16-1.2](#)

register, listing of, I, [16-1.1](#)

reservations, I, [16-1.3](#)

hotel, I, [16-1.4](#)

Field, I, [16-2](#)

incidents, I, [16-1.8](#)

leave, before and after transfer, I, [11-1.4](#), [16-1.5](#); II, [3-3.2](#)

(Also see [Leave Administration Guide](#).)

matters, memoranda concerning, I, [16-1.8](#)

request for assistance on transfer, I, [16-1.5](#)

travel to locate and expenses (See [Relocation allowances and benefits](#), [homefinding](#) and [Advance of Funds](#).)

Humanitarian Expense Fund, I, [16-15](#)

### (I) [\[top\]](#)

#### Identification

cards, II, [1-1.8](#) thru [1-1.8.3](#)

Bureau employee use of

at FBIHQ, II, [1-1.8.1](#)

in Field (except WMFO), II, [1-1.8.2](#)

in WMFO, II, [1-1.8.1](#)

GSA employee, II, [1-1.8.2](#)

nonfederal maintenance employee, II, [1-1.8.2](#)

photographs for, II, [1-1.8.3](#)

return of upon separation, I, [17-1.7.4](#), [17-1.7.6](#)

security of, I, [1-3.4](#)

records, II, [9-2.8](#), [10-10.7](#)

investigative reports, in, II, [10-17.11.1](#)

National Press Office, copies to for news releases, II, [5-2.5.2](#)

NCIC, used to modify fugitive's record, II, [7-2.4.3](#)

phraseology, II, [10-10.7](#)

prosecutive reports, in, II, [10-15.2.3](#)

requesting from Identification Division, II, [7-4.1](#), [10-17.11](#)

Illegal surreptitious entries, FBI employees not to make, I, [1-4](#)

#### Illness

annual leave, during, I, [15-1.13](#) (Also see [Leave Administration Guide](#).)

medical restrictions (See [Medical mandates \(restrictions\)](#).)

notification re treatment, I, [20-5.1.3](#)

return to duty, FD-277, I, [20-2.4.1](#)

service connected, I, [15-1.1](#) (Also see [Leave Administration Guide](#).)

#### Immigration and Naturalization Service

dissemination to, II, [9-3.3.2](#)

records checks, I, [20-2.5.1](#), [20-25](#)

#### Imprest fund (See also [Draft system](#).)

definition and purpose, II, [6-3.1](#)

employee expense vouchers, II, [6-1.2](#), [6-1.2.1](#), [6-3.5.1](#)

government shipments, II, [6-2.3.2](#), [6-2.3.5](#)

invoices, paid from, II, [6-9.3.3](#)

liquidation or reduction of, II, [6-2.10.5](#)

regulations governing use, II, [6-3.6](#)

supplies, expendable, II, [6-7.1.6](#)

#### Indefinite suspension, I, [1-30.3](#), [13-11](#) thru [13-11.4](#)

authority, I, [13-11.2](#)

back pay, not entitled, I, [13-11.4](#)

criminal conduct for, I, [13-11.1](#)

- removal from, I, 13-11.3
- security clearance revocation, I, 1-29
- Index records (See Indices.)
- Indexing, II, 2-3 thru 2-3.8.1
  - Agent responsibility, II, 2-3.6.1, 2-3.6.2
  - automated systems, indexing requirements, II, 2-3.5
  - case title, II, 2-3.3.1
  - closing case, II, 2-3.6.1(11), 2-3.6.2
  - control files, II, 2-3.3
  - ELSUR, II, 2-3.3.1 (Also see MIOG Index.)
  - FBIHQ, II, 2-3.6.1
  - FD-302s, II, 2-3.6.1(6), 2-4.3.2, 10-13.9
  - general policy, II, 2-3.2
  - guidelines, II, 2-3.3 thru 2-3.3.2
  - Identification (fingerprint) reports, II, 10-13.13
  - identifying and descriptive data, II, 2-3.4 thru 2-3.4.2
  - inserts, II, 2-3.6.1(6), 10-19
  - investigative report, II, 10-17.8
  - Laboratory reports, II, 10-13.13
  - Law Enforcement Bulletin, II, 2-4.5.15, 5-3.3
  - Office of Professional Responsibility cases, II, 2-3.3 (See also MIOG.)
  - OSM responsibility, II, 2-3.6.4
  - polygraph examinations, II, 2-3.3.1
  - property, II, 2-3.3.2(3), 2-3.5
  - report, quarterly, II, 2-3.6.3
  - resident Agents performing when maintaining duplicate files, II, 2-4.3.1(3)
  - SAC responsibility, II, 2-3.6.3
  - Sensitive Compartmented Information, II, 2-3.5
  - speeches, II, 5-4.3
  - subpoenas, II, 2-3.3.1
  - symbols used, II, 2-3.6.1, 2-3.6.4
  - teletypes, II, 2-3.6.1(8)
  - Top Secret information, II, 2-3.5
  - zero files, II, 2-3.3, 2-3.6.4
- Indices, II, 2-3 thru 2-3.11
  - duplication of, II, 2-4.3.5(6)
  - general, II, 2-3.2
  - index records, II, 2-3 thru 2-3.11
    - charge out card, FD-260, II, 2-3.11
    - destruction of, II, 2-3.7, 2-4.5.2, 2-4.5.3, II, 5-3.2
      - INS I-94 forms, II, 2-4.5.18
    - removal from FBI space, II, 2-4.3.5(6)
    - summary memorandum, II, 2-3.10
    - types of, II, 2-3.3
    - when office reallocated, II, 2-3.7
  - master (See general above.)
  - rechecking in certain situations, II, 10-17.11(14)
  - request to check, II, 10-16.15(5)
  - search procedures, II, 2-3.8, 2-3.8.1
    - AOIS, II, 2-3.8.1
    - initialing block stamp, II, 2-2.1.3
    - symbols used, II, 2-3.9
    - use of search slip, FD-160, II, 2-3.8, 2-3.9
- Indoctrination of employees, I, 2-1 thru 2-8
  - effective date of appointment, I, 2-1
  - forms to be executed, I, 2-6
  - investigative personnel, I, 2-4; II, 8-1.1.2
  - noninvestigative personnel, I, 2-2 thru 2-8
  - ten-day interview, I, 2-2.3, 2-3.2
  - oath of office I, 2-5; II, 8-1.1.1
  - pamphlets furnished, I, 2-7



Informal Resolution Process, sexual harassment, I, 1-2.2 thru 1-2.2.2

#### Informants

annual letters, destroying, II, 2-4.5.12(29)  
documentation of in reports when T symbols used, II, 10-17.14  
evaluation of, II, 10-4.8, 10-13.12, 10-17.12.1, 10-17.12.3  
financial involvement with or gifts to, I, 1-14.1  
identities, not to be disseminated, II, 9-3.1.3  
payments, II, 6-11  
quarterly progress letters, destroying, II, 2-4.5.13  
reporting negative results, protecting identity, II, 10-17.11(8)  
T symbol, use of, II, 10-13.11, 10-13.12, 10-16.14, 10-17.12, 10-17.12.2

#### Initialing

FD-302s (See FD-302.)  
incoming communications, II, 10-10.10  
on behalf of higher officials, II, 10-10.9.1  
outgoing communications, II, 10-10.9 thru 10-10.9.6  
reports within 30 days, II, 10-10.9.2

#### Injuries

annual leave during, I, 15-1.13 (Also see Leave Administration Guide.)  
medical restrictions (See Medical mandates (restrictions).)  
motor vehicle accident, I, 12-3  
personally owned vehicle, I, 12-3  
return to duty, FD-277, I, 20-2.4.1  
service connected, I, 15-1.1.1 thru 15-1.1.16, 20-5.4(7)  
death, resulting in, I, 15-1.1, 15-1.10  
forms, basic compensation, I, 15-1.15  
leave  
buy-back of, I, 15-1.13  
LWOP (See Leave Administration Guide.)  
notification of, I, 15-1.1.1.1, 15-1.4, 15-1.6  
part-time employees, receiving workers compensation, I, 20-21  
Public Safety Officer's Benefit, lump sum payable for, I, 16-14  
selecting medical facility/physician, I, 15-1.1.2, 15-1.7.1, 16-5.1.2  
third party liability, I, 15-1.14  
traumatic, I, 15-1.1.3  
continuation of pay, I, 15-1.2

#### Inoculations, payments, II, 6-1.2.3(3)

Inserts, investigative, II, 2-3.6.1(6), 2-4.1, 2-4.3.2, 10-1.10, 10-9(10), 10-13.3,  
10-13.6, 10-17.11(9), 10-19  
copies (three) to be made, II, 2-4.1, 10-2.1.7, 10-2.3.1, 10-4.3, 10-6.2, 10-6.3,  
10-9(10), 10-16.11  
FD-302, use of as, II, 10-13.3  
filing of, II, 2-4.3.2, 10-13.8, 10-13.10  
general instructions, II, 10-19  
indexing responsibility, II, 2-3.6.1(6), 10-19  
serializing, II, 2-4.1.1  
T symbols, using office abbreviation, II, 10-17.12

Instructor, police (See Police schools.)

#### Insubordination

penalties for, I, 13-13  
refusal of interview, I, 1-21.2

#### Insurance

Bureau vehicles, purchase of  
for domestic use, I, 12-2.5.1  
for driving in foreign country, I, 12-4; II, 6-8.2.1  
employees not to serve on board of insurance group or association, I, 1-1  
health, I, 15-2 thru 15-2.12.15  
nonpay status, payment of premiums, I, 15-2.5  
part-time employees, I, 20-21  
reporting change in family status, I, 15-2.2, 15-2.4  
Spouse Equity Act of 1984, I, 15-2.12

temporary continuation of coverage, I, [15-2.12.1](#), [15-2.12.2](#), [15-2.13](#) thru [15-2.13.5](#)

life

beneficiary, designation of, I, [16-7.6](#), [20-17](#) thru [20-17.5](#)

Charles S. Ross fund, I, [16-13](#)

Federal Employees' Group Life (FEGLI), I, [2-7](#), [16-7](#) thru [16-7.14](#)

as compensation, I, [16-7.10](#)

as retiree, I, [16-7.7](#)

assignment of ownership, I, as [16-7.14](#)

conversion, I, [16-7.9.2](#)

death benefits, I, [16-7.12](#)

elections, I, [16-7.3](#), [16-7.5](#)

leave without pay, I, [16-7.8](#) (Also see Leave Administration Guide.)

living benefits, I, [16-7.13](#)

military status, payment of premiums, I, [16-7.9.2](#)

nonpay status, payment of premiums, I, [16-7.8](#)

part-time employees, I, [20-21](#)

premiums, I, [16-7.2](#)

reemployed annuitants, I, [16-7.11](#)

SAMBA, I, [15-2.3](#), [16-11](#)

Special Agents Insurance Fund, I, [16-11](#), [16-12](#), [16-12.1](#)

part-time employees, I, [15-2.2](#), [20-21](#)

property, government

case funds, use of, II, [6-11](#)

Integrated Statistical Reporting and Analysis Application (ISRAA), II, [3-5.1](#)

Intelligence Analyst Internal Vacancy Offer and Withdrawal Policy, I, [7-22](#)

Intelligence Oversight Board, I, [1-22](#)

Interdivisional travel (See MIOG, Part II, [23-8](#).)

Interest

back pay, I, [8-13](#)

penalty, II, [6-9.3](#), [6-9.3.1](#), [6-9.3.5](#), thru [6-9.3.8](#)

Internal Revenue Service, dissemination to, II, [9-3.3.2](#)

International Police Training, II, [8-11](#)

Interstate Identification Index (Also see MIOG Index.), II, [7-2.2.2](#), [7-4](#), [10-17.11\(14\)](#), [10-17.11.1](#)

Interstate transportation of stolen motor vehicle cases, reporting recovery values, II, [10-9\(16\)](#)

Interviews

background investigations, provided during employees', I, [1-15.3](#)

representatives outside of FBI, I, [1-15.3](#)

declining to participate in with Department attorneys/not recording, II, [10-13.3\(13\)](#)

employees, in misconduct investigations (See [Misconduct of employees](#).)

FD-302, use of, II, [10-12](#) thru [10-13.10](#)

logs, use of in administrative inquiry, I, [13-6.1](#), [13-6.2](#)

news media members, II, [5-7.1](#) (Also see MIOG, Part II, Section 7.)

ordered by FBIHQ, reporting, II, [10-9\(7\)](#)

pretext (Also see FCI Manual, Introduction, Section 1.)

details in report, II, [10-16.14](#), [10-17.11.1](#)

prominent individuals, reporting, II, [10-17.8](#)

support promotions (See [Promotion and placement, support](#).)

Intoxication (See [Alcohol policy and Alcoholism](#).)

treatment for (See [Employees Assistance Program](#).)

Inventions, I, [5-19](#), [20-19](#)

Inventories, property, II, [6-10](#) thru [6-10.2](#)

bulky exhibits, II, [2-4.4.5](#), [2-4.4.11](#)

files, destruction of, II, [2-4.5.15](#)

foreign gifts, I, [1-13.1](#)

motor vehicle inspection record, II, [2-4.4.2\(3\)](#)

nonexpendable property, II, [6-10.1](#)

personal, use of FD-107, II, [6-10.2](#)

property assigned employees, II, [6-10.2](#)  
responsibility of, II, [6-10](#)  
SAC's safe, II, [1-1.2](#)  
supply items, II, [6-7.1.1](#)

#### Investigative

travel, foreign and interdivisional (See MIOG, Part II, 23-8.)

#### Investigative report, II, [10-16](#) thru [10-19](#)

approval of outgoing, II, [10-10.9](#) thru [10-10.9.2](#)  
assembly guide, II, [10-18.2](#)  
copies to FBIHQ, I, [13-7.2\(3\)](#); II, [10-16.12](#), [10-23](#)  
cover page, FD-263, II, [10-16](#) thru [10-16.16](#)  
administrative data, II, [10-16.14](#)  
changed title, II, [10-16.7.4](#)  
character, II, [10-16.8](#)  
copy count, II, [10-16.12](#)  
documentation, II, [10-17.14](#)  
enclosures, II, [10-16.11](#)  
leads, II, [10-16.15](#) thru [10-16.15.2](#)  
office of origin, determining, II, [10-16.2](#)  
title of case, II, [10-16.7](#) thru [10-16.7.4](#)  
dictation guide, II, [10-18.1](#)  
dissemination of information, use of, II, [10-16.12](#)  
informants, evaluation of, II, [10-13.12](#), [10-17.12.1](#), [10-17.12.3](#)  
inserts, II, [10-19](#)  
negative results, reporting in, II, [10-17.11\(8\)](#)  
report, FD-204, II, [10-17](#) thru [10-17.15](#)  
details, II, [10-17.11](#) thru [10-17.11.2](#)  
    must contain, II, [10-17.11.1](#)  
    must not contain, II, [10-17.11.2](#)  
predication, II, [10-17.11](#)  
synopsis, II, [10-17.8](#)  
T symbol, II, [10-17.12](#), [10-17.12.2](#), [10-17.12.3](#), [10-17.14](#)  
title, II, [10-17.6](#)

#### Investigator, The, II, [5-9](#)

submissions, II, [5-9.3](#)

#### Investments

employees', conflict of interest, I, [1-1](#), [1-14\(5\)](#)

#### Invoices and bills, submitting to FBIHQ, II, [6-9.3](#) thru [6-9.3.8](#)

interest penalty, II, [6-9.3](#), [6-9.3.1](#), [6-9.3.3](#), [6-9.3.5](#) thru [6-9.3.8](#)

#### Involuntary Servitude and Slavery cases, closing, II, [2-5.2.4\(1\)\(k\)](#)

#### Itinerary, II, [1-2](#), [1-2.2](#), [2-4.5.23](#), [6-1.1.2](#), [6-1.2.1](#), [9-7.2.3](#)

### (J) [\[top\]](#)

Jewels (evidence), handling of, II, [2-4.4.6](#)

Job postings, Agent, I, [3-6.3](#) thru [3-6.4.2](#)

Jobs, support (See [Promotion and placement, support.](#)), I, [7-1](#) thru [7-7](#)

#### Judicial

criticism of an Agent's conduct in findings of fact, opinions, or court orders, I, [13-2](#)  
decisions affecting Bureau, reporting of, II, [4-3](#)

#### Juveniles

Delinquency Act, adding to character of case, II, [10-16.8](#)  
press inquiries, II, [5-2.1](#)

### (K) [\[top\]](#)

Keys, field office

availability during emergency, II, [2-1.3.1](#)  
charge out system, II, [2-1.3.1](#)  
resident agency space, II, [1-3.8](#)  
security of, II, [2-1.3.1](#)

**(L) [top]**

Labor activities, participation in, I, [1-8](#)  
Labor cases, reporting, II, [10-9\(21\)](#)  
Labor, Department of, dissemination to, II, [9-3.3.2\(10\)](#)  
Laboratory reports, three copies made, II, [2-4.1](#), [10-2.1.7](#), [10-2.3.1](#), [10-4.3](#),  
[10-6.2](#), [10-6.3](#), [10-16.11](#)

Language

abusive/offensive authority to discipline for, I, [13-2](#)  
awards, foreign, I, [22-3](#), [22-4](#)  
Specialists  
grade determination, I, [22-5](#)  
promotions, I, [22-5](#)  
testing matters, foreign, I, [22-1](#)  
trained Agent, utilization of, I, [11-1](#); II, [1-1.9](#)  
training, foreign, I, [22-2 thru 22-2.4](#); II, [1-1.9](#)  
translations, foreign, I, [22-6](#)

Law enforcement

Bulletin, FBI, II, [5-3](#)  
conferences, Agent attendance, II, [8-5](#)  
name check requests, II, [9-4.2.2](#)  
officials and agencies  
dissemination of information to, II, [9-3.4](#), [9-3.4.1](#)  
letters from Director to, II, [11-1.2](#)  
organizations  
membership in, I, [1-6](#)  
promotion/selection board participation, I, [1-7](#)  
training (See [Police schools](#).)

