

Appendix J – Employee Relations Requirements

Changes to Employee Relations Requirements from Version 2.0		
Requirement	Changes Made	Reason
ER4 Follow proper procedures when requesting and receiving employee medical documentation, IAW applicable laws, regulations, guidelines, and policies.	Primary Reference	Policy Update
ER36 Subscribe to applicable OPM policy listservs through the OPM website.	Added	Policy Update

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The Shared Service Center *may* have a role in providing and operating the facility or system to address the functionality, transaction, or process described by these requirements in accordance with the priority specified.

If an SSC chooses to offer services for any of the non-core services, it must meet the applicable mandatory requirements at the time such services are provided to the customer.

Nothing in these requirements implies or authorizes the performance of inherently governmental functions by non-governmental entities.

Primary Reference	Unique ID	Requirement Description	Type	Priority	Who	Process Linkage	Process Linkage	Process Linkage	Process Linkage	Process Linkage
5 USC Ch 73; 5 CFR 735 and 2635; EO 12564; EO 12674 Sec. 301(a); EO 12731; Agency Supplemental Standards	ER1	Train employees on the standards of conduct.	Policy	Mandatory	Shared Service Center/ Agency	8.1.1 Establish Employee Conduct Expectations	8.1.2 Communicate Employee Conduct Expectations			
5 USC Ch 33, Subchapter II, and Ch 73; 5 CFR 2635 and 735; Agency Supplemental Standards	ER2	Advise employees on standards of conduct, when necessary.	Policy	Mandatory	Shared Service Center/ Agency	8.1.2 Communicate Employee Conduct Expectations				
EO 12564; 49 CFR 40	ER3	Follow the appropriate procedures when conducting drug and alcohol testing.	Policy	Mandatory	Shared Service Center/ Agency	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.5.1 Provide EAP Services	8.5.2 Make Referrals to EAP Services		

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5 CFR 339.102, 339.301(a)(3), 339.302, 432.105(a)(4)(iv), 630, 752.404, 752.604, 831.501, 831.1204, 844.201; FMLA; Privacy Act; Collective Bargaining Agreements; Health Information Portability and Accountability Act (e.g., Pub. L. 194-101; 45 CFR Parts 160, and 162, 164; 29 USC Ch 18; 42 USC Ch 7)	ER4	Follow proper procedures when requesting and receiving employee medical documentation, IAW applicable laws, regulations, guidelines, and policies.	Policy	Mandatory	Shared Service Center/ Agency	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.1.4 Execute Formal or Informal Action	8.2.2 Execute Formal or Informal Action	8.2.1 Address Performance Improvement Plan Results	8.4.2 Determine Accommodation Needs
5 CFR 432.105(a)(4)(iv), 752.404(c)(3), 752.604(c)(4)	ER5	Provide information concerning disability retirement to an employee against whom an adverse action has been proposed, when appropriate.	Policy	Mandatory	Shared Service Center/ Agency	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.1.4 Execute Formal or Informal Action	8.2.2 Execute Formal or Informal Action	8.2.1 Address Performance Improvement Plan Results	
5 CFR 752.404(b)(3)	ER6	Provide support in decisions involving administrative leave.	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.2.2 Execute Formal or Informal Action			

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EO 12564, Sec. 2, 3, 4, and 5; 5 USC 7361(a), (b), (c), 7362(a), 7363, 5 CFR 792.101,104, and 105(a), (c), and (d), 7362(b); 42 USC 290dd-2(a), 290dd-2(a), (b), (c), (g)	ER7	Provide support for the administration of an agency's drug-free workforce plan.	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.5.1 Provide EAP Services	8.5.2 Make Referrals to EAP Services	8.2.1. Address Performance Improvement Plan Results
5 USC Ch 75, subchapter V; 5 USC 3592(a)(2); 5 USC 7703; 5 CFR 359.502, 752 subparts E, 1201.145	ER8	Provide support to management in taking an adverse action against a member of the Senior Executive Service.	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.2.2 Execute Formal or Informal Action		
5 USC 7521; 5 CFR 930.214, 1201.131-136	ER9	Provide support to management in taking an adverse action against an administrative law judge IAW 5 CFR 930.214	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.2.2 Execute Formal or Informal Action	8.6.1 File With a Third Party	8.6.3 Prepare a Response to Third Party Filing
5 USC, 73, 75, subchapter II, 2302, 7323, 7324, 7326, 7371, 7512, 7513, and 7701; 18 USC 922(g)(2), 2635.604(d); 5 CFR 735, 752 subpart A, C, D, 771,792.105(c), and 2635; EO 12564; Civil Service Reform Act; Collective Bargaining Agreement(s)	ER10	Provide support to management in taking appropriate action, e.g., disciplinary, adverse, administrative, against an employee IAW applicable laws, regulations, guidelines, and policies.	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.2.2 Execute Formal or Informal Action	8.3.1 Identify Issue (Informal Grievance)	

