

U. S. Army

Guidance for Civilian Sexual Harassment/Assault Response and Prevention Program Positions

Assistant Secretary of the Army (Manpower and Reserve Affairs)

Department of the Army

27 March 2024

Enclosure to Change 2 to Assistant Secretary of the Army
Memorandum, Subject: Guidance for Civilian Sexual
Harassment/Assault Response and Prevention Program
Positions

Table of Contents

1. Policy.....	3
2. References	3
3. Position Descriptions	5
4. Appointing Authorities	6
5. SHARP Background Screenings.....	7
6. Defense Sexual Assault Advocate Certification Program (D-SAACP).....	10
7. Change in Conditions of Employment.....	12
8. Records	13
9. Counseling and Accommodation	13
10. Overtime.....	14
11. Unscheduled Duty.....	15
12. Labor-Management Relations.....	15
Appendix A: Automatic Disqualifying Conditions	16
Appendix B: Civilian Screening Matrix	17
Appendix C: Template for Appointing Authority to Document Assignment Eligibility – New Hires	18
Appendix D: Template for Notice of Change in Conditions of Employment	19
Appendix E: Template for Appointing Authority to Document Assignment Eligibility Determination – Current Employees with Changes in Conditions of Employment	20
Appendix F: Assignment Eligibility Screening Checklist.....	21
Appendix G: Privacy Act Request for Army Central Registry Records	23

1. Policy.

Civilian employees performing duties in the Sexual Harassment/Assault Response and Prevention (SHARP) Program occupy positions of trust, and as a result are subject to special conditions of employment, as described in this guidance. Supervisors are reminded that the Director, HQDA SHARP Program Office has the authority to make exceptions to this guidance.

2. References.

- a. 5 Code of Federal Regulations (CFR) 732, National Security Positions.
- b. 5 CFR 1400.102, Designation of National Security Positions.
- c. Office of Personnel Management (OPM) Introduction to the Position Classification Standards, August 2009.
- d. Federal Investigations Notice (FIN) No. 12-01, Office of Personnel Management (OPM), 23 November 2011, subject: Guidance for Moving between OPM Investigative Products.
- e. Department of Defense Instruction (DoDI) 6490.07, 5 February 2010, subject: Deployment – Limiting Medical Conditions for Service Members and DOD Civilian Employees.
- f. Department of Defense Instruction (DoDI) 5200.02, DoD Personnel Security Program (PSP), March 21, 2014, Incorporating Change 3, Effective September 24, 2020.
- g. Department of Defense Manual (DoDM) 5200.02, 29 October 2020, subject: Procedures for the DoD Personnel Security Program (PSP).
- h. DoDI 6495.03, 28 February 2020, subject: Defense Sexual Assault Advocate Certification Program (D-SAACP).
- i. 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.
- j. Memorandum, Assistant Secretary of the Army (Manpower and Reserve Affairs), 17 March 2009, subject: US Army Procedures for Providing Reasonable Accommodation for Individuals with Disabilities.

k. Memorandum, Deputy Assistant Secretary of the Army (Civilian Personnel/Quality of Life), 19 September 2013, subject: Adjudicative Guidance for Civilian SHARP Program Positions (hereby rescinded).

l. U.S. Office of Personnel Management Position Designation Tool (<https://www.opm.gov/suitability/suitability-executive-agent/position-designation-tool/#url=Automated-Tool>).

m. Chapter 47 of Title 10, United States Code.

n. DoD Instruction 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel, August 21, 2007, as amended.

o. Memorandum, G-1, 19 January 2017, subject: Sexual Harassment, Assault Response and Prevention (SHARP) Department of Defense Sexual Assault Advocate Certification Program (D-SAACP), Background Screening, SHARP Training and Additional Skill Identifier (ASI) 1B and 1H Procedures.

p. 5 USC Chapter 75, Adverse Actions.

q. 5 CFR Part 752, Adverse Actions.

r. AR 690-752, Disciplinary and Adverse Actions.

s. Field Manual 6-22, Army Leadership: Competent, Confident, And Agile.

t. Americans with Disabilities Act of 1990.

u. 5 CFR Part 551, Pay Administration Under the Fair Labor Standards Act.

v. 5 CFR Part 550.111, Authorization of Overtime Pay.

w. 5 CFR Part 551.431, Time Spent on Standby Duty or in an On-Call Status.

x. 5 USC Section 5545, Night, Standby, Irregular, and Hazardous Duty Differential.