Lead

control files, assigning out of, II, [2-4.1.5](#), [3-4.11](#)  
insert, reporting on, II, [10-19](#)  
major case, dissemination of information concerning, II, [9-6](#)  
setting out of, II, [2-4.1.2](#), [2-4.1.3](#), [2-4.1.5](#), [10-2.1.6\(5\)](#), [10-4.3](#), [10-16.15 thru 10-16.15.2](#)  
copy of communication for Office of Liaison and International Affairs (OLIA),  
II, [10-2.1.6](#), [10-4.3](#), [10-16.15\(2\)](#) & [\(5\)\(d\)](#)  
FBIHQ, for, II, [10-10.13](#), [10-16.15\(2\)](#)  
field offices, to, II, [10-16.15\(5\)](#)  
general policy concerning, II, [10-16.15.2](#)  
Legat, for, II, [10-4.3](#), [10-16.15\(2\)](#)  
letterhead memorandum, II, [10-4.1](#), [10-16.15](#)  
reports, in, II, [10-15.2.1](#), [10-16.15](#)

Leave (Also see [Leave Administration Guide](#).)

administrative  
appeals to SAMMS Board, I, [3-10](#)  
ill/injured employee, to transport, I, [1-3.1\(8\)](#)  
treatment or rehabilitation for drugs, etc., I, [15-3.2\(9\)](#)  
annual  
cancellation for TDY requests, I, [11-17](#)  
injury/illness, service-connected, buy-back, I, [15-1.13](#)  
overseas employee, change of legal residence, I, [11-14.3](#)  
part-time employees, I, [20-21](#)  
treatment or rehabilitation for drugs, etc., I, [15-3.2\(9\)](#)  
ASAC and SAC use of, II, [1-2\(11\)](#)  
blood donor, I, [16-6.3](#)  
compensatory

Agent receiving AUO, I, 8-2  
incentive awards in connection with, I, 5-15(5)  
Non-Agent receiving for weekend duty, II, 1-2.4.10  
wage board employees, I, 8-6  
compressed schedule, while on, II, 1-2.4.2(3)(g)  
home, overseas employee, I, 11-14.3  
housing, I, 11-1.4, 16-1.5; II, 3-3.2(7)  
maternity reasons, I, 17-2.2  
military (Also see Leave Administration Guide.)  
accrual rates, I, 10-5.3, 10-9  
furlough, I, 10-5.4, 10-5.5.2  
    disposition of property and personnel file, I, 10-5.2, 20-4.1  
    exit interview, I, 10-5.1, 17-2.1  
    promotion during, I, 10-8  
part-time employees, I, 10-9, 20-21  
ROTC, I, 10-9  
training, I, 10-9  
occupational disease, taking, I, 15-1.8  
payment of unused, I, 17-1.4.1, 17-1.6  
records  
    destruction of, II, 2-4.5.12  
    forwarding of transferred employees, I, 11-1.2  
    retention of, I, 15-1.13  
sick  
    buy-back, I, 15-1.13  
    contributes to retirement, I, 18-2.2  
    injury/illness, service-connected, I, 15-1.13  
    job outside FBI, while engaged in, I, 20-6.3.1  
    part-time employees, I, 20-21  
    treatment or rehabilitation for drugs, etc., I, 15-3.2(9)  
temporary quarters, while in, II, 6-2.6.4  
transfer  
    before and after, I, 11-1.4, 16-1.5; II, 3-3.2(7)  
    to another federal agency, I, 17-1.4.2  
TURKing, ignored during, II, 3-3.1  
without pay (LWOP)  
    insurance premiums  
        health, I, 15-2.5  
        life, I, 16-7.8  
    promotions, affecting, I, 3-1  
    service, deducted from, I, 5-20.1  
    treatment or rehabilitation for drugs, etc., I, 15-3.2  
    within-grade increases, affecting, I, 8-8.2, 8-8.7  
Legal matters, II, 4-1 thru 4-10  
    annual reports of state legislation affecting FBI interests, II, 4-2, 4-3, 4-8  
    appointment of Legal Advisors as Special Assistant United States Attorneys, II, 4-10  
    cases pending before circuit court of appeals, security cases (See MIOG, Part II, Section 9.)  
    change of disposition, use of form R-84, II, 4-6  
    instructions in, record of training, II, 4-1, 4-8  
    principal legal advisor, II, 4-7, 4-8  
    problems or judicial decisions adversely affecting Bureau cases, reporting of, II, 4-3, 4-8  
    significant cases, reporting of, II, 4-4  
Legat  
    abbreviations, II, 10-24.4  
    correspondence to copy for Office of Liaison and International Affairs, II, 10-9(16), 10-16.15(2)  
    dissemination of information received from, II, 10-17.12.3  
    files, destruction, II, 2-4.5.2(13)

(See also Legal Attache Manual, Section 2-15.2)  
lead for, II, 10-16.15(2) & (3)  
reporting source information, II,  
    10-13.11  
transfer policy, I, 11-14 thru 11-15.1  
    requesting assignment, I, 11-17.1  
travel expenses, I, 11-14.2, 11-14.3  
    (Also see Relocation allowances and benefits and Per diem.)  
wives of, employment outside FBI, I, 20-6.3.1  
Legislation  
    state, affecting Bureau, II, 4-2  
Letter  
    acknowledgment, II, 10-2.2.1  
    approval of outgoing, II, 10-10.9.3  
    definition of, II, 10-1.1  
    delay, FD-205, II, 10-10.8  
    preparation of using FBI memorandum paper, II, 10-2.1, 10-10.9.3  
    letterhead stationery, II, 10-2.2  
    SAC (See Memorandum.)  
Letterhead memorandum (See Memorandum.)  
Letter of  
    commendation (award), I, 5-16  
    for law enforcement officials, II, 11-1.2  
    recommendation/reference, giving of Bureau employee, or personal acquaintance  
        (See Recommendations.)  
Liaison Offices, abbreviations  
    Miami, II, 10-24.4  
    San Juan, II, 10-24.4  
License, government, I, 12-1.1 thru 12-1.7  
Limited duty (See Medical mandates (restrictions).)  
Limited Official Use Information, II, 6-7.5  
Lobbying Act cases, closing, II, 2-5.2.4(1)  
Locality pay, I, 8-15, 18-2.3  
Locks  
    changing of combination (See MIOG, Part II, Sections 16-7.2.6(9) and 26-5.4.)  
Lodging expenses (See Advance of Funds, Relocation allowances and benefits, and  
    Temporary Duty (TDY) Benefits.)  
Logs  
    alarm, destruction of, II, 2-4.5.21  
    evidence control (See Evidence.)  
    interview, I, 13-6.1, 13-6.2  
    monetary items, tracking checks and money orders, to FBIHQ, II, 6-13.3  
    NCIC Activity, FD-487 (See Forms.)  
    security patrol, II, 2-4.5.17(5)  
    surveillance, forwarding original to office of origin, II, 2-4.5.1  
    training, probationary Agent, II, 8-1.2.2, 8-1.2.3  
    visitors, FD-426 (See Forms.)  
Lost or stolen property  
    government, I, 1-3; II, 6-7.3(3), 6-7.5  
    personal, II, 6-7.5  
Lunch period (See also Leave Administration Guide.)  
    field office hours, II, 1-2.4.1  
    general policy, I, 20-22  
    part-time employees, I, 20-22  
    TURKing, ignored during, II, 3-3.1

(M) [top]

Mail, field office, II, 2-2.1 thru 2-2.2.11  
    incoming

- airtels, II, 2-2.1.4
- block stamping, II, 2-2.1.3
- charging out of new, II, 2-4.3.5
- enclosure verification, II, 2-2.1.2
- opening of SAC, II, 2-2.1.1
- photographs, II, 2-2.2.11
- searching, II, 2-2.1.3, 2-3.6.4, 2-3.8, 2-3.8.1
- telegrams, II, 2-2.1.4
- teletypes
  - block stamping, II, 2-2.1.4
  - filing, II, 2-2.1.4
  - handling of, II, 2-2.1.4
- outgoing
  - block stamping, II, 2-2.1.3
  - evidence, containing, II, 2-4.4.1
  - general instructions concerning, II, 2-2.2 thru 2-2.2.11
  - insuring of, II, 2-2.2
  - methods of mailing, II, 2-2.2.1 thru 2-2.2.8
  - photographs, II, 2-2.2.11
  - Postal Service Forms, II, 2-4.5.18
  - receipt card, II, 1-3.12, 2-2.2.1
  - signing out by Supervisory Special Agents and Resident Agents, II, 1-3.13.4
  - trace of, II, 2-2.2.1(1)(h)
  - statement, signed/unsigned, II, 2-4.4.1
  - teletype, II, 2-2.1.4
  - training film, II, 2-2.2.10
  - U.S. Attorney mail, II, 2-2.2.9
- Mail, opening illegally by FBI employee, I, 1-4
- Mailing lists, of field office addresses, II, 2-4.5.27, 11-2
- Maintenance of field office, II, 2-1.1
  - responsibility of SAC, II, 2-1.1
- Major cases
  - dissemination of information, II, 9-6
  - resident Agent handling, II, 1-3.13.2
  - Time recording procedures, II, 3-3.2
- Management Educational Opportunity Program, II, 8-1.5
- Mandatory release violator cases
  - case title, adding to, II, 10-16.7.2(7)(d)
  - closing, II, 2-5.2.4(1)(i)
  - office of origin, II, 10-16.2
  - reporting, II, 10-9(6)
- Manuals
  - authority for establishment of, I, 0-1
  - changing, procedures to be followed, II, 11-5.2
  - check set, I, 17-1.7.2; II, 6-10.2(4)
  - return of to FBIHQ, I, 17-1.7.2; II, 6-10.2(4)
  - use of FD-474, I, 17-1.7.2; II, 6-10.2(4)
  - review to ensure accuracy, set tickler, II, 2-1.4
  - storage of, II, 2-1.1
- Marital status, change in, I, 20-2.5.1; II, 8-1.1.2
- Marriage, reporting to Bureau, I, 20-2.5.1; II, 8-1.1.2
- Maternity
  - leave (See Leave Administration Guide.)
  - resignation, I, 17-1.4.2, 17-2.1, 17-2.2
- Medals, I, 5-24 thru 5-24.7
- Media Matters Statistical Collection Form, II, 5-4.2.2
- Media representative (Agent), duties of, II, 5-2.3.1
- Medical
  - assistance
    - health services, I, 16-5 thru 16-5.2
  - expenses of employee while relocating, II, 6-2.8.3(12)

file, employee's, I, 11-1.3, 20-4.1; II, 2-4.2.1(4)  
mandates (restrictions), I, 8-1.6, 11-3, 20-2.4.1, 20-4.1, 20-5.2, 20-5.2.1,  
20-5.2.2, 20-5.4

Profile System, I, 8-1.6, 11-3, 20-4.1, 20-5.2, 20-5.2.1, 20-5.4  
treatment

payment of for prisoner/subject, II, 6-9.1  
service connected injury/illness (See Injuries.)

#### Membership

dues, payroll allotments, I, 16-11  
fees, payment of by Bureau, II, 6-1.2.3

#### Memorandum

blind, II, 10-7 thru 10-7.2, 10-10.9.4  
approval of outgoing, II, 10-10.9.4  
definition of, II, 10-1.9  
pages, use of asterisk on last, II, 10-4.5  
use of to disseminate information, II, 9-4.5.2  
definition, II, 10-1.2, 10-3  
letterhead (LHM)  
approval of outgoing, II, 10-10.9.4  
definition of, II, 10-1.3  
dissemination of information, use of, II, 9-3.5.2, 10-4.1  
leads, use of for, II, 10-4.1, 10-16.15(2)  
preparation of, II, 10-4.2 thru 10-4.9  
serializing, II, 2-4.1.1, 2-4.3.1(3)

#### office

preparation of, II, 1-1.5.1  
requiring FBIHQ approval, II, 1-1.5.1  
preparation on FBI memorandum paper, II, 10-3, 10-10.9.3

#### SAC

destruction of, II, 2-4.2.1(3), 2-4.5.12(33), 2-4.5.17, 10-3.1  
filing and receipt of, I, 11-15.1; II, 10-3.1  
indexing, II, 2-3.6.4  
photocopying of, II, 1-1.5.1  
storage of, II, 2-1.1

Mental condition, I, 20-5.2.1

Mental health problems of employees (See Employee Assistance Program.)

#### Military

and veterans matters, I, 10-1 thru 10-11  
exit interviews, I, 10-5.1, I, 17-2.3  
furlough, I, 10-5.4, 10-5.5.2  
health insurance, I, 15-2.5  
leave (See Leave and the Leave Administration Guide.)  
Personnel and Civilian Employees' Claim Act of 1964, I, 19  
reinstatement of veteran, I, 10-5.5 thru 10-5.5.3  
reserve and national guard matters  
change in status, reporting of, I, 10-11  
participation in, I, 1-17  
receipt of orders from, I, 10-11  
resignation/separation, I, 10-5.3, 17-1.4.2, 17-2.3  
advancement, consideration during, I, 10-8  
disposition of government property and personnel file, I, 10-5.2, 20-4.1  
return to duty from, use of FD-224, I, 20-2.5.1(7)  
Selective Service Act of 1967, I, 10-1  
service  
credited to position, I, 5-20.1  
rejectees, I, 10-5.5.3  
training (active duty), I, 1-17, 10-9

#### Misconduct of employees

allegations, receipt of, I, 13-2  
during court proceedings, I, 13-8  
from individual outside Bureau, I, 13-8



- disciplinary matters, I, 13-1 thru 13-14.5
- investigation, I, 13-3
- advice of rights, giving of, I, 13-6
- affidavit, I, 13-5
- audit of FBI computer system user activities, I, 13-3
- file, I, 13-7
- interview of employee, I, 1-21.2, 13-4
  - administrative or criminal proceedings, use of interview forms, FD-644 and FD-645, I, 13-6, 13-6.1, 13-6.2
  - log, use of, I, 13-6.1, 13-6.2
  - refusal of, I, 1-21.2
- Office of Professional Responsibility Matter classification, handling as, I, 13-2
- reassignment, temporary, I, 13-1
- reporting of to FBIHQ, I, 13-7 thru 13-7.2
  - format, I, 13-7.1
- resignation during, I, 13-12
- veteran, rights of, I, 10-6, 13-10, 13-13, 14-4.1
- notification of OPR, I, 1-23, 13-2
  - employee's responsibility, semiannual reminder, I, 1-23
- Missing person, NCIC record (See NCIC.)
- Mobile home, shipping of, II, 6-2.2.7
- Monetary and financial matters, I, 1-1, 1-14 thru 1-14.2
  - conflict of interest, I, 1-1
  - debts, payment of, I, 1-14
  - gifts, gratuities, rewards, I, 1-1, 1-12 thru 1-14.2
  - relatives and friends involvement with, I, 1-14.2
  - taxes, filing and paying, I, 1-1, 1-14
- Money orders, submitting to FBIHQ, II, 6-13 thru 16-13.3, 6-13.9, 6-13.10
- Monthly Administrative Report (MAR), I, 11-15.1; II, 2-5.3, 3-4 thru 3-4.11
  - classified, II, 3-4.1, 3-4.4
  - completion of, II, 3-4 thru 3-4.11
  - Control Files, II, 2-4.1.5, 3-4.11
  - criminal preliminary inquiries, II, 3-4.8
  - destruction of, II, 2-4.5.12(34)
  - due dates, II, 3-4.2
  - file, office administrative, II, 2-4.2.1
  - FOIMS, use of, II, 3-4.3, 3-4.5, 3-4.8
  - methods of preparing, II, 3-4.2
  - police school files, II, 2-4.2.1
  - record checks, II, 3-4.7
  - spin-off cases, II, 3-4.10
- Motorcycles
  - training, II, 6-8.13
- Motor vehicles (See Automobiles.)

# MAOP INDEX

## INDEX N, O, P, Q, R

(N) [\[top\]](#)

### Name

changes of employee or relative, I, [20-2.5.3](#), [20-2.6](#)  
checks, II, [9-4](#) thru [9-4.5.4](#)  
disseminative information, II, [9-4.4](#) thru [9-4.4.5](#)  
federal judges, requests from, II, [9-4.2.2](#)  
field office, request directed to, II, [9-4.3.2](#)  
identifying data needed, II, [9-4.3.1](#)  
local law enforcement requests from, II, [9-4.2.2](#)  
methods of dissemination, II, [9-4.5](#) thru [9-4.5.4](#)  
stamped/written notations on incoming, II, [9-4.5.3](#)  
use of employee's official, II, [1-1.7](#)

ALL INFORMATION CONTAINED

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### Narcotics (See [Drugs](#).)