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5 USC 75, subchapter II, 2301, 4303, 7114(a)(5), 7121(b)(3), 7701, 9902; 5 CFR 432.102, 104, 105, 106 and 107, 752 subparts C and D	ER11	Provide support to management in taking action against employees for unacceptable performance in accordance with applicable laws, regulations, policies, and guidelines.	Policy	Mandatory	Shared Service Center/ Agency	8.2.1 Address Performance Improvement Plan Results	8.2.2 Execute Formal or Informal Action			
5 CFR 315.804; 5 CFR 315.806; 29 CFR 1614	ER12	Provide support to management in terminating a career or career-conditional employee serving a probationary or trial period upon initial appointment.	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.2.2 Execute Formal or Informal Action	8.6.1 File With a Third Party	8.6.3 Prepare a Response to a Third Party	
5 CFR 731, 315.805 and 806 ;29 CFR 1614	ER13	Provide support to management in terminating a career or career-conditional employee serving a probationary period for conditions arising before appointment.	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.6.1 File With a Third Party	8.6.3 Prepare a Response to Third Party Filing		
EO 13164 Sec. 2; EEO MD 715; Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (EEOC, 10/02)	ER14	Provide support to management in submitting any modifications to the agency's reasonable accommodation procedures to the Equal Employment Opportunity Commission at the time that those modifications are adopted.	Policy	Mandatory	Shared Service Center/ Agency	8.4.2 Determine Accommodation Needs	8.4.3 Put Reasonable Accommodation Into Place	8.6.1 File With a Third Party	8.6.3 Prepare a Response to Third Party Filing	

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EO 13164 Sec. 4; EEO MD 715; Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (EEOC, 10/02)	ER15	Provide support to management in implementing reasonable accommodation procedures.	Policy	Mandatory	Shared Service Center/ Agency	8.4.3 Put Reasonable Accommodation Into Place				
5 CFR 432, 339.102, 752.404 and 604, 29 CFR 1614; EO 13164; Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act (EEOC, 10/02)	ER16	Provide support to management to address requests for reasonable accommodation from employees.	Policy	Mandatory	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.2.2 Execute Formal or Informal Action	8.1.3 Conduct Fact Finding Into Employee Misconduct	8.4.1 Request Accommodation	8.4.2 Determine Accommodation Needs
Linkages for ER16 continued						8.4.3 Put Reasonable Accommodation into Place				
5 USC 7901; 5 USC 7904; 5 CFR 792; 42 USC 290dd-1(a) and 290ee-1(a)	ER17	Provide support to management in administering the Employee Assistance Program (EAP).	Policy	Mandatory	Shared Service Center/ Agency	8.5.1 Provide EAP Services				

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5 USC 1104, 1204, 1208, 1221, 2302, 7323, 7324, 7701, 7702; 38 USC 4324(c)(2); 5 CFR 772, 1201, 1208; 1209; 29 CFR 1614; EO 10988	ER18	Provide support to agency in managing third-party appeals, including their resolutions.	Policy	Mandatory	Shared Service Center/ Agency	8.6.1 File With a Third Party	8.6.2 Engage in Discovery	8.6.3 Prepare a Response to a Third Party	8.6.4 Participate in Alternative Dispute Resolution	8.6.5 Participate in Hearing / Meeting / Trial
Linkages for ER18 continued						8.6.6 Appeal Third Party Decision	8.6.7 Implement Third Party Decision / Settlement	8.3.5 Process Grievance		
5 USC 1104, 1204, 7701, 7702, 5 CFR 250.101 and 103; 29 CFR 1614.309; 5 CFR 1201.174; 5 CFR 1201; 5 USC 1221(g)(2); 5 USC 2302(b)(1); 42 USC 2000e-5(k); 5 USC 1215; 5 CFR 1208.15(a); 5 CFR 1208.25; 38 USC 4324(c)(2); 29 CFR 1614 subpart E; 29 CFR 1614.204(l); Guide to Processing Personnel Actions	ER19	Provide support to management to effect remedies resulting from third-party decisions.	Policy	Mandatory	Shared Service Center/ Agency	8.3.6 Render Decision on Grievance	8.6.7 Implement Third Party Decision/ Settlement			
5 CFR 731	ER20	Support management in making a suitability determination.	Policy	Mandatory	Shared Service Center/ Agency	8.7.1 Review Investigative File	8.7.3 Adjudicate Suitability			

