

U.S. ARMY

# LEADER HANDBOOK FOR SUPERVISORS AND MANAGERS OF CIVILIANS IN SEXUAL HARASSMENT/ASSAULT RESPONSE AND PREVENTION (SHARP) POSITIONS

A Guide for Supervisors and Managers of SHARP Civilian Employees, Version 1

Assistant G-1 for Civilian Personnel  
2/24/2014

## TABLE OF CONTENTS

1. References.....	3
2. Introduction.....	4
3. Background Screenings .....	4
4. Standard Position Descriptions .....	4
5. Performance Management .....	5
6. Handling Employee Issues.....	5
7. Counseling and Accommodation.....	6
8. Overtime .....	8
9. Unscheduled Duty.....	9
10. Labor-Management Relations.....	9
Appendix A: Standard PDs.....	10

## 1. References.

- a. Memorandum, Secretary of Defense, 17 May 2013, subject: Sexual Assault Prevention and Response Stand-down.
- b. Memorandum, Secretary of the Army, 28 May 2013, subject: Ensuring the Quality of Sexual Assault Response Coordinators, Sexual Assault Prevention and Response Victim Advocates and Others in Identified Positions of Significant Trust and Authority.
- c. Memorandum, Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), 27 September 2013, subject: Guidance for Civilian Sexual Harassment/Assault Response and Prevention (SHARP) Program Positions.
- d. Army Regulation (AR) 690-400, Total Army Performance Evaluation System (Chapter 4302)
- e. AR 672-20. Incentive Awards
- f. 5 United States Code (USC) Part 430, Performance Management
- g. 5 Code of Federal Regulations (CFR) Part 432, Performance Based Reduction in Grade and Removal Actions
- h. 5 USC Part 75, Adverse Actions
- i. 5 CFR Part 752, Adverse Actions
- j. AR 690-700, Personnel Relations and Service, Chapter 751, Discipline
- k. Field Manual 6-22, Army Leadership: Competent, Confident, And Agile
- l. Americans with Disabilities Act of 1990
- m. 5 CFR Part 551, Pay Administration Under the Fair Labor Standards Act
- n. 5 CFR Part 550.111, Authorization of Overtime Pay
- o. 5 CFR Part 551.431, Time Spent on Standby Duty or in an On-Call Status
- p. 5 USC Section 5545, Night, Standby, Irregular, and Hazardous Duty Differential
- q. 5 USC, Chapter 71, Labor-Management Relations

## 2. Introduction

a. In reference 1.b., the Secretary of the Army stated that personnel serving in SHARP positions perform vital missions and identified these positions as being positions of significant trust and authority. Personnel serving in SHARP positions are the frontline forces in support of commanders in the fight against sexual assault – a crime that erodes our readiness and violates our values. For these reasons, SHARP positions are subject to expanded background checks and special requirements in accordance with reference 1.c.

b. This handbook is designed specifically to assist leaders of civilians serving in SHARP positions in carrying out their supervisory responsibilities. The following civilian positions are covered by the guidance in this handbook:

SHARP Program Manager

Sexual Assault Response Coordinator (SARC)

SHARP Victim Advocate (VA)

Training Instructor (SHARP)

SHARP Staff Advisor

b. This handbook will be amended and updated as changes occur in the program or supporting policy and guidance.

## 3. Background Screenings

In accordance with reference 1.c., SHARP positions are subject to expanded background screenings. The servicing Civilian Personnel Advisory Center (CPAC) will initiate and consolidate the checks and forward them to the appointing authority for adjudication and determination regarding hiring selectees and retaining employees in SHARP positions. Appointing authorities may also designate supervisors in the chain of command to review the findings from the background screenings and make a recommendation as to the retention or hire of an employee or selectee, but the appointing authority may not delegate the final determination for retention or hire.

## 4. Standard Position Descriptions

Standard position descriptions (PDs) have been approved for all SHARP positions. A list of these standard PDs is at Appendix A. These PDs are mandatory for use; any modifications to these PDs must be approved in advance by the HQDA SHARP

Program Office. Because several different Program Manager PDs have been established, officials establishing SHARP Program Manager positions must work together with the servicing CPAC to ensure selection of the appropriate PD.

## 5. Performance Management

a. Performance management is the systematic process of integrating performance, pay, and awards systems to improve individual and organizational effectiveness in the accomplishment of Army mission and goals. The Department of the Army Performance Management Plan includes the Total Army Performance Evaluation System (TAPES); performance awards to include quality step increases; within-grade increases; and a plan for taking performance-based actions against employees who fail to meet performance expectations.

b. Army guidance regarding performance management is contained in reference 1.d. Leaders should review this guidance carefully to ensure understanding of the requirements for preparing performance plans and appraisals, rewarding employees, and taking performance-based action if required. Additional guidance regarding the Army awards program is in reference 1.e.