### National

Archives and Records Administration, II, [2-4.5](#)  
Crime Information Center (See [NCIC](#).)  
guard  
change in status, reporting of, I, [10-11](#)  
leave to attend, I, [10-9](#) (Also see [Leave Administration Guide](#).)  
or Reserve obligation, I, [1-17](#)  
participation in, I, [1-17](#)  
receipt of orders from, I, [10-11](#)  
Periodical Summary File, II, [2-4.5.23](#)  
Security Act of 1947, II, [9-2.3](#)

### NCIC

Canadian Police Information Center (CPIC) Terminal, II, [7-5.3](#)  
fugitives  
airtel, FD-65, II, [7-2.2.2](#), [7-2.4.2](#), [7-2.4.3](#)  
aliases, II, [7-2.4.2](#)  
caution statement, II, [7-2.4.1](#)  
change in office of origin, II, [7-2.3](#)  
Foreign Fugitive File, II, [7-2.10](#)  
located outside U.S., II, [7-2.7](#)  
record, II, [7-2.2](#) thru [7-3.2](#)  
canceling of, II, [7-2.5](#)  
clearing of, II, [7-2.6](#) thru [7-2.6.2](#)  
entry of, II, [7-2.2](#) thru [7-2.2.2](#)  
locate, placing of, II, [7-2.6.2](#)  
modification of, II, [7-2.4](#) thru [7-2.4.4](#)  
retention of, II, [7-2.9](#)  
validation of, II, [7-2.8](#)  
U.S. Secret Service Protective File, II, [7-2.10](#)  
government property, lost or stolen, entering in NCIC, II, [6-7.5](#)  
inquiries  
fugitive, II, [7-2.1](#)  
missing person, II, [7-3.1](#)  
property or article, II, [7-1.1](#)  
Interstate Identification Index (III) (See [MIOG](#), Part II, 10-5.), II, [7-2.2.2](#),  
[7-4](#), [7-4.1](#)  
log  
activity, II, [7-1.2](#) thru [7-1.4](#), [7-1.5.1](#), [7-1.5.2](#), [7-1.6](#), [7-2.2.1](#), [7-2.2.2](#),  
[7-2.3.2](#), [7-2.4.4](#) thru [7-2.8](#), [7-3.3](#), [7-3.4](#)  
retention of, II, [2-4.5.21\(8\)](#)

- missing person record, II, 7-3 thru 7-3.5
- administrative control file, II, 7-3.2
- canceling of, II, 7-3.3
- clearing of, II, 7-3.3
- entry of, II, 7-3.2
- inquiry, II, 7-3.1
- locate, placing of, II, 7-3.3
- modification of, II, 7-3.3
- retention of, II, 7-3.5
- validation of, II, 7-3.4
- National Law Enforcement Telecommunications System, Inc. (NLETS), II, 7-5.2
- Originating Agency Identifier (ORI) File, II, 7-5.7
- Publications
  - distribution of, II, 7-5.5
  - List, II, 7-5.4
- stolen property record, II, 7-1.2 thru 7-1.7
- canceling of, II, 7-1.4
- clearing of, II, 7-1.5.1
- entry of, II, 7-1.2
- index cards prepared, II, 2-3.3.2
- inquiry, II, 7-1.1
- locate, placing of, II, 7-1.5.2
- modification of, II, 7-1.3
- retention of, II, 7-1.7
- validation of, II, 7-1.6
- Unidentified Person File, II, 7-5.6
- Nepotism, FBI policy, I, 1-15.4
- New Agent
  - Academy
    - disqualification standards, II, 8-1.1.4
    - indoctrination, II, 8-1.1.2
  - assignment to experienced Agent, II, 8-1.2.3, 8-1.2.5
  - AUO eligibility of, I, 8-1.5
  - confidentiality of appointment, II, 5-2.1.1(6)
  - field training, II, 8-1.2 thru 8-1.2.4
  - Probationary Agent Program, II, 8-1.2
  - public relations and news media, II, 8-1.2.4
  - oath of office, II, 8-1.1.1
- News media (See Press.)
- News releases, II, 5-2.1 thru 5-2.1.4, 5-2.4.2, 5-2.5.2 (See also Press.)
  - filing of in field offices, II, 5-2.1.4
  - fugitive, II, 5-2.4 thru 5-2.4.4
  - prejudicial statements, avoidance of, II, 5-2.4.3
  - use of radio and television, II, 5-2.4.4
  - joint law enforcement investigations, II, 5-2.1.1(5)
  - juveniles, involving, II, 5-2.1
  - multioffice, II, 5-2.1.2
  - national, II, 5-2.1.3
  - noninvestigative matters, II, 5-2.1.1(6)
  - one-office, II, 5-2.1.1
  - police schools, II, 8-3.4
  - preparation at FBIHQ, II, 5-2.5.2
  - recording for radio and television, II, 5-2.1.1(4)
- Newspaper clippings, II, 5-4.3, 5-5 thru 5-5.3
  - destruction, II, 5-5.1, 8-3.4(2)
  - police schools, II, 8-3.4
  - submission to FBIHQ, use of FD-350, II, 5-5.3
- Night
  - differential pay, I, 1-3.1, 8-1.7.6, 8-2.2, 8-6, 20-8, 20-21; II, 1-2.4.2(3)(f)
  - duty Agent, II, 1-2.4.5
  - supervisor, II, 1-1.1

- length of assignment, II, [1-1.1](#)
- Non-Agent FBI personnel, FD-302, preparation, II, [10-13](#), [10-13.3](#)
- Non-FBI personnel, FD-302, preparation, II, [10-13](#), [10-13.3](#)
- Noninvestigative files, destruction of, II, [2-4.5.3](#), [2-4.5.9](#) thru [2-4.5.28](#)
- Notes
  - interview, chain of custody, II, [2-4.4.1](#)
  - investigative, retention of, II, [10-12](#)
- Nuclear Regulatory Commission,
  - employee/applicant cases, II, [10-23](#)

(O) [\[top\]](#)

- Oath, administering
  - in misconduct cases, I, [13-5](#)
- Oath of office, giving of, I, [2-2.1](#), [2-5](#); II, [8-1.1.1](#)
  - new Agents, II, [8-1.1.1](#)
- Obscene
  - language in reports, II, [10-17.11](#)
  - matter, filing or forwarding, II, [2-4.4.4\(5\)](#)
- Occupational disease, reporting, I, [15-1.8](#)
- Odd-hour shift, I, [20-8](#); II, [1-2.4.2](#)
  - day, change of work hours
    - Agent, I, [8-3](#), [8-5](#)
    - wage board employee, I, [8-6](#)
  - week, change of workday in
    - Agent, I, [8-3](#), [8-5](#)
    - wage board employee, I, [8-6](#)
- Off-site location, request to maintain original or duplicate files, II, [2-4.3.1](#)
- Office
  - channels, use of, II, [1-1.5.1](#)
  - hours, field, II, [1-2.4](#), [1-2.4.1](#), [1-2.4.2](#)
    - armed Agent after regular hours, II, [1-2.4.7](#)
    - daylight savings time, II, [1-2.4.9](#)
    - early dismissal, II, [1-2.4.3](#)
    - holiday
      - duty, II, [1-1.1](#), [1-2.4.4](#), [1-2.4.6](#)
      - list of legal, II, [1-2.4.4](#)
    - night duty, II, [1-1.1](#), [1-2.4.5](#)
    - regular business hours, II, [1-2.4.1](#)
      - coverage after regular hours, II, [1-2.4.5](#)
      - nonworkday coverage, II, [1-2.4.6](#)
  - Saturday duty, II, [1-1.1](#), [1-2.4.6](#), [1-2.4.10](#)
  - Sunday duty, II, [1-1.1](#), [1-2.4.6](#)
  - rosters, II, [2-1.1](#), [2-1.3](#)
- Services Manager
  - duties of, II, [1-1.1](#)
  - indexing requirements, II, [2-3.6.4](#)
  - space matters, field (See Space.)
  - telephone directories, II, [2-1.1](#), [2-1.3](#)
- Office of
  - Liaison and International Affairs, copies for, II, [10-2.1.6\(5\)](#), [10-4.3\(3\)](#), [10-9\(16\)](#), [10-16.15\(2\)](#) & (5)
  - origin
    - case closing, notifying auxiliary offices, II, [2-5.2.4](#)
    - changing of, II, [10-2.1.6\(6\)](#)
      - file destruction, II, [2-4.5.1](#)
      - fugitive, II, [7-2.3.1](#), [7-2.3.2](#)
      - NCIC entry, II, [7-2.3.2](#)
    - communications, forwarded to (See type of communication in this index.)
    - determining, II, [10-16.2](#)

- files
  - destruction of, II, [2-4.5.2\(10\)](#)
- Personnel Management, II, [9-3.3.2](#)
- security referral cases, communications rules, II, [10-4.8](#), [10-9\(4\)](#), [10-13.3](#), [10-13.11](#), [10-16.2](#), [10-17.11\(11\)](#), [10-17.11.1\(10\)](#), [10-23](#)
- preference (See [Personnel Resource List](#).)
- Professional Responsibility (OPR)
  - Department of Justice, I, [1-23](#)
  - notification to of misconduct, I, [1-23](#)
- function of, I, [13-2](#)
- Matter investigations (See also [MIOG](#).)
  - copies of reports to FBIHQ, I, [13-7.2](#); II, [10-23](#)
  - file destruction, II, [2-4.5.29](#)
  - handling investigations, I, [13-2](#)
  - indexing, II, [2-3.3](#) (See also [MIOG](#).)
- records
  - EEO Counselors, available to, I, [4-5.1.2](#)
- Public and Congressional Affairs, copies of communications and routing mail through for review, II, [9-4.2.7](#)
- Official business
  - processing employee expense, II, [6-1.2](#)
    - (See also [Advance of Funds](#), [Relocation allowances and benefits](#), and [Temporary Duty \(TDY\) Benefits](#).)
- Official channels, use of, II, [1-1.5.1](#)
- Official trash, II, [2-1.3](#) (See also [MIOG](#) and [National Foreign Intelligence Program Manual](#).)
- Oil
  - payment of, II, [6-7.1.6\(4\)](#), [6-8.5](#), [6-8.5.1](#), [6-9.2.6](#)
- Ombudsman
  - position selection, I, [3-3.4](#), [3-6.4.2](#)
- On-the-Spot Awards, I, [5-15.6](#)
- Opening cases (See [Cases](#), opening of, [requirements for](#), and [MIOG](#), sections under pertinent classification number.)
- Operator, (I, [11-12\(1\)](#))
- Opinions
  - background investigations, provided during, I, [1-15.3](#); II, [10-17.11.2](#)
  - employees', I, [1-15.3](#), [20-15.1](#); II, [10-17.11.2](#)
  - report, contained in, I, [1-15.3](#); II, [10-17.11.2](#)
  - representatives outside of FBI, I, [1-15.3](#)
- Organizations, employee membership in
  - civic, I, [1-9](#)
  - labor, I, [1-8](#)
  - law enforcement, I, [1-6](#), [1-7](#)
  - promotion/selection board participation, I, [1-7](#)
- Organized crime cases, reporting, II, [10-9\(17\)](#) thru [\(22\)](#)
  - Supplemental Accomplishment Report, FD-515a, II, [3-5.2](#)
- Original files, maintenance in RA/off-site, II, [2-4.3.1](#)
- Originating Agency Identifier File, II, [7-5.7](#)
- Outside employment (See [Employment](#).)
- Overseas
  - assignment, I, [11-14](#) thru [11-15.1](#)
  - leave, earning of (See [Leave Administration Guide](#).)
  - personnel, travel expenses, I, [11-14.2](#), [11-14.3](#) (Also see [Advance of Funds](#), [Per diem](#), and [Relocation allowances and benefits](#).)
  - return from after resignation, I, [17-1.8](#)
  - travel, time and leave (See [Leave Administration Guide](#).)
- Overtime pay (See [Premium compensation](#) and [AUO](#).)

(P) [top]

Parking citations, payment, II, 6-1.2.3  
Parole/probation officer, employee acting as, I, 1-5  
Parole violator cases  
  case title, adding to, II, 10-16.7.2(7)  
  closing, II, 2-5.2.4  
  office of origin, II, 10-16.2  
  reporting, II, 10-9(6)  
Part-time employment, I, 20-21 (See also MIOG, Part I, Section 67, re Bureau Applicants.)  
  breaks (lunch/dinner), I, 20-22  
  leave (Also see Leave Administration Guide.)  
    annual, I, 20-21, 20-23  
    military, I, 20-21, 20-23  
    sick, I, 20-21, 20-23  
  outside Bureau, I, 1-16, 20-6 thru 20-6.3.2  
  pay policy when on compressed schedule, II, 1-2.4.2(3)  
  students, I, 20-23  
Passport fees, payment of, II, 6-1.2.3(3)  
Payments  
  and property matters, II, 6-1 thru 6-12.3  
  for evidence, II, 6-11  
  for services and goods, II, 6-9 thru 6-9.3.8  
  in amounts over \$25,000, II, 6-5, 6-11(5)  
Payroll deductions, I, 16-11  
  assignments of pay, I, 16-11  
  voluntary allotments and net pay checking to financial organizations, I, 16-11  
Per diem  
  advance of funds when homefinding, II, 6-2.10.7(2) & (3)  
  disabled employee's attendant, II, 6-1  
  exceptions to rule, II, 6-1.3.1  
  FBI Academy, II, 6-1.3.1  
  firearms instruction, conferences, seminars and training, II, 6-1.3.1  
  geographical restrictions, II, 6-1.3.1  
  homefinding, II, 6-2.4.3  
  "last move home" for SES employees, II, 6-2.12  
  meals at official duty station, II, 6-1.3.1  
  outside conterminous U.S., II, 6-1.4  
  Puerto Rico, II, 6-1.4  
  rates, II, 6-1.3.3  
  reduced, II, 6-1.3  
  staying with friends/relatives, II, 6-1.3.2, 6-2.4.3(3), 6-2.6.3(1)  
  temporary  
    duty, I, 11-17; II, 6-1.3  
    quarters, II, 6-2.6.4  
  within conterminous U.S., II, 6-1.3 thru 6-1.3.3, 6-2(5), 6-2.5.1, 6-2.5.3  
Performance appraisals, I, 5-1 thru 5-6  
  annual, I, 5-4.2  
  appraisal periods, I, 5-4.1  
  awards (See Awards.)  
  booklets, I, 5-1.4  
  critical elements, I, 5-1.2, 5-2, 5-4, 5-4.2, 5-4.6, 5-4.6.1, 5-5, 5-5.2  
  coordinator, specialty or collateral duty, I, 5-2, 5-4.4  
  details of Agents, I, 3-2.18  
  forms, I, 5-2, 5-4  
  grievances (See reconsideration request, below.)  
  indexing, taking into consideration, II, 2-3.6.3  
  managers not to be rating or reviewing official for relatives, I, 1-15.4  
  narrative summary, I, 5-4.3, 5-4.4  
  officials, responsibilities of, I, 5-1.2  
  performance plans, I, 5-1.2, 5-2  
  performance standards, I, 5-1.2, 5-2, 5-3, 5-4, 5-4.2

Probationary Agents, I, 5-4.3; II, 8-1.2.3  
probationary employees, I, 21-9  
progress reviews, I, 5-3; II, 1-1.4  
promotions, affecting (See Promotions and placement, support and Promotion, Special Agent.)  
reconsideration request, I, 5-6  
relief supervisors, I, 3-2.1  
resident Agents', assignment based on, II, 1-3.3  
resignations, I, 17-2.1  
special  
  student employees, I, 20-23  
summary ratings value, I, 5-5  
temporary assignment, I, 5-2  
transfers  
  personnel resource list or other, affecting, I, 5-1, 11-3, 11-3.2  
  support, hardship and personal convenience, I, 11-16.6  
warnings, I, 5-4.6, 5-4.6.1  
within-grade increases, affecting (See Within-grade increases.)  
Performance folders  
  performance-related information, retention and destruction of, I, 5-4  
  make available to employee, I, 5-4  
Personnel  
  file  
    EEO matters, not to contain, I, 20-4.1  
  employee's  
    access to, I, 20-4.2 (See also Legal Attache Manual.)  
    disposition of during military leave, I, 10-5.2, 20-4.1; II, 2-4.2.1(4)  
    field copy, handling and maintenance, I, 20-4.1; II, 2-4.2.1(2), 6-10.2  
    maintained by SAC, I, 20-4.1; II, 2-4.2.1(4)  
    security review of, I, 20-26  
    security subfile (See Security subfile.)  
    transfer to offices other than FBIHQ, I, 11-1.3  
    when forwarded to FBIHQ, I, 20-4.1; II, 2-4.2.1(4)  
  office, II, 2-4.2.1(4), 2-4.5.17  
  folder, II, 1-1.4, 1-3.13.1, 1-3.13.3  
  resource list  
    changes in reporting, I, 11-3  
    designation of by  
      Agents, I, 11-3  
      support personnel, I, 11-16.2  
  list, I, 11-2.2, 11-3  
  medical profile system, I, 11-3  
  performance appraisal requirements, I, 5-1, 11-3, 11-3.2  
  promotions, I, 3-6.1  
  transfer, I, 11-3 thru 11-3.2 (See also Transfers.)  
    hostage rescue team, I, 11-12  
    married Agents, I, 11-6  
    probation, disciplinary, I, 11-3, 13-14.3  
    removal from EDSP, I, 3-7.1, 11-7  
    specialty, I, 11-11  
    undercover operations affecting, I, 11-3, 11-8  
Pets, shipment of, II, 6-2.2.1  
Petty cash fund (See Draft system.)  
Photocopying of  
  Bureau material, I, 1-3.6; II, 1-1.5.1, 10-21 thru 10-21.2, 10-25.3, 10-25.5  
  copyright material, II, 11-4  
Photographs  
  employees, II, 1-1.8.3  
  handling of elimination, II, 2-2.2.11  
  mailing of, II, 2-2.2.11  
  official, requests for, II, 5-7.2

Photostats, II, [10-21.1](#)

Phraseology, objectionable, in reports, II, [10-17.11.2](#)

#### Physical

disabilities of resident Agents, I, [20-5.2.2](#); II, [1-3.3](#)

examinations, I, [20-5.1](#) thru [20-5.1.5](#)

audiometer for Language Specialist, Interpreter, Translator, I, [20-5.1](#)

private medical, requests for, I, [20-5.1.1](#)

review of by health service, I, [16-5.1.2](#)

support personnel being assigned outside continental U.S., I, [11-14.4](#)

#### fitness

changes in, affecting duty, I, [20-5.1.3](#), [20-5.2.1](#)

driver, certification of, I, [12-1.2.2](#)

program, I, [20-5.4](#)

compensation for injuries, I, [15-1.1.1](#), [20-5.4](#)

curtailing for TDY requests, I, [11-17](#)

duty hours, during, I, [20-5.4](#)

electronics technicians, I, [20-5.4](#)

overtime, credit for, I, [20-5.4](#)

sustaining of, I, [20-5.4](#)

#### Plaques

memorial, I, [5-23](#), [5-23.1](#)

public service award, I, [5-18.1](#)

retirement, I, [5-22](#)

service, I, [5-20](#)

Police reports in investigative reports, II, [10-17.11.1\(11\)](#)

Police schools, II, [8-3](#) thru [8-4.2](#)

FBI Academy, at certification of nondiscrimination, II, [8-4.2](#)

selection, II, [8-4.1](#)

fees, FBI participating in schools charging, II, [8-3.2](#)

files, II, [2-4.2.1](#), [8-3.5](#)

gambling technology, II, [8-4.1](#)

instructor, II, [8-3.2](#)

audit of presentations, II, [8-3.2\(13\)](#)

master, II, [8-3.2\(16\)](#)

in-service extension program, II, [8-3.3](#)

use of Agent qualified as, II, [8-3.2\(8\)](#)

policy, II, [8-3.2](#)

publicity and press coverage, II, [8-3.4](#)

purpose of, II, [8-3.1](#)

record of, II, [8-3.2](#)

statistics, compiling of, II, [8-3.6](#)

visual aids, II, [8-3.2\(14\)](#)

Police training, international, II, [8-11](#)

Political activities, engagement in, I, [1-18](#) thru [1-18.3.2](#)

use of automobile during, I, [1-18.1](#)

#### Polygraph examinations

indexing requirements, II, [2-3.3.1](#)

of Bureau employees, I, [1-20](#), [13-4.1](#), [20-6.3.1](#) (See also MIOG, Part I, Section 263 and Part II, Section 13.)

security clearance adjudications, re, I, [13-4.1](#) (See also MIOG.)

reports, not to contain refusal information, II, [10-17.11.2](#)

Post differential, I, [8-12](#)