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5 CFR 771	ER21	Provide support to management in operating its administrative grievance system.	Policy	Mandatory	Shared Service Center/ Agency	8.3.1 Identify Issue (Informal Grievance)	8.3.2 Advise on Means of Resolution	8.3.3 File Formal Grievance	8.3.4 Engage in Alternative Dispute Resolution	8.3.5 Process Grievance
Linkages for ER21 continued						8.3.6 Render Decision on Grievance				
The Administrative Dispute Resolutions Act of 1996; 5 USC Ch 5, subchapter IV	ER22	Provide support to management for alternative means of dispute resolution.	Policy	Mandatory	Shared Service Center/ Agency	8.3.1 Identify Issue (Informal Grievance)	8.3.2 Advise on Means of Resolution	8.3.3 File Formal Grievance	8.3.4 Engage in Alternative Dispute Resolution	8.3.5 Process Grievance
Linkages for ER22 Continued						8.3.6 Render Decision on Grievance				
5 CFR 1201.41(c); 29 CFR 1614.109(c); 29 CFR 1614.204(g); 29 CFR 1614.603; 29 CFR 1614.604; 29 CFR 1614.605	ER23	Negotiate a settlement when appropriate; at the discretion of the agency and in accordance with 5 CFR 1201.41(c), 29 CFR 1614.109(c) or 29 CFR 1614.204(g).	Policy	Mandatory	Shared Service Center/ Agency	8.3.2 Advise on Means of Resolution	8.3.4 Engage in Alternative Dispute Resolution	8.6.4 Participate in Alternative Dispute Resolution		
Best Business Practice	ER24	Capture employee data as required from multiple sources (employee, information on file, manager).	Technology	Useful	Shared Service Center/ Agency	All activities				
Best Business Practice	ER25	Report employee data as required using multiple media.	Technology	Useful	Shared Service Center/ Agency	All activities				
Best Business Practice	ER26	Store accommodation determination decision history.	Technology	Useful	Shared Service Center/ Agency	8.4.3 Put Reasonable Accommodation Into Place				

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Best Business Practice	ER27	Use case management tools to track and close accommodation cases.	Technology	Useful	Shared Service Center/ Agency	8.4.3 Put Reasonable Accommodation Into Place	8.4.2 Determine Accommodation Needs			
Best Business Practice	ER28	Provide reporting capabilities for accommodations.	Technology	Useful	Shared Service Center/ Agency	8.4.3 Put Reasonable Accommodation Into Place	8.4.2 Determine Accommodation Needs			
Best Business Practice	ER29	Track metrics regarding usage and performance of EAP.	Technology	Useful	Shared Service Center/ Agency	8.5.1 Provide EAP Services				
Best Business Practice	ER30	Communicate to managers and employees via multiple channels (web, mail, email).	Technology	Useful	Shared Service Center/ Agency	All activities				
Best Business Practice	ER31	Provide self-service capabilities for employees and managers.	Technology	Useful	Shared Service Center/ Agency	8.3.1 Identify Issues (Informal Grievance)	8.3.3 File Formal Grievance	8.4.1 Recommend Accommodation	8.5.1 Provide EAP Services	
Best Business Practice	ER32	Provide an electronic log for all employee relations contacts by person and the type of call (questions, harassment, benefits, etc.).	Technology	Critical	Shared Service Center/ Agency	8.1.1 Establish Employee Conduct Expectations	8.2.2 Execute Formal or Informal Action	8.3.2 Advise on Means of Resolution	8.4.1 Recommend Accommodation	8.5.1 Provide EAP Services
Best Business Practice	ER33	Provide appropriate assistance and preparation to managers prior to manager's intervention with employee.	Service	Mandatory	Shared Service Center/ Agency	8.5.1 Provide EAP Services				
Best Business Practice	ER34	Track employee relations activity.	Technology	Useful	Shared Service Center/ Agency	8.1.4 Execute Formal or Informal Action	8.2.2 Execute Formal or Informal Action			
Best Business Practice	ER35	Track administrative grievances.	Technology	Useful	Shared Service Center/ Agency	8.3.5 Process Grievance	8.3.6 Render Decision on Grievance			

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Best Business Practice	ER36	Subscribe to applicable OPM policy listservs through the OPM website.	Policy	Mandatory	Shared Service Center/ Agency	All Activities				