## 6. Handling Employee Issues

a. When the employee has done something or failed to do something which adversely affects his/her work, the ability of others to do their work, or the mission, the supervisor is faced with decisions on how to handle the incident or series of incidents. First, he/she must decide whether the incident involves the employee's poor job performance or an act of misconduct. Next, he/she must decide what type of management action should be taken to best address the incident(s). There may be instances where the issues are both performance and conduct. In these cases the supervisor can take either a performance based action or a disciplinary/adverse action or both simultaneously.

b. There are many possible causes for an employee's performance and/or conduct issues, for example, illness, disability, substance abuse, personality conflict, family problems, lack of training, low job morale, etc. The nature of the issue, and the possible cause, will determine the course of action to be taken.

c. If the issue is failure to meet one or more of his/her established performance objectives or responsibilities under TAPES, then appropriate actions can be taken

pursuant to references 1.f. and 1.g.<sup>1</sup>. Initial steps could include performance counseling, training, closer supervision, and a performance improvement plan. If performance continues to be unacceptable, then a performance based action could be taken that could result in reassignment, change to lower grade, or removal.<sup>2</sup>

d. Maintaining discipline usually is not a problem within a work environment where reasonable rules, and standards of conduct and performance are clearly communicated and consistently and equitably enforced. If the employee engages in misconduct, such as tardiness, failure to properly request leave, insubordination, theft, etc., one option is to counsel the employee on his/her conduct, or issue an oral admonishment or a written warning. This is considered informal discipline. Other options include taking formal disciplinary or adverse action against the employee. See references 1.h., 1.i., and 1.j. Formal discipline, in order of the least severe to most severe actions, includes:

- Reprimands
- Suspensions from duty and pay status
- Involuntary reductions in grade and/or pay
- Removal

e. When considering employee performance and/or conduct issues, the supervisor should immediately contact the servicing CPAC and, as appropriate, the legal advisor, to ensure a full understanding of the options and steps available.

f. In accordance with reference 1.b., significant trust and authority are placed in SHARP employees. Enclosure 3 of reference 1.c. lists mandatory and discretionary disqualifying offenses for placement and retention in SHARP positions. Supervisors should immediately contact the servicing CPAC and the legal advisor should an employee commit any of these offenses while in a SHARP position.

## **7. Counseling and Accommodation**

a. Supervisors are responsible for monitoring employee conduct and performance as a regular part of supervisory duties. Additionally, because SHARP personnel hold positions of significant trust and authority, and because SHARP duties are often taxing and stressful, leaders should be even more mindful of their responsibilities to monitor conduct and performance, and to appropriately counsel employees throughout their employment. Appendix B of Reference 1.k. provides information regarding types of

---

<sup>1</sup> See also <http://www.cpol.army.mil> for PERMISS articles related to the Management-Employee Relations Program.

<sup>2</sup> In the alternative, action could be taken under references 1.h, 1.i., and 1.j. The standard of proof required is higher than if the action was taken under references 1.f., and 1.g.

counseling, as well as guidance regarding counseling techniques and methods. Figure B-1 lists a variety of resources that are available for the leader and/or the employee should the need arise; those resources that are available to civilians are identified as such.

b. The Employee Assistance Program (EAP) is one of the resources listed in Figure B-1, Appendix B of Reference 1.k. The scope of EAPs varies from installation to installation. The ideal EAP brings together a variety of personal services under one roof. It may include program activities and counseling in the areas of personal finance, emotional and psychological problems, and substance abuse awareness and treatment. At most installations, the primary focus of the EAP is to assist employees who want help dealing with a substance abuse problem.

- If a leader notes changes in behavior or performance that may be indicative of a substance abuse problem, he/she should encourage the employee to utilize the resources available through the EAP or other community resources. In no case should a leader attempt to diagnose specifically or to treat an apparent substance abuse problem.
- Army civilian employees who suffer from drug and/or alcohol abuse are entitled to the same medical care and administrative consideration they would receive for any other illness. Sick leave or other appropriate leave should be granted for drug or alcohol related medical examination and treatment.
- An employee may face disciplinary action if the abuse is contributing to conduct/behavior issues on the job, especially if the employee is not taking action to treat the condition.
- For SHARP positions, the leader should be mindful of the Type II offenses listed in enclosure 3 of reference 1.c. as well as possible requirements for accommodation in accordance with reference 1.i. Leaders need to work with the CPAC and legal advisor if these offenses occur.

c. An employee's unacceptable conduct or behavior may be the result of a medical condition. Depending on the medical documentation provided by the employee, the employee may be placed in another position which accommodates his/her medical condition and/or limitations, or he/she may be accommodated in the current position by temporarily or permanently modifying the work assignments or environment. The leader should immediately contact the CPAC and legal advisor if it is suspected that a medical condition is causing performance or conduct issues.