Post-employment restrictions, I, [1-1](#)

Postal inspector, dissemination to, II, [9-3.3.2](#)

Preference eligible employees, adverse personnel actions, I, [10-6](#), [10-7](#), [21-1](#)

appeals, I, [13-10](#), [13-11.1](#), [13-13](#), [14-4.1](#), [14-4.2](#), [21-1](#)

rights, I, [13-10](#), [21-1](#)

Preliminary inquiries (criminal), monthly administrative report, II, [3-4.8](#)

Premium compensation (pay), I, [8-1](#) thru [8-6](#)

alcohol-related misconduct, suspension of (See [Availability pay](#).)

holiday, I, [8-1.7.6](#), [8-2.1](#), [8-2.4](#)



- part-time employees, I, [20-21](#)
- limitations on amount of, I, [8-1.1](#), [8-2.1](#)
- night differential, I, [8-1.7.6](#), [8-2.2](#), [8-6](#), [15-1.2](#)
- wage board employee, I, [8-6](#)
- overtime
  - administratively uncontrollable (See AUO.)
  - asking support personnel to work, II, [1-2.4.8](#)
  - changing official workday hours, I, [8-3](#)
  - compensatory leave, I, [8-1.8](#), [8-6](#); II, [1-2.4.2\(3\)\(f\)](#), [1-2.4.8](#), [1-2.4.10](#)  
(See also Leave Administration Guide.)
  - compressed work schedule, while on, II, [1-2.4.2\(3\)\(f\)](#)
  - continuation of pay, I, [15-1.2](#)
  - Hazardous Duty Pay, I, [8-7](#)
  - hourly, I, [8-2.1](#)
  - House Appropriations Committee, while assigned to, I, [11-18.4.2](#)
  - incentive award not to be given, I, [5-15\(5\)](#)
  - part-time employees, I, [20-21](#)
  - temporary duty, on, I, [11-17](#)
  - travel, in-service training, I, [8-1.7.5](#), [8-2.1](#)
  - wage board employee, I, [8-6](#)
  - Sunday differential, I, [8-1.7.6](#), [8-2.3](#); II, [1-2.4.2](#)
- Prepublication review matters, I, [1-24](#)
- Presidential appointees, income limitations, I, [1-1](#)
- Press
  - and publicity matters, II, [5-1](#) thru [5-9.3](#)
  - confidential nature of FBI operations, II, [5-1.1](#)
  - contact with, II, [5-2](#) thru [5-2.5.2](#)
  - counterintelligence publications, submission of, II, [5-5.4](#)
  - favoritism, avoidance of, II, [5-2](#),
  - guidelines, DOJ policy, II, [5-1.2](#), [5.1.3](#)
  - inquiries
    - banking cases, II, [5-2.2.5](#)
    - FCI cases, II, [5-2.2.7](#), [5-4.1](#)
    - fugitive matters, II, [5-2.4.1](#) thru [5-2.4.4](#)
      - use of television and radio, II, [5-2.4.4](#)
    - kidnapping cases, II, [5-2.2.4](#)
    - larceny cases, II, [5-2.2.5](#)
    - "no comment," use of, II, [5-2.3.2](#)
    - of FBIHQ personnel, II, [5-2.5.1](#)
      - preparation of news release, II, [5-2.5.2](#)
    - official Bureau photographs and charts, request for, II, [5-7.2](#), [10-8\(21\)](#)
    - "open stance" policy, II, [5-2.3.2](#)
    - withholding information, II, [5-2.2.6](#)
  - liaison, II, [5-2.3](#), [5-2.3.1](#)
    - media representative (Agent), duties of, II, [5-2.3.1](#)
  - members of news media
    - arrest of, II, [5-7.1](#) (See also Legal Handbook for Special Agents, Section 3.)
    - interview of, II, [5-7.1](#)
    - investigations involving, II, [5-7.1](#) (See also MIOG, Part II, Section 7.)
    - telephone toll records, subpoenas, II, [5-7.1](#)
    - visits to FBIHQ, II, [5-7.3](#)
  - names of Agents involved in shooting incidents, not divulging, II, [5-2](#)
  - new Agents, familiarity with policy, II, [8-1.2.4](#)
  - newspaper clippings (See Newspaper clippings.)
  - releases (See News releases.)
- Pretrial diversion, II, [3-5.2.11\(17\)](#)
- Principal Legal Advisor
  - duties, II, [4-7](#), [4-8](#)
  - term, I, [3-2.19](#)
  - transfers, I, [11-11.1](#)
- Printing equipment requests (See Supplies/equipment.)

Prisoners, medical examinations, payments of, II, 6-9.1  
Privacy Act of 1974, I, 1-21, 1-21.1 (See also MIOG, Part I, Section 190.)  
  accounting for dissemination, II, 9-3.5.3  
  administrative inquiries  
    Privacy Act notice, I, 13-4  
    promise of confidentiality, I, 13-4  
  considerations when disseminating to  
    FBIHQ, II, 1-1.5  
    state and local agencies, II, 9-3.1.2, 9-3.1.5  
  drug testing, re, I, 1-25.10.1  
  employee applicant, statement of, I, 1-21.1  
  files and records, destruction, II, 2-4.5.1, 2-4.5.2  
  government credit card applications, information, II, 6-4.11  
  medical records, I, 20-4.1  
  misconduct investigations, refusal of interview, I, 1-21.2  
  newspaper clippings, II, 5-5.1  
  penalties, criminal violations of, I, 1-21.3  
  requests made by employees for access to records, I, 1-15.1  
Privacy Act of 1978, Right to Financial, II, 9-10  
Probation  
  disciplinary, I, 13-13, 13-14 thru 13-14.5  
  relief supervisor candidates, I, 3-2.1  
  removal from, I, 13-14.5  
  officer  
    dissemination of information to, II, 9-4.2.3  
    employee acting as, I, 1-5  
  violation cases  
    case title, adding to, II, 10-16.7.2(7)  
    closing, II, 2-5.2.4  
    office of origin cases, II, 10-16.2  
    reporting, II, 10-9(6)  
Probationary Agent Program, II, 8-1.2 thru 8-1.2.5  
Probationary employee policy, I, 21-1 thru 21-10  
  new Agents, I, 21-6  
  performance appraisal process, I, 21-9  
  personnel actions, I, 21-8  
  probationary period, I, 21-1, 21-2, 21-4  
  reporting conduct deficiencies, I, 21-10  
  reviewing performance and conduct, I, 21-7  
Promotion and placement, support, I, 7-1 thru 7-7  
  advising employee of pending, I, 1-15.1  
  career boards, I, 7-6.4.2  
  career path promotions, I, 7-5.1  
  delayed due to administrative action, I, 13-13(6), 13-14.3  
  disciplinary probation, effect on employee, I, 13-14.3  
  documentation required, I, 7-4.4, 7-6.7  
  EEO Officials, responsibilities of, I, 7-3  
  employees, responsibilities of, I, 7-3  
  evaluation of ranking factors, I, 7-6.1.2  
  evaluations of candidates, I, 7-6.4.3  
  grievance procedures, I, 7-7  
  highest previous rate, I, 8-9  
  interview for, I, 7-6.3.3  
  military service, during, I, 10-5.5.1, 10-8, 20-4.1  
  notification of selection, I, 7-6.5  
  performance appraisal requirement for, I, 5-1, 7-4.1  
  personnel officer, responsibilities of, I, 7-3  
  recommendations for, I, 1-15.1, 7-4.4  
  relatives of Bureau managers, I, 1-15.4  
  relief duties, I, 7-5, 7-6  
  requirements for

- basic, I, 7-4
- Qualifications Review Board, I, 7-6.4.2
- quality step increases, not to be afforded, I, 5-14
- release of candidate, I, 7-6.6
- selecting officials, responsibilities of, I, 7-3, 7-6.4.1
- selection of candidate, I, 7-6 thru 7-6.4.5
- staffing actions for
  - competitive, I, 7-6 thru 7-6.7
  - noncompetitive, I, 7-5 thru 7-5.1
- student employees, I, 20-23
- temporary, pay and grade retention, I, 14-5.5
- tests for, I, 7-4, 7-4.3, 7-6.1.2, 7-6.3, 7-6.3.1, 7-6.4.3, 7-6.4.4, 7-6.5, 7-6.7
- vacancy announcements, I, 7-6.2.2
- Promotion, Special Agent, I, 3-1 thru 3-1.2.3, 3-6.1, 3-6.2, 11-18.4.3  
(See also Career Development Matters.)
- denial of, I, 3-1.2.5
- disciplinary action, effect on, I, 3-1.2.1, 3-1.2.2, 3-1.2.5, 13-13(6), 13-14.3
- leave without pay, effect on, I, 3-1
- part-time Agents, I, 3-1.2.4
- performance appraisal requirement, I, 3-1.2.1, 3-1.2.2
- relatives of Bureau managers, I, 1-15.4
- specialized field, I, 3-6.1
- Prompt Payment Act, II, 6-3.6, 6-9.3, 6-9.3.1, 6-9.3.3, 6-9.3.6
- Property
  - and payment matters II, 6-1 thru 6-13.10
  - check of "personal," II, 6-10.2
  - evidence, retention of seized, II, 2-4.4.1
  - FBI, sale of, II, 6-7.4
  - government
    - Bureau vehicles, use of, I, 1-3, 1-3.1
    - check, loss of, I, 20-18
    - in vehicles, I, 1-3.2
    - insurance on, II, 6-11(5)
    - lost, stolen or destroyed, I, 1-3; II, 6-7.5
      - administrative reporting requirements, II, 6-7.5
      - authority to discipline, I, 13-2
      - drivers license, I, 12-1.6
      - penalties, I, 13-13
    - property pass, I, 1-3
    - retention of
      - during leave (See Leave Administration Guide.)
      - military reasons, I, 10-5.2
      - upon separation/resignation, I, 17-1.7 thru 17-1.7.6
    - use of, I, 1-3
  - indexing requirements, II, 2-3.3.2, 2-3.5
  - inventories, II, 6-10 thru 6-10.2
  - supplies, II, 6-7.1.1(9)
  - NCIC records, II, 7-1 thru 7-1.7
  - personal
    - check of, II, 6-10.2
    - claim for loss/damage to (See Claim, personal property.)
    - lost or stolen, II, 6-7.5
      - administrative reporting requirements, II, 6-7.5
    - purchase or lease of, II, 6-11(5)
    - retention and return of evidence seized, II, 2-4.4.1
    - returned to FBIHQ, I, 17-1.7.1; II, 6-10.2(3)
    - stamp on communications, II, 9-3.5.1, 9-3.5.2, 9-3.5.7, 9-4.5.2, 10-4.9
- Prosecutive report, II, 10-15 thru 10-15.3
  - classifications affected by, II, 10-15.1
  - copies, II, 10-15.2.1
  - cover page, FD-272, II, 10-15.2.1

- part I, II, [10-15.2.2](#)
- part II, II, [10-15.2.3](#)
- supplemental investigation, II, [10-15.3](#)
- Public Financial Disclosure Reports, I, [1-14](#)
- Public
  - Law 89-506, I, [12-2.4.2](#)
    - 89-508, I, [12-2.4.1](#)
    - 89-516, II, [6-2](#)
    - 91-616, I, [15-3.4\(3\)](#)
    - 93-112, I, [4-3.2](#)
    - 95-454, I, [14-5](#)
    - 96-431, I, [20-21](#)
    - 96-465, II, [6-2.11](#)
    - 98-21, I, [18-5.5](#)
    - 100-71, I, [1-25.1](#), [1-25.10.1](#)
    - 100-202, I, [8-13](#)
    - 100-496, II, [6-9.3](#)
    - 100-654, I, [15-2.13](#), [15-2.13.5](#)
    - 101-647, I, [16-15](#)
    - 103-94, I, [20-27](#)
    - 103-356, I, [16-11](#)
  - office, use of for private gain, I, [1-14](#)
  - relations (See [Publicity](#).)
  - Safety Officers' Benefit Act, I, [16-14](#) (Also see [MIOG](#).),
    - death benefit, I, [16-14](#)
    - disability benefit, I, [16-14](#)
  - service awards, I, [5-18](#)
  - source information, dissemination, II, [9-4.4.2](#)
- Publicity, II, [5-1](#) thru [5-9.3](#)
  - fugitive, II, [5-2.4](#)
    - use of television and radio, II, [5-2.4.4](#)
  - Law Enforcement Bulletin, II, [5-3](#)
  - police schools, II, [8-3.4](#)
  - speeches (See [Speeches](#).)
  - visitor (non-Bureau official) to FBIHQ, II, [5-7.3](#)

## (Q)

- Quality within-grade increases, I, [5-1](#), [5-13.1](#), [5-14](#), [8-8](#), [8-8.1](#), [8-8.7](#)
  - performance appraisal requirement for, I, [5-14](#)

## (R) [\[top\]](#)

- Race and National Origin Identification, I, [4-3.1](#)
- Radios
  - FM, installed in confidential vehicles, II, [6-8.7.1\(3\)](#)
  - purchase of, II, [6-3.6](#), [6-7.1.6](#)
- Raids, participation in while on medical restrictions, I, [20-5.2.1](#)
- Rappelling from helicopter, policy, II, [8-10](#)
- Reclassifying
  - cases, II, [3-4.6](#)
  - files, II, [2-4.3.7](#)
- Recognition of employee (See [Awards](#).)
- Recommendations
  - Bureau employees, regarding, I, [1-15.3](#); II, [10-17.11.2](#)
  - personal acquaintances, regarding, I, [1-15.3](#); II, [10-17.11.2](#)
- Record check (See also heading for appropriate agency.)
  - destruction of, II, [2-4.5.2](#), [2-4.5.13](#)
  - investigations, II, [3-4.7](#)

- negative, stamping "no record," II, [10-9\(8\)](#)
- requests, use of FD-356, II, [10-16.15\(5\)](#)
- Recorders, purchase of, II, [6-3.6](#), [6-7.1.6](#)
- Records
  - bank, II, [10-13.1](#)
  - custodian of, field divisions, II, [2-2](#), [10-13.1](#)
  - FBI, confidentiality of, I, [1-19](#); II, [9-2.5](#) (Also see MIOG.)
  - falsification, penalty for, I, [13-13](#)
  - system, notice requirements, I, [1-21.3](#) (Also see MIOG.)
  - telephone, II, [10-13.1](#)
  - use of FBI records for official purposes, I, [1-3](#)
- Recreation
  - FBIRA, I, [2-8](#), [16-3](#) thru [16-3.4](#)
- Recruitment of persons with disabilities, minorities and women, I, [4-6.1.1](#)
- Reference Firearms Collection, II, [2-4.4.3](#)
- Reference, letters of (See [Recommendations](#).)
- Registers, II, [1-2.5](#) (See also [Forms](#) and [Leave Administration Guide](#).)
  - destruction of, II, [2-4.5.12](#), [3-3.2](#)
  - FD-420 (Attendance) (See [Forms](#).)
  - FD-420a (Attendance/TURK) (See [Forms](#).)
  - GS-16 and above not required to use, II, [1-2.5](#)
- Registration fees, payment, II, [6-1.2.3](#)
- Rehabilitation Act of 1973, I, [4-3.2](#)
- Reinstatement
  - Agent assignments, I, [11-13](#) (See also MIOG.)
  - employee receiving compensation benefits, I, [15-1.12](#)
  - military, I, [10-5.5](#) thru [10-5.5.3](#)
  - recommending for on exit interview, I, [17-2.1](#)
  - salary rate, I, [8-9](#)
- Reinvestment, Five-Year, I, [20-26](#)
- Relatives, personnel actions affecting Bureau managers, I, [1-15.4](#)
- Relief supervisor, I, [3-2.1](#), [3-2.2](#); II, [1-1.1](#)
  - duties of, II, [1-1.1](#)
  - principal, awards, I, [3-2.2](#), [5-15.1](#), [5-15.5](#)
  - transfers (See [Transfers](#))
  - use of on nonworkdays, II, [1-1.1](#)
- Religious observances, time off (See [Leave Administration Guide](#).)
- Relocation allowances and benefits
  - eligibility/entitlements, II, [6-2\(5\)](#)
  - government shipments, II, [6-2.3](#) thru [6-2.3.9](#)
    - airbill copies, distribution, II, [6-2.3.4](#)
    - claims for goods lost or damaged, II, [6-2.3.8](#)
    - excess property shipments, II, [6-2.3.7](#)
    - government bill of lading
      - disposition, II, [6-2.3.3](#)
      - use, II, [6-2.3.2](#)
    - imprest fund payment of transportation charges, II, [6-2.3.5](#)
    - modes of government shipments, II, [6-2.3.1](#)
    - receipt of shipment by consignee, II, [6-2.3.6](#)
  - homefinding, II, [6-2.4](#) thru [6-2.4.3](#)
    - allowances, II, [6-2.4.3](#)
    - authorization of trip, II, [6-2.4.1](#)
    - automobile rental, II, [6-2.4.3](#)
    - computation of allowances, II, [6-2.4.3](#)
    - government transportation request (GTR), II, [6-2.4.3](#)
    - lodging with friends or relatives, II, [6-2.4.3](#)
    - privately owned vehicle (POV), II, [6-2.4.3](#)
    - regulations, II, [6-2.4.2](#)
    - taxi expenses, II, [6-2.4.3](#)
    - telephone calls, II, [6-2.4.3](#)
  - household goods, II, [6-2.2](#) thru [6-2.2.7](#), [6-2.3.9](#), [6-2.6.2](#), [6-2.8.2](#), [6-2.8.3](#)