y. DoD Manual 6400.01, Volume 2, Family Advocacy Program (FAP): Child Abuse and Domestic Abuse Incident Reporting System, 11 August 2016.

z. DoD Instruction 6495.02, Sexual Assault Prevention and Response (SAPR) Program Procedures, 28 March, 2013, as amended.

aa. AR 380-67, Personnel Security Program, 24 January 2014.

bb. AR-190-45 Law Enforcement Reporting, 27 September 2016.

cc. AR 195-2, Criminal Investigation Activities, 21 July 2020.

dd. DoD Instruction 6400.07, Standards for Victim Assistance Services in the Military Community, Incorporating Change 1, 3 April 2017.

ee. Army Regulation 600-20, Army Command Policy, 24 July 2020.

ff. Memorandum, Assistant Secretary of the Army (Manpower and Reserve Affairs), 04 January 2021, subject: Assistant Secretary of the Army (Manpower and Reserve Affairs) Directive for Defense Sexual Assault Advocate Certification Program Assignment Eligibility Screening for Department of the Army Civilian Sexual Harassment and Assault Response and Prevention Professionals.

gg. Army Regulation 690-610, Hours of Duty, Alternative Work Schedules, and Holidays, 18 August 2021.

3. Position Descriptions.

All civilian SHARP Program positions established in the Army will be assigned standard duties unless an exception is approved by the HQDA SHARP Program Office.

a. Standard position descriptions (PDs) for SHARP Program Managers, and Assistant SHARP Program Managers, SHARP Program Support Specialists, Compliance Specialists, SHARP Prevention Specialists, Sexual Assault Response Coordinators (SARC), and SHARP Victim Advocates (VA) have been published and must be used for positions assigned these functions. Other PDs and titles, unless established by the HQDA SHARP Program Office, are not authorized for use in the Army and any modification of the duties must be approved by the HQDA SHARP Program Office.

b. The Civilian Human Resources Agency (CHRA), in coordination with the HQDA SHARP Program Office, will ensure that conditions of employment (paragraph 3.d below) are updated on all standardized SHARP PDs in the Fully Automated System for Classification (FASCLASS) within 180 days of publication of this guidance or fulfillment of the labor obligation; whichever is later.

c. Civilian Human Resource Service Center (CHRSC) will immediately ensure that vacancy announcements for SHARP positions state the required background checks and requirement for continuous vetting.

d. Conditions of Employment.

(1) All SHARP PDs will reflect the following minimum mandatory conditions of employment.

- Background checks against all records as required by law, OPM, DoD, and Army policy and regulation will be conducted, prior to entering on duty in the position IAW governing regulations.
- Minimum of a Tier 3 background investigation, or equivalent, and enrollment in Continuous Vetting (CV) are required.

- State Criminal History Repository check is required for all states of residence in the past 5 years when the Tier 3 investigation has been completed and 10 years when submitting a new Tier 3 investigation.
- Must possess a valid driver's license and have the ability to operate a motor vehicle should the need arise to operate a government vehicle/motor pool vehicle.
- Within six months of employment must successfully complete required Sexual Harassment & Assault Response and Prevention (SHARP) training and obtain and maintain DoD Sexual Assault Advocate Certification Program (D-SAACP) certification. While waiting for training or completion of certification, the employee may be reassigned or detailed to a position that meets the employees' qualifications and skills. The detail or reassignment will be without promotion or demotion and will be until the DoD Sexual Assault Advocate Certificate is provided.
- Must complete all required SHARP courses, obtain D-SAACP certification, and be placed on appointment orders prior to having any victim contact or access to victim information.
- Required to self-report civilian arrests, the filing of criminal charges, and/or convictions of any criminal offense to their supervisors.
- May be required to carry cell phone and be on call 24 hours a day, seven days a week on a rotational basis, based on the needs of the organization.

(2) The following supplemental conditions of employment are locally determined and should be added as applicable:

- TDY: minimum 25% (adjusted locally based on needs).
- Mission essential personnel (note that this is not "Key personnel" or "Emergency Essential personnel").
- Emergency Essential personnel (additional conditions of employment would apply for those designated as Emergency Essential and would need to be added by CHRSC).

(3) With regard to the training requirements noted in (1) above, attendance at the appropriate SHARP Course will be coordinated with the SHARP Academy. The SHARP Academy will make every effort to ensure attendance within the first six months of assignment or approve an exception for the first available seat. Supervisors will take into consideration the availability of courses when determining whether an individual met the six-month requirement for training in the conditions of employment.

e. The above requirements will apply to bargaining unit positions as soon as practicable after labor relations obligations have been fulfilled.