## 8. Overtime

a. Leaders should follow local procedures for the approval of overtime, including provisions in collective bargaining agreements, if applicable. Some SHARP positions are exempt from the Fair Labor Standards Act (FLSA) (reference 1.m.) for overtime and others are covered by the FLSA (nonexempt). Appendix A identifies the FLSA status for all standard PDs.

b. For employees in SHARP positions covered by FLSA, creditable overtime work includes work officially ordered or approved by an authorized official. Generally, any work that is “suffered or permitted” (i.e., work for the benefit of the agency that is not officially authorized or approved by an authorized official, provided management knows or has reason to believe that work is being performed and has an opportunity to prevent the work from being performed) is also creditable as overtime hours and should be compensated. However, for employees on a flexible work schedule, overtime hours are defined to include only hours officially ordered in advance. The supervisor is responsible for preventing the performance of unauthorized work.

(1) For most employees subject to FLSA, overtime hours are for work performed that is over 8 hours in a day or 40 hours in a workweek. For employees on flexible work schedules, overtime hours are generally those in excess of 80 hours per biweekly pay period.

(2) Under the FLSA, overtime pay is determined by multiplying the employee’s “straight time rate of pay” by all overtime hours worked, plus one-half of the employee’s “hourly regular rate of pay” times all overtime hours worked. .

c. SHARP positions which are exempt from the FLSA are subject to the overtime provisions of reference 1.n. Specifically, hours of work officially ordered or approved, in excess of 40 hours in an administrative workweek, or in excess of 8 hours in a day, performed by an employee are overtime work.

(1) Such work shall be paid for at the following rates:

- For employees with rates of basic pay equal to or less than the rate of basic pay for GS-10, step 1, the overtime hourly rate is the employee's hourly rate of basic pay multiplied by 1.5.
- For employees with rates of basic pay greater than the basic pay for GS-10, step 1, the overtime hourly rate is the greater of the hourly rate of basic pay for GS-10, step 1, multiplied by 1.5, or the employee's hourly rate of basic pay.

(2) Alternatively, at the request of an employee, an organization may grant compensatory time off from an employee's tour of duty instead of payment. Also,

organizations may require that SHARP employees receive compensatory time off in lieu of overtime pay for irregular or occasional overtime work, but only for employees whose rates of basic pay are above the rate for GS-10, step 10. There is no limit on the maximum number of hours of compensatory time an employee may accumulate. However, compensatory time must be used by the end of the 26th pay period after it is earned or it will be paid to the employee at the overtime rate at which it was earned.

## **9. Unscheduled Duty**

a. Many SHARP employees are required to be available to respond to emergencies after normal duty hours, and this may be referred to as “on-call” duty. They may carry a blackberry or cell phone so that they may be contacted at any time to assist a victim of sexual assault. Time spent in an on-call status is addressed in reference 1.o. Being in an on-call status does not meet the requirements of standby duty for compensation as authorized in reference 1.p.

b. SHARP Program employees who respond to emergencies after hours should be compensated with overtime pay or compensatory time, as outlined in section 8 of this handbook. Callback overtime is available if an employee is required to return to the place of employment for unscheduled overtime work or to work unscheduled overtime on a nonscheduled workday. A minimum of two hours is paid, including for holiday callbacks or callbacks during the employee's regular work schedule.

## **10. Labor-Management Relations**

Civilian SHARP employees may be included in a bargaining unit represented by a local union that has been accorded exclusive representation rights at the employees' organization. Management should work with their organization's servicing CPAC to better understand applicable labor relations rights and obligations when interacting with SHARP employees who are part of a bargaining unit. See reference 1.q.

## Appendix A: Standard PDs

<i>Job Title</i>	<i>Occupational Series and Grade</i>	<i>Supervisory or Nonsupervisory</i>	<i>Job Number</i>	<i>FLSA Status</i>
Victim Advocate (SHARP)	GS-101-09	Nonsupervisory	407632	Exempt
Training Instructor (SHARP)	GS-1712-11	Nonsupervisory	405236	Non-Exempt
Sexual Assault Response Coordinator	GS-301-11	Nonsupervisory	405235	Non-Exempt
Sexual Assault Response Coordinator	GS-301-11	Supervisory	408943	Exempt
SHARP Staff Advisor	GS-301-12	Nonsupervisory	425537	Non-Exempt
SHARP Program Manager	GS-301-12	Nonsupervisory	425535	Non-Exempt
SHARP Program Manager	GS-301-12	Supervisory	425543	Exempt
SHARP Program Manager	GS-301-13	Nonsupervisory	425534	Exempt
SHARP Program Manager	GS-301-13	Supervisory	425541	Exempt
SHARP Program Manager	GS-301-14	Nonsupervisory	425532	Exempt
SHARP Program Manager	GS-301-14	Supervisory	425538	Exempt