- commuted rate system, II, [6-2.2.1](#)
- items that cannot be shipped at FBI expense, II, [6-2.2.1](#)
- notification of damage or loss, II, [6-2.2.1](#)
- passenger transportation services, for, II, [6-1.1](#)
- shipment and storage, II, [6-2.2.1](#)
- shipment exceeding pound limitation, II, [6-2.2.1](#)
- shipment of firearms, II, [6-2.3.9](#)
- shipment of POV outside CONUS, II, [6-2.2.5](#)
- shipments outside CONUS, II, [6-2.2.3](#)
- storage of household goods in lieu of transportation outside of CONUS, II, [6-2.2.4](#)
- temporary storage, II, [6-2.2.2](#)
- transportation of house trailer or mobile dwelling, II, [6-2.2.7](#)
- lodging expenses, II, [6-2](#), [6-2.4.3](#), [6-2.5.3](#), [6-2.6.3](#)
- miscellaneous expenses allowance, II, [6-2.8](#) thru [6-2.8.3](#)
  - itemization, II, [6-2.8.1](#)
  - nonreimbursable expenses, II, [6-2.8.3](#)
  - prudent person, II, [6-2](#)
  - reimbursable expenses, II, [6-2.8.2](#)
  - without itemizing, II, [6-2.8.1](#)
- relocation income tax allowance, II, [6-2.9](#) thru [6-2.9.2](#)
  - authorization, II, [6-2.9.1](#)
  - reimbursement, II, [6-2.9.2](#)
  - withholding tax allowance, II, [6-2.9.2](#)
- relocation services, II, [6-2.1](#) thru [6-2.1.4](#)
  - allowances and benefits, II, [6-2.2](#)
  - authorization/eligibility, II, [6-2.1.2](#)
  - FBI Employee Relocation Handbook, II, [6-2.1.2](#)
  - procedures, II, [6-2.1.3](#)
  - relocation program services, II, [6-2.1.4](#)
- residence - purchase and sale, II, [6-2.7](#) thru [6-2.7.3](#)
  - authorization, II, [6-2.7.1](#)
  - documentation, II, [6-2.7.3](#)
  - eligibility, II, [6-2.7.2](#)
  - extension request, II, [6-2.7.2](#)
  - nonreimbursable expenses, II, [6-2.7.3](#)
  - reimbursable expenses, II, [6-2.7.3](#)
  - reimbursement, II, [6-2.7.3](#)
- Senior Executive Service (SES)
  - employee's "last move home" entitlements, II, [6-2.12](#)
- temporary quarters (TQ), II, [6-2.6](#) thru [6-2.6.4](#)
  - allowable expenses, II, [6-2.6.3](#), [6-2.12\(7\)](#)
  - computation of TQ rates, II, [6-2.6.4](#)
  - conditions and limitations, II, [6-2.6.1](#)
  - eligibility period, II, [6-2.6.2](#)
  - initial 60-day period, II, [6-2.6](#)
  - leave status, II, [6-2.6.3](#)
  - lodging with friends or relatives, II, [6-2.6.3](#)
  - meal limitation, II, [6-2.6.4](#)
  - required documentation for second 60-day period, II, [6-2.6.1\(3\)](#)
  - second 60-day period, II, [6-2.6.1\(3\)](#)
    - extensions, II, [6-2.6.1\(5\)](#)
  - short distance transfer, II, [6-2.6.2](#)
- travel on transfer, II, [6-2.5](#) thru [6-2.5.3](#)
  - allowances, II, [6-2.5.3](#)
  - authorization, II, [6-2.5.1](#)
  - computation of allowances, II, [6-2.5.3](#)
  - daily mileage computation, II, [6-2.5.3](#)
  - indirect route, II, [6-2.5.2](#)
  - payment of mileage allowances, II, [6-2.5.3](#)
  - POV use, II, [6-2.5.3](#)
  - regulations, II, [6-2.5.2](#)

- vouchers
  - authorization/approving official, II, 6-2
  - cash payments in excess of \$25, II, 6-2
  - documentation, II, 6-2(4)
  - receipt requirements, II, 6-2(4)
  - written agreement, II, 6-2
- Removal of Government property from Government space, I, 1-3
- Rental car, accident liability, I, 1-3.1, 12-2.5.1; II, 6-1.2.3
- Rental of
  - automobile, II, 6-2.4.3(4), 6-2.6.3, 6-2.10.4, 6-2.10.7, 6-8.10
  - collision damage waiver fee, II, 6-1.2.3
  - building space, II, 2-1.2.6 thru 2-1.2.10, 6-5.1, 6-8.5.1
- Reports
  - approval of, II, 10-10.9.2
  - auxiliary office, negative results of investigation, II, 10-9(10)
  - control file, II, 2-4.1.5, 3-4.11
  - Identification, handling of original, II, 10-13.13
    - office of origin, furnishing original to, II, 2-4.5.1, 10-13.13
  - indexing, quarterly, II, 2-3.6.3
  - investigative (See Investigative report.)
  - Laboratory
    - including in investigative report, II, 10-13.13
    - office of origin, furnishing original to, II, 2-4.5.1  
(Also see MIOG, Part II, Section 13.)
  - La Cosa Nostra, II, 10-9(21) & (22)
  - Monthly Administrative (See Monthly Administrative Report.)
  - nonprosecutive summary, II, 10-20, 10-20.1
  - prosecutive (See Prosecutive report.)
  - serializing, II, 2-4.1.1
  - types of, II, 10-14
- Requests of FBIHQ, II, 10-10.13, 10-16.15(2)
- Requisitions, files, destruction of, II, 2-4.5.15
- Reserves (See Military.)
- Resident agencies, II, 1-3 thru 1-3.13.6
  - check circulars, maintenance of in, II, 1-3.12
  - evidence, mailing of, II, 2-4.4.4
  - files, maintenance of in, II, 2-4.3.1
    - requests to maintain original or duplicate files, II, 2-4.3.1
  - identification orders, maintenance of in, II, 1-3.12
  - indexing and serializing in, II, 2-4.3.1(3)
  - inspection of by SAC, II, 1-3.10
  - justification of, II, 1-3.2
  - office space, identification of, II, 1-3.8
  - registers in, II, 1-3.7, 1-3.12
  - relocation of, II, 2-1.2.5
  - safe-deposit box in, II, 2-4.4.6(3)
  - security of and in (See Security.)
  - telephone usage and listing, II, 1-3.8, 1-3.9
  - ticklers, administrative, maintenance of in, II, 1-3.12
  - transfer preference, intraoffice, I, 11-3
  - wanted flyers, maintenance of in, II, 1-3.12
- Resident Agent, II, 1-3 thru 1-3.13.6
  - availability of, II, 1-3.11
  - definition of, II, 1-3.1
  - designation of SRA and alternate, II, 1-3.5
  - FD-320, case status form, signing for SAC, II, 10-11
  - major investigation, responsibilities, II, 1-3.13.2
  - medical restrictions, I, 20-5.2.2
  - qualifications for selection, II, 1-3.3
  - reporting to headquarters city, II, 1-3.6
  - SRA, duties of, II, 1-3.11, 1-3.12

- supervision of, II, 1-3.4, 1-3.12
- supervisory SRA, duties of, II, 1-3.13 thru 1-3.13.5
- career development, I, 3-2.5; II, 1-3.13.6
- Resignations, I, 17-1 thru 17-2.3
  - check, final salary, I, 17-1.6
  - during personnel action inquiry, I, 13-12
  - exit interview, I, 17-2.1
    - form, use of FD-193, I, 17-1.2, 17-1.3, 17-2.1
    - recommendation re reinstatement, support employee aspiring to SA position, I, 17-2.1
    - performance appraisal, I, 17-2.1
  - health insurance benefits, I, 15-2.7
    - temporary continuation of coverage, I, 15-2.13 thru 15-2.13.5
  - indebtedness to government, I, 17-2.1
  - leave, payment of unused, I, 17-1.4.1, 17-1.4.2, 17-1.6
  - maternity reasons, I, 17-1.4.2, 17-2.2
  - military (See Military resignation.)
  - notice of, I, 17-1.1
  - overseas return, payment of expenses, I, 17-1.8
  - post-employment restrictions (See Ethics Reform Act of 1989.)
  - return of government property
    - at FBIHQ, I, 17-1.7.5
    - for military reasons, I, 10-5.2
    - in field, I, 17-1.7.1
  - withdrawal of, I, 17-1.5
- Resource Management Information System
  - (See TURK system.), II, Section 3
- FBI classifications, listed by number and priority of program, II, 3-1 thru 3-1.2
- Rest periods, use of, I, 20-16 (See also Leave Administration Guide.)
- Retirement, I, 18-1 thru 18-12
  - beneficiary, designation of, I, 18-2.17, 18-3.17, 20-17 thru 20-17.5
  - check
    - final salary, I, 17-1.6
  - Civil Service System, I, 18-1 thru 18-2.18
    - annuities
      - alternative form, I, 18-2.14
      - computation of, I, 18-2.4
      - cost of living adjustments, I, 18-2.15
      - high-three average salary, I, 18-2.3
      - reductions to, I, 18-2.8
    - contribution to, amount of, I, 18-2.5, 18-2.6
    - credit for service, I, 18-2.2
    - deferred, I, 18-2.13
    - deposits/redeposits to, I, 18-2.7, 18-2.8
    - disability, I, 18-2.10
    - eligibility, I, 18-2.1
    - health insurance benefits, I, 15-2.8 thru 15-2.10
    - mandatory, I, 18-2.1.2, 18-2.1.3
    - medicare benefits, I, 18-2.18
    - military service, credit for, I, 18-2.9
    - offset, I, 18-2.16
    - survivor benefits, I, 18-2.11, 18-2.12
  - exit interview, I, 17-2.1
    - form, use of FD-193, I, 17-1.2, 17-1.3, 17-2.1
- Federal Employees Retirement System, I, 18-3
  - alternative form of annuity, I, 18-3.14
  - annuity, computing, I, 18-3.4
  - contributions to, I, 18-3.5, 18-3.6
  - credit for service, I, 18-3.2
  - deposits/redeposits, I, 18-3.7, 18-3.8
  - disability, I, 18-3.10



- eligibility, I, 18-3.1, 18-3.1.6 \*\*\*
- high-three salary, I, 18-3.3
- immediate retirement
  - reduced, I, 18-3.1.2
  - unreduced, I, 18-3.1.1
- mandatory, I, 18-3.1.3, 18-3.1.4
- medicare, I, 18-3.18
- military service credit and redeposits, I, 18-3.9
- special supplement, I, 18-3.19
- survivor benefits, I, 18-3.11, 18-3.12, 18-3.13
- government property, return of
  - at FBIHQ, I, 17-1.7.5
  - in Field, I, 17-1.7.1
- leave, payment of unused, I, 17-1.4.1
- part-time employees, I, 20-21
- plaque, I, 5-22
- post-employment restrictions (See Ethics Reform Act of 1989.)
- Senior Executive Service employees, "last move home" benefits, II, 6-2.12
- Social Security System, I, 18-5 thru 18-5.6
- Spouse Equity Act, I, 15-2.12
- Rewards, acceptance of, I, 1-12
- Road test, driving, I, 12-1.2.4, 12-1.2.5
- Roommates
  - Background checks, I, 20-25
- Routing slips
  - FD-4
    - approval of outgoing, II, 10-10.9.6
    - uses of, II, 10-8
  - FD-342, II, 9-3.5.5
- RUC, II, 2-4.3.6, 2-5.2.3, 9-6, 10-9(10) & (11)
- Rule 6(e), Fed.R.Crim.P., dissemination of Grand Jury material  
(See Grand jury material or Dissemination.)
- "Rumor" information, disseminating, II, 9-4.4.3, 10-17.11

# MAOP INDEX

## INDEX S, T, U, V, W, X, Y, Z

(S) [\[top\]](#)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

### SAC

- authority to approve disciplinary action, I, [13-2](#)
- authorized to spend up to \$20,000, II, [6-11](#)
- availability of, II, [1-2](#)
- inspection responsibility, II, [1-1.2](#), [1-3.10](#)
- jurisdiction over employees, II, [1-1.1](#)
- major cases, personal charge of, II, [1-2\(11\)](#)
- memorandum (See [Memorandum](#).)
- persons to be contacted by, II, [1-1.3](#)
- relationship with U.S. Attorney, II, [1-1.3](#)
- rotation, I, [3-6.11](#)
- safe, monthly inventory, II, [1-1.2](#)
- travel of, II, [1-2.1](#)
  - permission of Deputy Director, II, [1-2](#), [1-2.3](#)
- use of word "SAC" in manual, II, [1-1.1](#)

### Safes, combinations of, changing

(See [MIOG Index and Combinations, changing](#), this index.)

### Safety

- Federal Safety Councils, I, [16-9](#)
- glasses, wearing of by ETs, I, [20-5.1.6](#)

### Salary

- advances for new employees, I, [8-14](#)
- final payment when resigning, I, [17-1.6](#)
- retention, I, [3-1.1](#), [8-9](#)
- transferred/TDY employee, forwarding, I, [11-1.2](#), [11-17](#)

### SAMBA insurance

- health, I, [2-6](#), [2-7](#), [15-2.1](#), [15-2.3](#), [15-2.12.8](#)
- life, I, [2-6](#), [2-7](#), [16-11](#)

### SATI insurance

- allotments for premiums, I, [16-11](#)
- forms, I, [2-6](#), [2-7](#),

### Saturday duty, I, [8-5](#), [20-8](#); II, [1-1.1](#), [1-2.4.6](#), [1-2.4.10](#)

### School

#### classes

- attendance, I, [1-11](#)
- conducting of, I, [1-11](#)
- Government Employees' Training Act, I, [1-3.3](#); II, [8-1.4](#)
- at nongovernment facility, II, [8-1.4](#)
- use of word processing services, I, [1-3.3](#)
- literature concerning, I, [16-4.1](#)
- police (See [Police schools](#).)

### Seal, FBI, use of, I, [1-3.5](#), [1-3.7](#), [16-3.5](#)

- misuse of (See [MIOG index](#).)

### Secret Service, dissemination to, II, [9-3.3.2](#)

### Securities

- counterfeit or stolen, copy of report to DOJ, II, [10-16.12\(1\)\(e\)](#)

### Security briefing

- foreign travel, I, [1-20.1](#)
- New Agents, II, [8-1.1.2](#)

### Security clearances

- indefinite suspension for revocation, I, [1-29](#)
- opinions provided during background investigations, I, [1-15.3](#)

- polygraph examinations for adjudications, I, 13-4.1
  - (See also MIOG.)
- Security containers (See MIOG, Part II, Sections 16-7.2.6(9) and 26-5.4.)
- Security, field office, II, 2-1.3, 2-1.3.1, 2-1.3.2, 2-4.3.1
  - armed Agent after regular office hours, II, 1-2.4.7, 2-4.3.1(1)(c) & (o)
  - confidential trash, collection and burning, II, 2-1.3
  - eavesdropping, II, 2-1.3
  - escorting non-Bureau personnel, II, 2-1.3, 2-4.3.1(1)(p)
  - Intrusion Detection Systems, II, 2-1.2.5, 2-1.3, 2-4.3.1
  - keys, II, 1-3.8(8), 2-1.3.1
  - manuals, storage of, II, 2-1.1
  - observation of maintenance personnel, II, 2-1.3
  - off-site, II, 2-4.3.1
  - patrol clerk, daily report of, II, 2-5.4.2
  - resident agencies, II, 1-1.2, 1-3.8, 1-3.10, 2-1.3, 2-4.3.1
  - safe, SAC's, monthly inventory, II, 1-1.2
- Security Indoctrination of FBI Employees, outline, II, 8-1.3.2, 8-2.2
- Security officer, not to be Employee Assistance Coordinator, I, 15-3.4
- Security subfile, employee's, I, 11-1.3, 20-4.1; II, 2-4.2.1
- Seizure disorders, I, 20-5.2.1
- Selective Service Act cases
  - letters acknowledging USA referrals, II, 10-2.2.1
  - reporting results of investigation, II, 10-9(11), 10-23
- Selling merchandise on Bureau premises, I, 1-16
- Semiannual loss/theft report re government property, II, 6-7.5
- Seminars
  - attendance at, I, 1-11
  - conducting, I, 1-11
- Senior Executive Service cash awards, I, 5-15.4
- Sensitive Compartmented Information,
  - indexing and searching, II, 2-3.5
- Serials (See Files, serials in.)
- Service
  - agreement
    - foreign offices, I, 11-14.1 thru 11-14.3
    - training, II, 1-1.9, 8-1.4, 8-2.1, 8-2.4
    - transfer, II, 6-2
  - awards, I, 5-20
  - publicity, II, 5-2.1.1(6)
- Sexual harassment policy, I, 1-2.1, 1-2.2, 1-2.2.1, 1-2.2.2
  - informal resolution process, I, 1-2.2, 1-2.2.1, 1-2.2.2
- Shipments, government, II, 6-2.3 thru 6-2.3.9 (See also Relocation allowances and benefits.)
- Shooting incidents (See MIOG Index.)
  - administrative leave (See Leave Administration Guide.)
  - forms not to be used, I, 13-6
  - names of Agents involved, not divulging, II, 5-2
- Review Group
  - conference, Agent, discussion of, II, 8-1.3.2
- Shotgun breaching SWAT training policy, II, 8-9 thru 8-9.3
- Show money, returning, II, 6-13.7
- Skills Bank, I, 2-6, 20-3
- Smoking in Bureau space, II, 2-1.6
  - penalties for offenses, I, 13-13
  - reporting objections to and violations of, II, 2-1.6
- Source
  - evaluation of, II, 10-13.12, 10-17.12.1
  - T symbols, use of, II, 10-13.11, 10-13.12, 10-17.12, 10-17.12.2
- Space, field office, II, 2-1.2 thru 2-1.3
  - commercial
    - change in ownership, II, 2-1.2.6
    - GSA leasing procedure, II, 2-1.2.7