4. Appointing Authorities.

To ensure accountability in the appointment and retention of civilian SHARP employees, authority to make these decisions is reserved for specific leaders in the chain of command. IAW reference 2.h., appointing authorities will review the entire record for

each employee or selectee for a SHARP position and decide whether to appoint or retain the individual. Designation as appointing authority cannot be transferred or delegated except as noted below. The appointing authority must make the final SHARP assignment eligibility determination; this final determination cannot be delegated except as noted below. The appointing authorities for SHARP civilian positions serve as the termination authority. The appointing authorities are:

a. For SHARP Program Managers and SHARP professionals at the ACOM (operational) level, the Commanding General is the appointing official (not to be delegated below the DCG).

b. For all installation SHARP professionals, the Senior Commander is the appointing official. Authority may be delegated to the DCG, DTCG, or Lead SARC.

5. SHARP Background Screenings.

a. Individuals selected for SHARP positions are subject to national security examinations and SHARP assignment eligibility determinations. The assignment eligibility determination is based on review of pre-employment documents as well as the results of an FBI Fingerprint check, Defense Central Index of Investigations (DCII) check, a DCSA background investigation, and State Criminal History Repository Check. In this document the DCSA investigation is referred to as a “background investigation.”

b. National Security Examinations.

1) All SHARP positions are subject to the background investigation requirements of DoD Manual 5200.02 and a minimum Tier 3 background investigation. Tier 3 background investigations include FBI Fingerprint checks and must be augmented by state criminal history repository checks (SCHR). In addition, all SHARP personnel must be enrolled in the DoD Continuous Vetting (CV) Program.

2) Some SHARP positions require a security clearance and the appropriate investigation (Tier 3 or Tier 5) for the clearance level will be required. National security determinations are made by the Defense Counterintelligence and Security Agency (DSCA) Consolidated Adjudication Service (DCSA CAS). The DCSA CAS will notify the local Security Office (SO) of their determination regarding the selectee’s eligibility for a security clearance.

3) In accordance with DoDI 6495.03, it is not necessary to submit a request for background investigation for a SHARP selectee or employee who has a minimum Tier 3 background investigation with favorable adjudication. A State Criminal History Repository (SCHR) check must be completed and will be initiated with DCSA by the Senior Commander’s designee.

4) Review of results of SHARP pre-screening, background checks, or background investigation (forms or results) as described in this guidance are not security clearance

determinations.

c. SHARP-Specific Assignment Eligibility Determinations. These requirements apply to all SHARP personnel. They apply equally to newly selected and current personnel assigned to perform SHARP duties.

1) A list of automatic disqualifying conditions that the appointing authority will apply to the results of the background checks is at Appendix A. Additionally, reports of automatic disqualifying conditions will disqualify employee for retention in a SHARP position.

2) The matrix at Appendix B reflects SHARP pre-screening, background check, and investigation and investigative requirements for personnel serving in Army civilian SHARP positions.

3) The matrix at Appendix B lists the checks required and the responsible agencies:

- Hiring officials will contact at least two previous employers and record the results of the reference checks for the appointing authority's review. If the employee has worked for only one previous organization in the last five years, one reference is required; if the employee has not previously been employed in the last five years, a school or personal reference may be used. A reference check with the current supervisor for employees being considered for SHARP positions under the Priority Placement Program (PPP) will be completed by the CHRSC because of the PPP prohibition on management contact with the registrant and his/her supervisor. The CHRSC will obtain the questions to be asked from the gaining supervisor and will provide the responses to that individual.
- If an individual wishes to obtain a record from the Army Central Registry (ACR) to provide an explanation of a report that arises from another source, the individual must obtain it through a Privacy Act request; information and a template for the request are at Appendix G.

4) The Army authorizes civilian selectees to be on-boarded after the appointing authority determines a favorable assignment eligibility based on previous appointing authority adjudication for current SHARP personnel or the results of an FBI Fingerprint files check, DCII check, examination of application documents for new SHARP personnel, and submission of the Tier investigation to DCSA. The CHRSC will notify the appointing authority if the selectee is unable to obtain a favorable interim determination by the PSI-CoE or cannot meet other applicable conditions as required by the position and will withdraw the job offer at that time. If the selectee meets favorable assignment eligibility, the CHRSC will complete Part 1 of the Assignment Eligibility Screening Checklist at Appendix F and forward directly to the appointing authority along with the SHARP checks (see Appendix B) for the SHARP interim assignment eligibility determination. The appointing authority must then make an interim SHARP assignment eligibility determination prior to on-boarding. The appointing authority must review all prescreening checks and notify the CHRSC of the

decision using the template at Appendix C before selectees are appointed or employees are allowed to perform SHARP duties. The appointing authority will also complete Part 2 of the worksheet at Appendix F and provide it to the first line supervisor for documentation of the favorable completion of the initial prescreening. After the prescreening and SHARP favorable assignment eligibility determination, the selectee may be on-boarded and be scheduled for training.

