

Leaders' Alert

*A newsletter for Executives, Managers, and Management Officials
of the Farm and Foreign Agricultural Services*

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Employee Relations Corner

Extended Absences from Duty

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A full-time employee has been absent on approved leave (annual, sick, and leave without pay) for six (6) months. The absence is supported by legitimate medical documentation but is adversely impacting your ability to accomplish the Agency's mission and requiring you to disapprove other employees' requests for annual leave. Other employees are complaining about performing the tasks that would have been performed by the employee who has been absent for six (6) months. There are no funds allocated for overtime pay and your employees do not want to work for compensatory time. What do you do?

One option for addressing the matter would be to propose removal based on a charge of "medical inability to perform". An agency may remove an employee if he or she is unable, because of a medical condition, to perform the duties of the position.

To sustain its charge of medical inability to perform, the Agency must prove the following:

- (a) the employee has a medical condition;
- (b) there is a nexus between the federal employee's medical condition and either (1) observed deficiencies in his/her work performance or conduct or (2) a recurrence of the disqualifying condition would pose a reasonable probability of substantial harm.

A charge of medical inability to perform requires medical evidence showing that the employee is incapacitated for particular job duties due to a medical condition.

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Send any comments, questions, and/or suggestions about this issue to whilemenia.duncan@kcc.usda.gov
or fax to 816-926-1825, Attention: Editor, Leaders' Alert



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Extended Absences from Duty (cont)

If the evidence supports a finding that the employee has recovered, by the time of the Merit Systems Protection Board hearing – regardless of whether or not the employee was unable to perform his duties at the time the agency took the action, the Board may reverse the removal.

A different option for addressing the matter would be to propose removal based on a charge of “excessive absenteeism”. An agency may remove an employee if the employee’s absence has been excessive.

To sustain a charge of excessive absenteeism, the agency must prove the following:

- (1) The employee was absent for compelling reasons beyond his control so that agency approval or disapproval of leave was immaterial because the employee could not be on the job;
- (2) The absence or absences continued beyond a reasonable time and the employee was warned that adverse action might be initiated unless the employee became available for duty on a regular, full-time or part-time basis; and,
- (3) The position needed to be filled by an employee available for duty on a regular, full-time or part-time basis

The primary advantages of addressing the matter with a charge of “excessive absenteeism” as opposed to a charge of “medical inability to perform” are:

- (1) No requirement to address whether or not the employee has a medical condition;
- (2) No need to speculate as to whether or not the employee’s medical condition may change; and
- (3) No need to establish a nexus between a medical condition and the employee’s performance and/or conduct.

This article is not intended to propose that medical inability to perform should no longer be used. However, it is significant to be aware that another option exists for addressing a situation similar to the one described at the beginning of this article. Also, it is significant to understand that these options do not apply to absences in which an employee has invoked his/her entitlement for up to 12 weeks of leave without pay under the Family Medical Leave Act.

Monitoring Employees Work Efforts

Excerpted from Handbook 5-PM
Performance Management and Awards Program

Monitoring and documenting employees' work efforts are critical to managing and evaluating performance. Monitoring means consistently measuring performance and providing ongoing feedback to employees and workgroups on their progress toward reaching the standards described in the Performance Plan. It gives you the opportunity to make changes to unrealistic or problematic measurable standards and allows you to identify unacceptable performance at any time during the appraisal period rather than waiting until the end.

Monitoring Employees Work Efforts

What is Performance Monitoring?

Monitoring performance is the process of observing an employee's task results and collecting data on those results during the appraisal period. Monitoring performance gives the supervisor the information needed to make an objective rating at the end of the appraisal period.

Select monitoring methods that:

- Apply to each element and measurable standard. Plan to monitor all, not just some, elements and measurable standards.
- Reflect the measures selected. For example, if you have created numeric measures, you will need to monitor quantitative data related to the employee's performance.
- Are realistic and practical, you feel comfortable with; you will use, and can be achieved.
 - If you cannot observe the employee frequently, then perhaps observation is not an appropriate method. Similarly, do not select numeric measures if numeric data are not available.
 - Consider how you will monitor the performance of employees who work at remote sites. For example, it is not practical to use observation if the employee is working at a remote site.
 - Finally, your monitoring methods must allow you to monitor consistently.

After you have identified potential monitoring methods, communicate them to the employee and ask for input to ensure the process is understood and appropriate for the employee's job.

Monitor your employees by:

- Reviewing sample work products.
- Reviewing supporting documents related to each employee's work. Develop a tracking system as a means for reviewing the productivity of your employees. Reviewing feedback from customers, coworkers, colleagues, or other managers.
- Observing the employee's performance, including evaluating the output and products of the employee's work and conducting routine spot checks. Jot down instances in which employee does something particularly well or something that needs improvement.
- Collecting input from an employee regarding his or her own performance (e.g., from routine one-on-one meetings with an employee).
- Documenting feedback meetings with employees (e.g., a summary of performance expectations and how the employee is meeting them).

Direct your questions to your Employee and Labor Relations and Benefits Branch Human Resources Specialist.