- leasing of, II, [2-1.2.7](#)
- construction of new, II, [2-1.2.4](#)
- expenses for
  - recurring reimbursable services, II, [2-1.2.10](#)
- improvements, II, [2-1.2.2](#)
- physical security (See [Security](#).)
- relocation of, II, [2-1.2.5](#)
- rental of, II, [2-1.2.8](#), [6-5.1](#), [6-8.5.1](#)
- repairs to, II, [2-1.2.1](#)
- requests concerning, II, [2-1.2.3](#)
- requirements worksheet, GSA form 1476, II, [2-1.2.9](#)
- structural alterations, II, [2-1.2.2](#)
- SPALEO, I, [8-15](#)
- Special Agents Insurance Fund, I, [16-12](#), [16-12.1](#)
  - assessments, payroll allotments, I, [16-11](#)
- Special Pay Adjustments for Law Enforcement Officers, I, [8-15](#)
- Special weapons and tactics (SWAT) training, II, [8-8](#) (See also [MIOG](#), Part II, Section 30-3.)
- Speaking, compensation for, I, [1-16.2](#)
- Speeches, II, [5-4](#) thru [5-4.4.2](#)
  - acceptance of fees, I, [1-12](#)
  - employees' rights and obligations, I, [1-26](#) thru [1-26.4](#)
  - FBIHQ, program at, II, [5-4.4](#)
  - Field, program in, II, [5-4.1](#) thru [5-4.3](#)
    - report of, semiannual, II, [5-4.2.2](#)
  - Speech Control File, II, [5-4.2.1](#)
  - Speech Material File, II, [2-4.5.12\(27\)](#), [5-4.3](#)
  - reimbursement of expenses, I, [1-12](#)
- Spin-off cases, recording of on Monthly Administrative Report, II, [3-4.10](#)
- Sports bribery cases, reporting rules, II, [10-9\(19\)](#)
- Spouse Equity Act of 1984, I, [15-2.12](#)
- Spouses, EDSP participant not to rate, I, [3-6.1](#)
- Staffing actions, support (See [Promotion and placement, support](#).)
- Statements
  - earnings, routing of transferred/TDY employee's, I, [11-1.2](#), [11-17](#)
  - recording on FD-302, II, [10-13](#), [10-13.2](#)
    - composite FD-302s, adopting, II, [10-13.3\(11\)](#)
  - signed/unsigned, I, [13-4](#), [13-5](#); II, [10-13](#), [10-13.2](#), [10-13.3\(11\)](#), [10-16.14](#)
  - affidavit, I, [13-5](#)
  - mailing of, II, [2-4.4.1](#)
  - preservation in file (exhibit envelope)
    - (See [Legal Handbook for Special Agents](#), Section 7-12.11.)
- Statements, signed/written
  - furnishing to USA, II, [2-4.3.2\(3\)](#)
  - mailing, II, [2-4.4.1](#)
  - retention of, II, [10-12](#)
- Stationery, use of FBI seal, I, [1-3.5](#)
- Statistical Accomplishments, II, [3-5](#) thru [3-5.4](#)
- Status, changes in employee, I, [20-2](#) thru [20-2.7](#)
- Stenographic
  - classes at FBIHQ, II, [8-2.1](#)
  - delinquency, I, [20-13](#)
  - tests, I, [6-2.1](#) grading of, I, [6-3](#), [6-4](#)
- Stocks, purchase of (prohibition), I, [1-1](#)
- Stolen or lost government or personal property, II, [6-7.5](#)
- Stop notices
  - destruction of, II, [2-4.5.22\(11\)](#) \*\*\*
  - indexing, II, [2-3.3.1](#)
  - statement in reports, II, [10-17.11.1\(8\)](#)
- Storage of classified material, II, [2-4.3.1\(1\)\(i\)](#) (See [MIOG](#), Part II, Section 26-5.)
- Streamlining committees, I, [5-19\(7\)](#)

- Subfiles, II, 2-5.1
  - grand jury, II, 2-4.4.4, 2-5.1, 10-13.8
- Subpoenas
  - grand jury (See Grand jury.)
  - indexing requirements, II, 2-3.3.1
  - grand jury, II, 2-3.3.1
  - telephone toll records, II, 5-7.1, 10-13.1
- Suggestion
  - awards, I, 5-19
  - conferences, made during, II, 8-1.3.2(9), 8-2.2
  - coordinator, I, 5-19(7)
- Suits (See Claims/suits.)
- Sunday duty, I, 1-3.1, 8-1.7.6, 8-2.3, 8-5; II, 1-1.1, 1-2.4.2(3)(f), 1-2.4.6
- Supervisory desks, II, 1-1.1, 1-4
- Supplies/equipment
  - disposal of surplus, II, 6-7.3
  - files, destruction of, II, 2-4.5.15
  - labor charges, II, 6-9.2.8
  - maintenance levels, II, 6-7.1.1(9)
  - official business, use of for, I, 1-3
  - printing equipment/copier requests, II, 6-7.1.5
  - procurement from
    - draft system, petty cash & imprest funds, II, 6-3.6, 6-7.1.6
    - FBIHQ, use of FD-218, II, 6-7.1.1
    - GSA, use of FD-369, II, 6-7.1.2
    - local source, II, 6-7.1.6
  - reimbursable work authorization, GSA form 2957, II, 6-7.1.6(3) (See also Forms.)
  - sale of FBI property, II, 6-7.4
  - storage, II, 6-7.1.1
- Support services supervisor, filling position, I, 11-16.7
- Supreme Court
  - disposition form R-84, use of, II, 4-6
- Surveillance
  - identities of Agents, reporting, II, 10-16.14, 10-17.11.1(9)
  - logs, II, 10-17.11.1(9) (See also MIOG Index and FCI Manual, Introduction, Section 1.)
  - technical, dissemination of information from, II, 9-7.2.2
- Surveys, from FBIHQ, II, 11-6
- Suspension
  - Bureau car driving privileges (See Automobile, Bureau vehicles.)
  - without pay, administrative inquiry, I, 13-9, 13-13
- SWAT training, II, 8-8 thru 8-10.6 (See also MIOG, Part II, Section 30.)
- System of records - notice requirements, I, 1-21.3 (See also MIOG.)

## (T) [top]

- T symbol, use of, II, 9-4.5.2, 10-4.8, 10-13.11, 10-13.12, 10-16.14, 10-17.12, 10-17.12.2, 10-17.12.3, 10-17.14
- documentation, II, 10-17.14
- Tactical Air Operations Officer, II, 8-10.1 thru 8-10.6
- Tapes, cassette, use of in lieu of notes, retention of, II, 10-12
- Tardiness (See Leave Administration Guide.)
- Taxes, filing and paying of, I, 1-1, 1-14
  - employee on foreign assignment, I, 11-14.8
  - extended TDY assignments, II, 6-1.3
- Taxicabs, II, 6-1.1.2(12), 6-1.2.3(2)
- Teaching, compensation for, I, 1-16.2
- Technically Trained Agents, transfers, I, 11-11.2
- Telegrams (See also MIOG, Part II, Section 16.)
  - incoming, handling of, II, 2-2.1.4

## Telephone

- answering machines in RAs, II, 1-3.9
- calls, employee, vouchering, II, 6-1.2.3(3) & (7), 6-1.5.5, 6-2.4.3(8), 6-3.6  
(See also MIOG, Part II, 16-9.1.)
- directories, II, 1-3.9, 2-1.1, 2-1.3
- logs, II, 6-9.2.7
- number, reporting changes in, I, 20-2.1; II, 1-3.7
- official business, use, I, 1-3 (See also MIOG, Part II, 16-9.1.)
- payment of, II, 6-9.2.7
- records, II, 5-7.1, 10-13.1
- use of in RAs, II, 1-3.11

## Teletypes (See also MIOG, Part II, Section 16.)

- approval of outgoing, II, 10-10.9.5
- block stamping, II, 2-2.1.4
- copies, dissemination of, II, 9-3.5.6, 9-3.5.7
- definition of, II, 10-1.7
- filing of, II, 2-2.1.4, 2-4.1.2
- handling of, II, 2-2.1.4
- indexing, II, 2-3.6.1(8)
- preparation of, II, 10-5.1

Television and motion picture film productions, II, 5-8Temporary continuation of insurance coverage, I, 15-2.12.1, 15-2.12.2, 15-2.13 thru 15-2.13.5

## Temporary Duty Assignments

- circumstances for requesting, I, 11-17
- control files, I, 11-17
- extended, taxation of reimbursements, II, 6-1.3
- hardship, I, 11-17
- Legat offices, I, 11-17.1
- overtime, I, 11-17
- per diem, I, 11-17
- personal convenience, I, 11-17
- procedures for requesting, I, 11-17
- requirements that must be met, I, 11-17
- time and attendance responsibilities, I, 11-17
- travel expenses, I, 11-17
- TURK time, II, 3-3(6), 3-3.2

## Temporary Duty (TDY) Benefits

- actual lodging expenses
  - authorization and approval, II, 6-1.5.2
  - conditions warranting authorization, II, 6-1.5.1
  - documentation/receipts, II, 6-1.5.5
  - limitations outside CONUS, II, 6-1.5.4
  - limitations within CONUS, II, 6-1.5.3
  - reimbursement, II, 6-1.5
  - vouchering, II, 6-1.5.5
- advance of funds (See Advance of Funds.)
- approving official, II, 6-1.2.1
- automobile, rental, II, 6-1.2.3
  - collision damage waiver fee, II, 6-1.2.3
  - insurance, II, 6-1.2.3
- cash for passenger transportation services, II, 6-1.1.2
- dues, II, 6-1.2.3(6)
- extended, II, 6-1.3(3)
- government transportation request, II, 6-1.1 thru 6-1.1.6
- imprest fund reimbursement, II, 6-1.2, 6-1.2.1
- lodging
  - actual subsistence claims, II, 6-1.5 thru 6-1.5.4
  - commercial, II, 6-1.3.2
  - credit card, use of, II, 6-4.1
  - extended TDY, II, 6-1.3

- friends and relatives, II, [6-1.3.2](#)
- itemization, II, [6-1.5.5](#)
- paid by government purchase order, II, [6-1.2.1\(13\)](#), [6-1.3.2\(6\)](#)
- receipt requirement, II, [6-1.3.2](#), [6-1.4](#), [6-1.5.5](#)
- related room expenses, II, [6-1.3.2](#)
- relinquishment of residence, II, [6-1.3\(4\)](#)
- U.S. tax exemption certificate, II, [6-1.3.2](#)
- membership fees, II, [6-1.2.3](#)
- miscellaneous expenses, II, [6-1.2.3](#)
- new duty station prior to permanent change, II, [6-1.8](#)
- per diem (See [Per Diem](#).)
- privately owned vehicle (POV), II, [6-1.2.2](#)
  - approval for use on official business, II, [6-1.2.2](#)
  - in lieu of taxicab, II, [6-1.2.2](#)
  - other reimbursable fees, II, [6-1.2.2](#)
  - parking at common carrier terminal, II, [6-1.2.2](#)
  - reimbursement, II, [6-1.2.2](#)
  - transportation of more than one employee, II, [6-1.2.2](#)
  - travel within a 50-mile radius of residence or permanent duty station, II, [6-1.2.2](#)
- registration fees, II, [6-1.2.3](#)
- standards of conduct concerning reimbursement for travel and subsistence expenses from sources other than the federal government and spousal travel reimbursement, II, [6-1.7](#)
- taxicabs, II, [6-1.2.3](#)
- threatened employees
  - allowable subsistence payments, II, [6-1.6.3](#)
  - authorization, II, [6-1.6.6](#)
  - conditions and limitations, II, [6-1.6.2](#)
  - daily limitations, II, [6-1.6.3](#)
  - eligible individuals, II, [6-1.6.1](#)
  - payment of subsistence and transportation expenses, II, [6-1.6](#)
  - transportation, II, [6-1.6.5](#)
  - vouchering, II, [6-1.6.7](#)
- travel request form, II, [6-1.2](#)
- vouchers (See [Vouchers](#).)
- Temporary Limited Employment for Students, I, [20-23](#)
- Temporary quarters (See [Relocation allowances and benefits](#).)
- Testimonials (See [Recommendations and Opinions](#).)
- Testimony
  - and appearance in court (See [MIOG](#), Part II, Section 6.)
  - briefing material prepared for, II, [9-1.1](#)
  - federal court, first appearance in, II, [8-1.3.1](#)
  - fees received during court (See [Leave Administration Guide](#).)
  - reporting of information that may become, II, [10-13 thru 10-13.12](#)
  - use of FD-302, II, [10-13 thru 10-13.12](#)
- Tests, I, [6-1 thru 6-7.1](#) (Also see [MIOG](#).)
  - definition of, I, [7-2\(33\)](#)
  - dictaphone transcriber, I, [6-2](#), [6-2.4](#) grading of, I, [6-7](#), [6-7.1](#)
  - evaluation for vacancies, I, [7-4](#), [7-4.3](#), [7-6.1.2](#), [7-6.3](#), [7-6.3.1](#), [7-6.4.3](#), [7-6.4.4](#), [7-6.5](#), [7-6.7](#)
  - stenographic, I, [6-2.1](#) grading of, I, [6-4](#)
  - typing, I, [6-1](#), [6-2.2](#) grading of, I, [6-5 thru 6-5.2](#)
- Theft or loss of property in Bureau space, II, [6-7.5](#)
- Third agency rule, II, [9-4.4.4](#)
- Third party draft system (See [Draft system or Imprest fund](#).)
- Threats to
  - employees, payments of expenses, II, [6-1.6](#)
  - foreign establishment/official, II, [9-7.2](#)
  - life, II, [9-7](#)
  - president and other designated officials, II, [9-7.1](#)

- Thrift savings plan, I, 8-15, 18-2, 18-4
  - account statements, I, 18-4.13
  - beneficiary, I, 18-4.12
  - funds, investment, I, 18-4.6
    - transfers, I, 18-4.7
  - government contributions, I, 18-4.5
  - loans, I, 18-4.9
  - maximum contribution, I, 18-4.4
  - open season, I, 18-4.3
  - payouts, I, 18-4.10
  - taxing, I, 18-4.11
  - vesting, I, 18-4.8
- Thriftline, I, 18-4.7, 18-4.14
- Ticketless travel, II, 6-1.2.1, 6-1.5.5
- Tickets, with promotional items, returning, I, 1-14(7); II, 6-1.1.2
- Time-in-grade restrictions, I, 3-1
- Time off from duty awards, I, 5-15.7
  - leave without pay status, I, 5-15.7
- Time, use of official, I, 1-2
- Time Utilization Recordkeeping System (See TURK system.)
- Title of case (See Case, title of.)
- Tools, purchase of, II, 6-3.6, 6-7.1.6
- Top secret information, indexing and searching, II, 2-3.5
- Tours, FBIHQ, II, 5-7.3
- Traffic violation matters
  - notification of, I, 12-1.7
  - penalties for, I, 13-13
- Train reservations and ticketing, II, 6-1.1.6(5)
- Training
  - Agent
    - AVP eligibility during, I, 8-1.5; II, 3-3.2, 8-1.5
    - court trial, observing of for, II, 8-1.3.1
    - educational course for managers, II, 8-1.5
    - in-service, II, 8-1.6 thru 8-1.6.5
      - cancellation for TDY requests, I, 11-17
    - new Agent (See New Agent.)
  - at nongovernment facility, II, 8-1.4
    - service agreement, I, 22-2.1; II, 8-1.4, 8-2.1
  - Business English, II, 8-2.1
  - certified public accountant, support personnel, II, 8-2.4
  - crisis (hostage) negotiation, II, 8-7
  - crisis management, II, 8-6 (See also MIOG.)
  - ethics, I, 1-1
  - film, mailing of, II, 2-2.2.10
  - firearms, II, 8-3.2(9)
    - support personnel, I, 20-14
  - foreign language, I, 22-2 thru 22-2.4
    - for Agents, II, 1-1.9
      - transfers to resident agencies, consideration for, II, 1-3.3
  - helicopter SWAT policy, II, 8-10
  - legal, II, 8-3.2(10)
    - record of, II, 4-1, 4-8
  - Legat office assignment, I, 11-15, 11-15.1; II, 8-2.3
  - Management Educational Opportunity Program, II, 8-1.5
  - military (active duty), I, 1-17, 10-9
  - Motorcycle, II, 6-8.13
    - Safety equipment, II, 6-8.15
  - police (See Police schools.)
  - proofreading, II, 8-2.1
  - support
    - evaluation for job selection, I, 7-5.1, 7-6.1.2, 7-6.3, 7-6.3.2,



7-6.3.3, 7-6.4.3, 7-6.4.4, 7-6.7  
 in-service, I, 8-2.1  
 SWAT, II, 8-8 thru 8-10.6 (See also MIOG, Part II, Section 30-3.)  
 TURKING (See Attendance Register/TURK.)  
 typing/shorthand, FBIHQ, II, 8-2.1  
 Transfers, I, 11-1 thru 11-15.4.4  
   acknowledgment of, I, 11-1  
   advance of funds (See Advance of Funds.)  
   advising employee of pending, I, 1-15.1  
   allowances and benefits (See Relocation allowances and benefits.)  
   Career development matters (See Part I, Section 3 of this manual.)  
   classification between supervisory desks, II, 1-1.1  
   confidentiality of, II, 1-15.1, 1-19 \*\*\*  
   disciplinary probation, effect on employee, I, 13-14.3  
   expenses, I, 11-16.8 (See Relocation allowances and benefits.)  
     household goods/personal effects, (See Household goods/personal effects  
       and Relocation allowances and benefits.)  
   Legats, return to CONUS, from, I, 17-1.8  
   temporary hardship, I, 11-5  
   transfer letter, before, I, 11-1  
   travel, I, 11-1, 11-14.2  
 FD-655, use of, I, 11-1.2  
 hardship, I, 3-2.1, 3-6.13, 11-4 thru 11-5, 11-16.4, 11-16.5, 11-17  
   medical, I, 11-4.1  
   relief supervisors, I, 3-2.1, 3-6.13  
   review board, I, 11-4.3  
 inquiries from employees of other offices, I, 11-16.4  
 lateral, Agent supervisors, I, 3-6.8, 3-6.9  
 leave (Also see Leave Administration Guide.)  
   annual, use of, I, 11-1.4  
   housing, I, 11-1.4, 16-1.5; II, 3-3.2(7)  
 moving companies, giving unauthorized information to, I, 11-1  
 news releases re SAC's or ASAC's, II, 5-2.1.1(6)  
 personnel resource list, I, 3-7.1, 5-1, 11-2.2, 11-3 thru 11-3.2, 11-6 thru 11-8,  
   11-11, 11-12, 11-16.2, 11-16.4  
 policy concerning  
   accounting technicians, I, 11-16.3  
 Agents, I, 11-2 thru 11-12  
   amended, I, 11-9  
   first office, I, 11-2.1, 11-3.2  
   lateral, I, 3-6.8, 3-6.9  
   Los Angeles, I, 11-3.1  
   medical profile system, I, 11-3  
   New York, I, 11-3.1  
   principal legal advisors, I, 11-11.1  
   rotational, I, 11-2.2  
   San Juan, I, 11-3.2, 11-14.1  
   specialty, I, 11-11  
   stationary supervisors, I, 3-6.5  
   technical Agents, I, 11-11.2  
   undercover, I, 11-3, 11-8  
 Anchorage, Honolulu, San Juan, I, 11-3, 11-3.2, 11-14.1  
 automotive maintenance employees, I, 11-16.3  
 electronics technicians, I, 11-16.3.1  
 Hostage Rescue Team, I, 11-12  
 language specialists, I, 11-16.3  
 Legat offices, I, 11-14 thru 11-14.8  
 married Agent couples, I, 11-6, 11-10  
   with non-Bureau spouses, I, 11-6  
 no-cost transfers, I, 11-10  
 support personnel, I, 11-14 thru 11-14.8, 11-16 thru 11-16.7, 11-17,

- 11-17.1
- Postal Service, notification of, I, [11-1](#)
- property, inventory of, I, [11-1.3](#)
- realtors, giving unauthorized information to, I, [11-1](#)
- records to be forwarded, I, [11-1.3](#)
- refusal of, Agent's, I, [3-6.1](#)
- requests for by support personnel, I, [11-16.4](#), [11-16.5](#), [11-16.6](#)
  - Anchorage, Honolulu, San Juan, I, [11-14.1](#)
  - to Legat offices, I, [11-14.1](#), [11-17.1](#)
- resident agency
  - amended from HQ city, I, [11-9](#)
  - PRL selection, I, [11-3](#)
- service agreement
  - office outside continental U.S., I, [11-14.1](#), [11-14.2](#), [11-14.3](#)
- temporary duty assignments, I, [11-17](#)
- transportation of household goods, I, [11-14.2](#), [11-14.6](#)
  - (See also [Household goods/personal effects and Relocation allowances and benefits.](#))
- travel time, determination of, I, [11-1.4](#)
- TURK time entered, II, [3-3](#), [3-3.2](#)
- vouchers (See [Relocation allowances and benefits and Vouchers.](#))
- written agreement, II, [6-2](#)
- Translations, foreign language, I, [22-6](#)
- Transportation
  - allowance (See [Advance of Funds, Relocation allowances and benefits, and Temporary Duty \(TDY\) Benefits.](#))
  - free, employees accepting of, I, [1-14\(6\)](#)
  - of household goods/personal effects
    - (See [Household goods/personal effects and Relocation allowances and benefits.](#))
  - requests (See [GTR.](#))
- Trash, official, collection and burning, II, [2-1.3](#) (See also MIOG and National Foreign Intelligence Program Manual.)
- Traumatic injuries, I, [15-1.1.3](#)
- Travel
  - Administrative Officer, approve support personnel, II, [6-1](#), [6-2.10.2](#)
  - advance of funds, (See also [Advance of Funds.](#))
  - authority, II, [1-2.3](#) thru [1-2.3.2](#)
  - automobile
    - mileage (See [Automobile.](#))
    - use of personal (See [Automobile.](#))
  - control file, II, [6-1.2](#)
  - expenses
    - advance of funds (See [Advance of Funds.](#))
    - disabled employees' official, II, [6-1](#)
    - draft system (See [Draft system.](#))
    - Legat, I, [11-14.3](#) (See [Relocation allowances and benefits and Temporary Duty \(TDY\) benefits.](#))
  - nonfederal source, paid by, II, [6-1.7](#) thru [6-1.7.4](#)
  - per diem (See [Per Diem.](#))
  - spouse, II, [6-1.7](#)
  - statute of limitations for payment of, II, [6-1.2.1](#)
  - temporary duty, I, [11-17\(7\)](#)
  - travel request form, II, [6-1.2](#)
  - foreign
    - official, I, [1-20](#) (See MIOG, Part II, Section 23-8.)
    - relatives residing in or traveling to specified hazardous areas, I, [1-20](#)
    - unofficial, I, [1-20](#); II, [8-1.1.2](#)
      - briefings, I, [1-20.1](#)
      - polygraph examination, I, [1-20](#)
  - investigative or official
    - interdivisional, II, [1-2.1](#), [8-5](#) (See MIOG, Part II, Section 23-8.)
  - itinerary, II, [1-2](#), [1-2.2](#)

- list on voucher, II, [6-1.1.2\(11\)](#), [6-1.2.1\(12\)](#)
- use of FD-330, II, [1-2\(4\)](#)
- overseas, return after resignation, I, [17-1.8](#)
- overtime compensation, in-service training, I, [8-2.1\(5\)](#) \*\*\*
- SAC, II, [1-2.1](#), [1-2.3](#)
- time, determination of, I, [11-1.4](#) overseas (See Leave Administration Guide.)
- TURKING (See [Attendance register/TURK](#).)
- voucher (See [Vouchers](#).)
- TURK system, II, [3-3](#) thru [3-3.2](#), [3-4.5\(5\)](#) (See [Attendance register/TURK](#).)
- list of FBI classifications, by number and priority of program, II, [3-1.1](#) thru [3-1.2](#)
- Typewriter requests (See [MIOG Index](#), Word processing equipment.)
- Typing
  - classes at FBIHQ, II, [8-2.1](#)
  - delinquency, I, [20-13](#)
  - tests, I, [6-2](#), [6-2.2](#)
  - grading of, I, [6-5](#) thru [6-5.2](#)

## (U) [top]

- Unaddressed work, II, [2-5.2.5](#)
- Undercover operations
  - Agents' preparing attendance register/TURK (FD-420a), II, [1-2\(9\)](#), [3-3.2](#)
  - funding, II, [6-11](#)
  - transfers (See [Transfers](#).)
- Unemployment compensation, I, [16-8](#)
  - during administrative inquiry, I, [13-12](#)
  - during leave without pay (LWOP) (See Leave Administration Guide.)
- Unidentified person, NCIC record, II, [7-5.6](#)
- United States Attorney
  - appointment of SA Legal Advisors as Special Assistants, II, [4-10](#)
  - contact with SACs, II, [1-1.3](#)
  - mail for, handling of, II, [2-2.2.9](#)
  - monthly contact with, SACs, II, [1-1.3](#)
  - opinion delayed, sending LHM to FBIHQ, II, [10-9\(1\)](#)
  - opinion in FBI report, II, [10-17.11.1](#)
  - opinion, oral confirmation of, II, [10-11](#)
  - (Also see substantive sections of the Manual of Investigative Operations and Guidelines for specific instructions.)
- Upward mobility, I, [4-3](#), [4-9](#)
  - conferences concerning, I, [4-9.1](#)
  - coordinator, Bureau, I, [4-9.1](#)
  - counselor
    - quarterly reports of, I, [4-9.1](#)
    - role of, I, [4-9.1](#)
  - display of plan, I, [4-9](#)
  - EEO matter (See [EEO](#).)
  - objectives of, I, [4-9](#)
  - salary retention, I, [14-5.3](#)
- Urine collection procedures, I, [1-25.7](#)

## (V) [top]

- Valuables (evidence), handling of, II, [2-4.4.6](#)
- Vending machines, I, [20-16](#)
- Veteran
  - and military matters, I, [10-1](#) thru [10-11](#)
  - appointment of, I, [10-3](#)
  - counselor, services of, I, [10-2](#)
  - disciplinary action against, I, [10-6](#), [13-10](#), [13-13](#), [14-4.1](#)

GI Bills, I, [10-10](#)  
 points, preference, I, [10-3](#) (See also MIOG, Part I, Section 67.)  
 Preference Act of 1944, I, [10-1](#), [13-13](#)  
 Readjustment Benefits Act of 1966, I, [10-1](#), [10-7](#), [10-10](#)  
 reinstatement of, I, [10-5.3](#) thru [10-5.5.3](#)  
 retention of, I, [10-4](#)  
 rights  
     administered by Veterans Affairs Department, I, [10-10](#)  
     during disciplinary action, I, [10-6](#), [13-10](#), [13-11.1](#), [13-13](#), [14-4.1](#)  
     exceptions to eligibility, I, [10-7](#)  
 Servicemen's Readjustment Act of 1944, I, [10-10](#)  
 Victim, use of in title, II, [10-16.7.2](#), [10-16.7.3](#)  
 Visa fees, payment, II, [6-1.2.3\(3\)](#)  
 Visitor (non-Bureau official) to FBIHQ, II, [5-7.3](#)  
     member of news media, II, [5-7.3](#)  
 Vocational rehabilitation, I, [15-1.11](#)  
 Voice mail in RAs, II, [1-3.9](#)  
 Voluntary allotments and assignments of pay, I, [16-11](#)  
 Voting, I, [1-18](#) thru [1-18.3](#)  
     Leaving work early (See Leave Administration Guide.)  
 Vouchers (See also Advance of Funds and Relocation allowances and benefits and  
     Temporary Duty (TDY) Benefits.)  
     authorizing officials, listing of, II, [6-1.2](#)  
     cash payment in excess of \$25, II, [6-1.2.1\(9\)](#), [6-1.2.3\(2\)](#) & (3), [6-2\(4\)](#),  
         [6-2.6.3](#)  
     delinquent submissions, II, [6-1.2.1](#)  
     FD-254 (See Forms.)  
     FD-534 (See Forms.)  
     files, destruction, II, [2-4.5.9](#), [2-4.5.12](#)  
     imprest fund reimbursement, II, [6-1.2](#)  
     itinerary, II, [6-1.1.2](#), [6-1.2.1\(12\)](#)  
     limitations of submissions, II, [6-1.2.1](#)  
     miscellaneous expenses, II, [6-1.2.3](#)  
     preparation and submission, II, [6-1.2.1](#)  
     processing of employee expenses, II, [6-1.2](#)  
     receipt requirements, II, [6-1.2.1](#), [6-1.2.3](#), [6-1.3.2](#), [6-1.4](#), [6-1.5.5](#), [6-1.6.4](#),  
         [6-2\(4\)](#), [6-2.4.3](#), [6-2.5.3](#), [6-2.6.3](#)  
     relinquishment of residence, certification statement, II, [6-1.3\(3\)](#)  
     SF-1012 (See Forms.)  
     SF-1012A (See Forms.)  
     temporary quarters, certification statement, II, [6-1.3](#), [6-2.6.3](#)  
     travel request form (FD-540), II, [6-1.2](#)

## (W) [top]

Wage board employee, I, [8-6](#)  
     compensatory leave, not granted, I, [8-6](#) (Also see Leave Administration Guide.)  
     salary retention provisions, I, [14-5.3](#)  
 Waiver for transporting personnel in Bucar, I, [1-3.1\(8\)](#)  
 Warning/waiver of rights  
     evidence return rule, II, [2-4.4.1](#)  
     preservation of in file (exhibit envelope) (See Legal Handbook for Special  
         Agents, Section 7-12.11.) (Also see Forms, FD-395.)  
 Weather, employee availability during, II, [1-2\(2\)](#), [1-2.4.3](#)  
 Weekend duty, assignment of, I, [8-5](#), [20-8](#); II, [1-1.1](#), [1-2.4.2\(2\)\(e\)](#), [1-2.4.6](#), [1-2.4.10](#)  
 Weekly Press Summary File, II, [2-4.5.23](#)  
 Weight standard, I, [20-5.3](#)  
 Whistleblowers, I, [1-23.1](#)  
 Wire transfers of funds  
     follow-up calls, II, [6-13.5](#)

- submission of deposit ticket, II, [6-13.6](#)
- Within-grade increase
  - appeals, I, [8-8.6](#), [14-6](#)
  - leave without pay, affecting, I, [8-8.2](#), [8-8.7](#)
  - military absences, during, I, [10-5.5.1](#)
  - performance requirements, I, [8-8](#), [8-8.1](#), [8-8.4](#) thru [8-8.7](#)
    - appraisal, I, [5-1](#)
  - quality (QSI), I, [5-14](#), [8-8.1](#), [8-8.7](#)
  - regular, I, [8-8](#) thru [8-8.7](#)
- Witnesses
  - evaluation of, II, [10-13.12](#), [10-17.12.1](#)
  - expert, employee serving as, I, [1-27](#)
  - financial dealings with, I, [1-14.1](#)
  - indexing requirements, II, [2-3.3.1](#), [2-3.3.2](#)
  - reporting reliability of, II, [10-13.12](#), [10-17.12.1](#)
- Word processing
  - requests for equipment (See [MIOG Index](#), [Word processing equipment](#).)
  - services, use of under Government Employees' Training Act, I, [1-3.3](#)
  - stenographic delinquency, I, [20-13](#)
- Work
  - alternate schedules, I, [20-7.2](#); II, [1-2.4.2](#)
  - compressed schedules I, [20-7.2](#); II, [1-2.4.2\(3\)](#)
  - day, change of hours
    - Agent, I, [8-3](#), [8-5](#)
    - odd-hour shifts, I, [20-8](#)
    - wage board employee, I, [8-6](#)
  - flexible and alternate work schedules, I, [20-7](#); II, [1-2.4.2](#)
  - load, sharing by Agents, I, [8-4](#)
  - permits, I, [20-9](#)
  - rest periods, I, [20-16](#)
  - state labor laws, compliance with, I, [20-10](#)
  - week, change of day in
    - Agent, I, [8-5](#)
    - odd-hour shifts, I, [20-8](#)
    - wage board employee, I, [8-6](#)
- Working guides, review of, II, [2-1.4](#)
- Workman's compensation (See [Injuries](#), [service connected](#).)
- Writing, compensation for, I, [1-16.2](#)

**(X)    [\[top\]](#)**

- Xeroxing of
  - forms, II, [10-25.3](#), [10-25.5](#)
  - material, I, [1-3.6](#); II, [1-1.5.1\(5\)](#), [10-21.1](#), [10-21.2](#), [10-25.3](#), [10-25.5](#), [11-4](#)

**(Y)    [\[top\]](#)**

**(Z)    [\[top\]](#)**

- Zero files, II, [2-3.3.1](#), [2-4.1](#), [2-4.1.2](#)
  - destruction of, II, [2-4.5.2\(6\)](#)
  - double zero, II, [2-4.1.3](#), [2-4.5.2\(6\)](#)
  - exhibit, procedure for filing in bulky, II, [2-4.4.5](#)
    - exhibit envelope, 1A, II, [2-4.4.4](#)
  - indexing in, II, [2-3.3](#), [2-3.3.1](#), [2-3.6.4](#)
- Zip code, Criminal Justice Information Services Division, II, [10-10.11](#)

# MAOP INDEX

## FORMS INDEX

A-1, I, 1-3.6, 15-1.1.1, 15-1.2.1, 15-1.2.2, 15-1.4, 15-1.7, 15-1.15, 16-5.1.2  
CA-2, I, 15-1.1.1, 15-1.6, 15-1.8, 15-1.15  
CA-2a, I, 15-1.15  
CA-3, I, 15-1.2, 15-1.2.2, 15-1.15  
CA-5, I, 15-1.15  
CA-5b, I, 15-1.15  
CA-6, I, 15-1.15  
CA-7, I, 15-1.2.2, 15-1.5, 15-1.13, 15-1.15  
CA-8, I, 15-1.2.2, 15-1.5, 15-1.15  
CA-13, I, 2-7  
CA-16, I, 15-1.2.2, 15-1.4, 15-1.7, 15-1.15, 16-5.1.2  
CA-17, I, 15-1.5, 15-1.15, 16-5.1.2  
CA-20, I, 15-1.2.2, 15-1.15  
CA-20a, I, 15-1.15  
DA-3835, II, 7-2.2.1  
DD-553, II, 7-2.2.1  
DD 1840, II, 6-2.2.1  
DD 1840R, II, 6-2.2.1  
DEA Form-7, II, 2-4.4.7, 2-4.4.18, 3-5.2.7  
definition of, II, 10-25.1  
DO-88, II, 6-2.11.1  
DOJ-110, I, 19-8, 19-10, 19-14  
DOJ-110A, I, 19-8, 19-14, 19-15  
DOJ-364 (See Leave Administration Guide.)  
DOJ-525, II, 6-6, 6-6.2  
DOJ-526, II, 6-6, 6-6.2  
FBI form book, II, 10-25.3  
FBI Memorandum Paper, I, 20-2.6; II, 10-1.2, 10-2.1, 10-2.3, 10-3, 10-10.9.3  
FD-(Field), approval for, II, 10-25.2  
FD-4, II, 10-8  
FD-5, II, 2-4.1.1, 2-4.3.1, 2-4.3.3, 2-4.3.4, 2-4.3.5, 2-4.4.3, 2-4.4.4, 2-4.4.16,  
2-4.4.18  
FD-9, II, 7-2.4.3, 10-2.1.6, 10-17.11, 10-17.11.1  
FD-28, II, 1-2.5, 2-4.5.13  
FD-29, II, 2-4.5.12, 3-4.3, 3-4.4, 10-2.1.14  
FD-29a, II, 2-4.5.12, 3-4.3, 3-4.5, 10-2.1.14  
FD-36, II, 2-2.1.4, 2-4.1.2, 10-1.8, 10-6, 10-6.1  
FD-37, II, 6-12.3, 6-12.4  
FD-39, II, 2-4.5.17  
FD-40, I, 11-1.3  
FD-65, II, 7-2.2.2, 7-2.4.2, 7-2.4.3, 10-23  
FD-71, II, 2-4.5.15, 7-1.2, 10-13.3  
FD-73, II, 1-3.7, 2-4.5.21, 6-8.2, 6-8.3, 6-8.6  
FD-76, II, 2-4.5.19  
FD-77, II, 10-18.1  
FD-79, I, 1-3; II, 2-4.5.16  
FD-109, I, 11-1.3  
FD-111, II, 2-4.5.12, 6-8.5.1, 6-8.10  
FD-120, II, 2-4.5.16 (Also see Leave Administration Guide.)  
FD-140, I, 1-21.1  
FD-159, II, 9-3.5.3  
FD-160, II, 2-3.8, 2-3.9  
FD-160a, II, 2-3.9  
FD-165, II, 10-2.1.6, 10-23

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-21-2007 BY 60324 AUC BAW/CPB/STP

FD-173, I, 2-6  
 FD-183, I, 10-5.3  
 FD-190, I, 20-4.1  
 FD-192, II, 2-4.3.5, 2-4.4.3, 2-4.4.4, 2-4.4.6, 2-4.4.7, 2-4.4.10, 2-4.4.11,  
2-4.4.13, 2-4.4.15, 2-4.4.17, 2-4.4.18  
 FD-192a, II, 2-4.4.3, 2-4.4.4, 2-4.4.16, 2-4.4.17  
 FD-193, I, 1-1, 5-22.1, 17-1.2, 17-1.3, 17-2.1  
 FD-193a, I, 17-1.2, 17-1.3, 17-2.1  
 FD-195, I, 2-6, 10-5.5.2  
 FD-204, I, 12-2.2.1; II, 10-10.5, 10-10.14, 10-13.12, 10-14, 10-16.8, 10-16.11,  
10-17, 10-17.2, 10-17.3, 10-17.4, 10-17.6, 10-17.11, 10-17.15, 10-18,  
10-18.1, 10-18.2, 10-20.1  
 FD-205, II, 10-10.8  
 FD-207, I, 20-2.5.1, 20-2.5.2, 20-2.5.3  
 FD-207a, I, 20-2.2  
 FD-208, I, 20-2.3.1  
 FD-211, II, 2-2.1, 2-2.2.2, 2-4.5.18  
 FD-215, II, 2-4.5.17, 2-5.4.2  
 FD-215a, II, 2-4.5.17, 2-5.4.2  
 FD-215b, II, 2-4.5.17  
 FD-217, II, 10-10.12  
 FD-218, II, 6-7.1.1, 6-7.1.2, 10-25.5  
 FD-224, I, 10-5.5.2, 20-2.5.1  
 FD-231, II, 10-2.1.6  
 FD-241, I, 16-4.1  
 FD-245, II, 2-4, 2-4.3.7  
 FD-245a, II, 2-4  
 FD-245b, II, 2-4  
 FD-245c, II, 2-4  
 FD-245d, I, 20-4.1; II, 2-4  
 FD-252, I, 5-19  
 FD-253, I, 16-12, 16-12.1, 16-13  
 FD-254, II, 6-1.1.1  
 FD-255, I, 5-15.1, 5-15.5, 5-16, 5-17; II, 11-1.2  
 FD-255a, I, 5-24.3  
 FD-260, II, 2-3.11  
 FD-263, I, 12-2.2.1; II, 9-3.5.1, 9-4.5.3, 10-10.5, 10-14, 10-16, 10-16.7.4,  
10-16.8, 10-16.9, 10-16.11, 10-16.12, 10-16.13, 10-16.14, 10-16.16,  
10-17.3, 10-17.4, 10-17.6, 10-17.7, 10-18, 10-18.2  
 FD-271, II, 1-1.4, 1-3.13.3, 2-4.5.13  
 FD-272, II, 10-15.2, 10-15.2.1, 10-20.1  
 FD-273, I, 16-1.2  
 FD-277, I, 20-2.4.1, 20-4.1, 20-5.3 (Also see Leave Administration Guide.)  
 FD-279, II, 2-4.5.19  
 FD-281, I, 1-3; II, 2-1.3.1, 6-10.2, 10-8  
 FD-282, I, 5-15.7; II, 2-4.5.10, 10-2.1.14 (See Leave Administration Guide.)  
 FD-283, II, 2-4.5.21  
 FD-288, I, 12-1.2.2, 12-1.2.3, 12-1.2.4, 12-1.3, 12-1.4  
 FD-291, I, 1-24, 2-6, 20-4.1  
 FD-292, I, 2-6, 20-2.5.1, 20-4.1  
 FD-294, I, 20-4.1  
 FD-295, I, 2-6, 10-11; II, 10-8  
 FD-299, II, 6-7.1.1  
 FD-300, I, 20-5.1.4, 20-5.3  
 FD-301, II, 6-3.5.1, 6-3.9.1  
 FD-302, I, 13-3; II, 2-3.6.1, 2-4.1, 2-4.1.1, 2-4.3.1, 2-4.3.2, 2-4.4.4, 2-4.4.7,  
2-4.4.8, 2-4.4.10, 2-4.4.18, 2-4.5.1, 10-1.11, 10-2.1.7, 10-2.3.1, 10-4.3,  
10-4.8, 10-6.2, 10-6.3, 10-8, 10-9, 10-10.9.2, 10-11, 10-12, 10-13,  
10-13.1, 10-13.3, 10-13.4, 10-13.5, 10-13.6, 10-13.8, 10-13.9, 10-13.10,  
10-13.11, 10-13.12, 10-15.2.1, 10-15.2.2, 10-15.2.3, 10-16.11, 10-16.14,  
10-16.15, 10-17.11, 10-17.11.1, 10-18.2, 10-19, 10-22.4, 10-23

FD-302a, II, 10-1.11, 10-13.3, 10-13.5  
FD-303, II, 6-7.1.1  
FD-308, I, 2-6  
FD-309, I, 17-2.2  
FD-310, I, 2-6, 20-2.1, 20-2.7; II, 1-3.7  
FD-314, I, 11-3.1, 11-3.4  
FD-320, II, 10-11  
FD-330, II, 1-2, 2-4.5.23  
FD-331, I, 20-6.2  
FD-331a, I, 20-6.2  
FD-333, I, 10-5.1, 10-5.3  
FD-338, II, 2-4.5.23  
FD-340, II, 2-2.2.2, 2-4.4.14, 2-4.4.16, 2-4.4.18, 7-2.1, 7-3.1  
FD-340a, II, 2-4.4.1, 2-4.4.4, 2-4.4.7, 2-4.4.16, 2-4.4.18  
FD-340b, II, 2-2.2.2, 2-4.4.14, 2-4.4.16, 2-4.4.18, 7-2.1, 7-3.1  
FD-341, II, 2-4.5.12  
FD-342, II, 9-3.5.5, 9-4.5.2  
FD-350, II, 5-5.3  
FD-351, II, 10-11  
FD-354 (See Leave Administration Guide.)  
FD-356, II, 10-16.15, 11-5.1  
FD-361, I, 2-6  
FD-365, II, 10-4.3  
FD-367, I, 17-1.7.1; II, 6-10.2, 10-2.1.6  
FD-369, I, 16-15; II, 6-3, 6-7.1.1, 6-7.1.2, 6-8.2.1, 6-8.5, 6-8.10, 10-25.5  
FD-374, II, 2-4.5.13  
FD-375, I, 22-2.1; II, 1-1.9, 8-2.1, 8-2.4  
FD-380, I, 2-6  
FD-381, II, 6-8.3, 6-8.8  
FD-382, I, 11-14.1  
FD-388, I, 20-2.5.1, 20-4.1  
FD-391, I, 20-23  
FD-395, II, 10-16.14  
FD-407, I, 11-3.9; II, 1-3.3  
FD-412, II, 9-6  
FD-414, II, 7-1.2  
FD-415, II, 7-1.2  
FD-416, II, 7-1.2  
FD-420, I, 5-15.7, 8-1.10; II, 1-2.5, 2-4.2.1, 2-4.5.10 (Also see Leave Administration Guide.)  
FD-420a, I, 4-5.1, 4-5.2, 5-15.7, 8-1.10, 20-5.4; II, 1-2.5, 1-3.7, 2-4.2.1, 2-4.5.10, 3-3, 3-3.1, 3-3.2  
FD-426, II, 2-4.5.21  
FD-427, II, 9-6  
FD-430, II, 2-3.3.1, 2-4.5.2, 2-5.2.4, 9-6  
FD-434, I, 16-11  
FD-435, I, 10-5.5.2  
FD-438, I, 20-15.1  
FD-438a, I, 20-15.1  
FD-441, II, 2-2.2, 2-2.2.2  
FD-441a, II, 2-2.2.2, 2-4.4.11, 2-4.4.18  
FD-441b, II, 2-2.2.2  
FD-448, II, 10-25.5  
FD-455, II, 2-4.4.2, 2-4.4.3, 2-4.4.7, 2-4.4.8, 2-4.4.10, 2-4.4.12, 2-4.4.15, 2-4.4.18  
FD-460, II, 6-2.6.1, 6-2.10.7  
FD-462, I, 17-2.2  
FD-464, II, 1-1.8.3  
FD-468, I, 5-17, 5-18.2; II, 11-1.2  
FD-474, I, 17-1.7.2; II, 6-10.2  
FD-475, I, 11-1.3, 20-5.3



FD-478, II, 2-4.5  
FD-487, II, 7-1.2, 7-1.3, 7-1.5.1, 7-1.5.2, 7-1.6, 7-2.2.1, 7-2.2.2, 7-2.3.2,  
7-2.4.4, 7-2.5, 7-2.6.1, 7-2.6.2, 7-2.8, 7-3.3, 7-3.4  
FD-488, I, 1-15.1  
FD-490, I, 1-3.1.1; II, 2-4.5.13  
FD-491, II, 2-4.5.1  
FD-501, II, 2-1.3  
FD-508, II, 6-7.3  
FD-515, II, 2-4.5.13, 3-2, 3-5.1, 3-5.2, 3-5.2.1, 3-5.2.2, 3-5.2.3, 3-5.2.4,  
3-5.2.5, 3-5.2.7, 3-5.2.8, 3-5.2.10, 3-5.2.11, 3-5.2.13, 3-5.2.14,  
3-5.2.15, 3-5.3, 3-5.4, 4-6, 10-9  
FD-515a, II, 3-5.2, 3-5.2.4, 3-5.2.15  
FD-517, II, 10-10.5, 10-15.2.1, 10-15.2.2  
FD-518, II, 10-15.2.2  
FD-523, II, 10-2.1.6  
FD-534, II, 6-1.2, 6-1.2.1  
FD-540, I, 16-15; II, 6-1.1.4, 6-1.2, 6-1.2.1, 6-2.10.6, 6-3.5.1, 6-3.6.1, 6-3.7,  
6-4.12.3, 6-4.12.5, 6-4.2  
FD-597, II, 2-4.4.1, 2-4.4.3, 2-4.4.4, 2-4.4.6, 2-4.4.13, 2-4.4.17, 2-4.4.18  
FD-607, II, 2-1.2.5  
FD-608, I, 5-14  
FD-626, II, 7-3.2  
FD-630, II, 7-3.2  
FD-631, II, 2-4.4.17, 2-4.4.18  
FD-632, II, 2-4.4.18  
FD-635, II, 3-5.2.7  
FD-638, I, 3-2.10.12, 3-3.1, 3-6.3, 3-6.4, 3-6.4.1, 3-6.4.2, 4-7, 11-18.4.2,  
11-18.4.3  
FD-644, I, 13-6, 13-6.1  
FD-645, I, 13-6, 13-6.2  
FD-653, II, 2-4.4.14  
FD-654, II, 2-4.3.5  
FD-655, I, 11-1.2, 11-17; II, 2-4.5.23  
FD-659, II, 6-3.5.1, 6-3.7, 6-3.8, 6-3.11  
FD-661, I, 1-3.1  
FD-672, II, 6-10.2  
FD-679, II, 6-2.9.2  
FD-682, II, 8-4.2  
FD-702, II, 2-4.3.5  
FD-703, II, 2-4.5.13  
FD-722, II, 2-4.3.8  
FD-723, II, 2-4.4.7, 2-4.4.8, 2-4.4.18  
FD-724, II, 6-1.1.2  
FD-726, II, 6-4.8  
FD-727, I, 5-2  
FD-727a, I, 5-2  
FD-728, I, 5-4  
FD-728a, I, 5-4  
FD-728b, I, 5-4  
FD-755, I, 17-2.1  
FD-758, I, 2-6, 4-3.1  
FD-772, I, 1-20, 20-4.1  
FD-773, I, 20-25  
FD-774, I, 20-25  
FD-786, II, 11-5.1  
FD-788, I, 5-15.6  
FD-794, II, 2-4.5.9, 6-3.3.1, 6-3.5.1, 6-3.6, 6-3.6.1, 6-3.7, 6-3.9, 6-4.12.5,  
6-8.10, 6-11  
FD-804, I, 1-21.1  
FD-812, I, 5-15.7  
FD-813, II, 2-4.5.10

FD-814, I, 2-6, 20-4.1, 20-26  
FD-818, I, 16-12.1  
FD-826, I, 11-17.1  
FD-834, I, 20-4.2  
FD-839, I, 4-10.3, 4-10.4  
FD-856, I, 4-10.3, 4-10.4, 20-4.1  
FD-860, I, 20-2.5.1, 20-25  
FD-861, II, 2-2.2  
FD-865, I, 5-4; II, 1-1.4  
FD-867, II, 6-1.1.3, 6-1.3.4  
FE-6, I, 16-7.12  
FE-6-DEP, I, 16-7.12  
FE-8, I, 16-7.13  
GSA form 27, II, 6-8.11  
GSA form 144, II, 2-1.2.4  
GSA form 1348-1, II, 6-7.1.2  
GSA form 1476, II, 2-1.2.9  
GSA form 2957, II, 2-1.2.2, 2-1.2.10, 6-7.1.6  
HUD-1, II, 6-2.7.3  
INS form I-9, I, 2-6  
INS form I-94, II, 2-4.5.18  
OAAAN-7003, I, 2-6  
OGE-450, I, 1-1, 1-14, 11-1.3; II, 2-4.5.10  
Optional Form 299, I, 16-11 (See also SAMBA Form 299.)  
Optional Form 345, I, 12-1.2.2, 12-1.3, 12-1.4  
Optional Form 630-A, II, 2-4.5.16  
ordering from supply, II, 6-7.1.1  
R-84, II, 3-5.4, 4-6, 10-2.1.6, 10-16.14  
reproduction of, II, 10-25.3, 10-25.5  
RI 70-1, I, 2-7, 15-2.1  
RI 76-10, I, 16-7.14  
RI 76-21, I, 2-7  
RI 90-1, I, 2-7  
SAMBA Form 299, I, 15-2.1, 15-2.3  
SF-8, I, 13-9, 16-8, 17-2.1 (Also see Leave Administration Guide.)  
SF-47, I, 12-1.2.2, 12-1.3, 12-1.4  
SF-50, I, 2-1, 5-15.7, 8-1.11, 11-18.3; II, 2-4.5.23  
SF-50-B, I, 8-8.5  
SF-52, I, 7-4.4, 8-6, 11-1.1, 13-9, 17-1.2, 17-1.3, 17-2.1, 20-28.3, 22-5.2;  
II, 1-2.5, 2-4.5.23, 10-2.1.6  
SF-52-B, I, 3-1.1  
SF-61, I, 2-6, 20-4.1  
SF-71, II, 2-4.5.12  
SF-81, II, 2-1.2.3  
SF-88, I, 20-5.1.1, 20-5.1.4; II, 10-8  
SF-91, I, 12-2.2.1, 12-2.2.3, 12-2.3.1  
SF-93, I, 11-1.3, 20-5.1.4  
SF-94, I, 12-2.2.3, 12-2.3.2  
SF-95, I, 12-2.3.3  
SF-120, II, 2-4.5.12, 6-7.3  
SF-122, II, 6-8.9, 6-10.1  
SF-126, II, 6-8.11  
SF-126A, II, 6-8.11  
SF-149, II, 6-7.1.6  
SF-181, I, 4-3.1  
SF-182, I, 4-5.1, 4-7.2; II, 8-1.5, 8-2.4  
SF-189, I, 20-4.1  
SF-215, II, 6-13.6  
SF-256, I, 2-6, 4-3.2, 4-10.3, 4-10.4  
SF-278, I, 1-1, 1-14  
SF-312, I, 2-6

SF-361, II, 6-2.3.8  
SF-700 (See MIOG, Part II, Section 26-5.4 (4)(b).)  
SF-711, II, 2-2.2.1  
SF-1012, II, 6-1, 6-1.1.2, 6-1.1.3, 6-1.2, 6-1.2.1, 6-1.2.3, 6-1.3, 6-1.3.1,  
6-1.3.2, 6-1.3.4, 6-1.5.2, 6-1.7.3, 6-1.7.4, 6-2, 6-2.4.3, 6-2.5.3,  
6-2.7.3, 6-2.9.2, 6-2.10.5, 6-3.5.1, 6-3.6, 6-3.6.1, 6-3.7, 6-4.2, 6-4.5,  
6-4.12.1, 6-4.12.4, 6-4.12.5, 6-9.1, 6-12.3, 6-12.4  
SF-1012-A, II, 6-1.2.1  
SF-1034, II, 6-9, 6-9.1, 6-9.2  
SF-1034A, II, 6-9.1  
SF-1038, II, 6-2.6.1, 6-2.10.3, 6-2.10.6, 6-2.10.7, 6-3.5.1, 6-3.7  
SF-1094, II, 6-9.2.6  
SF-1103, II, 6-2.3.2, 6-2.3.3, 6-2.3.6  
SF-1103a, II, 6-2.3.3  
SF-1103b, II, 6-2.3.3, 6-2.3.6, 6-2.3.8, 10-10.10  
SF-1104, II, 6-2.3.3  
SF-1105, II, 6-2.3.3, 6-2.3.6  
SF-1106, II, 6-2.3.3  
SF-1152, I, 2-6, 20-17.3  
SF-1165, II, 6-3.4, 6-3.5.1  
SF-1169, II, 6-1.1  
SF-1199A, I, 2-6, 16-11  
SF-2803, I, 18-2.7, 18-2.8  
SF-2804, I, 18-2.6  
SF-2807, II, 2-4.5.15  
SF-2808, I, 2-6, 18-2.17, 20-17.3  
SF-2809, I, 2-6, 15-2.1, 15-2.2, 15-2.4, 15-2.6, 15-2.12.4, 15-2.12.10,  
15-2.12.13, 15-2.13.3  
SF-2809-A, I, 2-6, 15-2.1  
SF-2810, I, 2-6, 15-2.4, 15-2.7, 15-2.8, 15-2.12.14  
SF-2817, I, 2-6, 16-7.3, 16-7.4, 16-7.5  
SF-2818, I, 16-7.7  
SF-2819, I, 16-7.9.2  
SF-2821, I, 16-7.9.2  
SF-2822, I, 16-7.5  
SF-2823, I, 2-6, 16-7.6, 20-17.3  
SF-3102, I, 2-6, 18-3.17  
SF-3108, I, 18-3.7, 18-3.8  
SS-5, I, 2-6  
TSP-1, I, 18-4.3  
TSP-3, I, 18-4.12  
TSP-20, I, 18-4.9  
TSP-20H, I, 18-4.9  
TSP-30, I, 18-4.7  
USPS form 3583, II, 2-2.1  
USPS form 3811, II, 2-2.2.2, 2-4.4.11, 2-4.4.17, 2-4.4.18  
USPS form 3877, II, 2-2.2.2, 2-4.5.18  
USPS form 3883, II, 2-2.2.2, 2-4.5.18  
W-2, I, 8-13  
W-4, I, 2-6  
X422, I, 2-6, 20-3  
0-1, II, 10-6, 10-10.8  
0-4, II, 10-25.5  
0-7, II, 2-4.3  
0-9, II, 10-1.8  
0-11, II, 10-25.5  
0-17, II, 10-22.2  
0-66, II, 11-5.1  
0-96, I, 1-3  
1-374, II, 2-4.3, 7-2.4.3  
2-46, I, 20-4.1

3-26, II, 1-1.9  
3-34, II, 1-2.3.1  
3-34b, II, 6-2, 6-2.1.3, 6-2.10.7  
3-302, II, 5-2.1.1  
3-790, II, 10-25.5  
4-37, II, 2-2.2.2  
4-596, II, 2-4  
4-596a, II, 2-4  
1099-INT, I, 8-13