- The selectee may be onboarded prior to the receipt of the final background investigation report from DCSA. The CHRSC must submit a request to the Personnel Security Investigation Center of Excellence (PSI-CoE) to initiate the applicable background investigation (Tier 3 or Tier 5), and the SF-86 must be submitted to DCSA by the PSI-CoE and reviewed by the appointing authority as part of the SHARP assignment eligibility determination prior to onboarding. The final investigative report must be obtained and reviewed for SHARP assignment eligibility immediately upon completion.

5) When the DCSA CAS has made or makes a favorable national security determination the installation commander's designee will obtain a copy of the DCSA report of background investigation to include in the SHARP assignment eligibility determination package. If automatic disqualifying conditions are identified in the background investigation (if not considered pre-employment), the installation commander's designee will complete Part 3 of the Assignment Eligibility Screening Checklist at Appendix F and forward it along with the complete package directly to the appointing authority for review and appropriate action. The appointing authority will document the final assignment eligibility determination, by completing Part 4, of the Assignment Eligibility Screening Checklist (Appendix F) and provide it to the CHRSC, lead SARC, and first line supervisor for documentation of the final decision. The owning organization will complete Part 5 of Appendix F, obtain the appointing authority signature for a final appointment eligibility determination, and retain it to document the completion of all required screenings, investigations, training, and certification. After the final assignment eligibility determination is made, and the employee has been trained and obtained D-SAACP certification, employee may be placed on appointment orders and begin providing services to victims.

6) If automatic disqualifying conditions are found either at the interim or final stage of review, the appointing authority determines that the employee cannot continue to perform SHARP duties based on the results of the pre-screening, background checks (e.g. SCHRCs), background investigation, or continuous vetting, the appointing authority will consult with the servicing CHRSC and the local legal advisor.

7) When a current SAPR/SHARP employee with D-SAACP is selected for or assigned to another SHARP position, no new prescreening, background investigations, SCHR, or assignment eligibility are required if:

- The employee has the appropriate level background investigation as required (initiated, pending completion, or completed) for the new position, and a favorable assignment eligibility determination was rendered by the appropriate level Appointing Authority.

8) As a condition of employment, employees in SHARP positions are required to self-report civilian arrests, filing of criminal charges, and/or convictions of any criminal offense to their supervisors. These events will be evaluated and addressed in accordance with guidance in this document and as required by other applicable regulation and policy.

6. Defense Sexual Assault Advocate Certification Program (D-SAACP).

a. All SHARP personnel must have favorably adjudicated background investigation prior to submitting an application for the Defense Sexual Assault Advocate Certification Program (D-SAACP) (see reference 2.g.).

b. Subjects of open criminal, equal opportunity, harassment, or any inspector general investigations will have certification applications delayed until the investigation and complaint have been fully adjudicated to ensure applicants are eligible for certification.

c. On receipt of information that a D-SAACP certified employee is alleged to have committed an automatic disqualifying condition in Appendix A (based on results of investigation, self-reporting, or other sources), misconduct, ethical violation, (as described in DoDI 6400.07, DD Form 2950, and DD Form 2950-1), substandard performance, professional or personal impairment, the appointing authority will:

1) Immediately report any and all allegations of sexual assault against a SHARP employee to the Army Criminal Investigation Command (CID) (if applicable).

2) File an 8-day report in accordance with reference 2.bb.

3) Immediately notify the individual in writing that a complaint has been received, an inquiry has been initiated, and their authority to perform SHARP duties is suspended pending the outcome of the investigation of the allegations.

d. Based on the outcome of the appropriate investigation, the appointing authority will determine in consultation with the CHRSC and servicing legal office whether there is sufficient evidence to support the complaint. If the preponderance of the evidence indicates that the applicant committed the misconduct (i.e. automatic disqualifying condition), the appointing authority will determine whether to propose a suspension or revocation of the D-SAACP certification.

e. Current SHARP employees who are notified of a proposed revocation or suspension of D-SAACP certification have the right to submit a reply to the appointing authority prior to final decision being made. Employees must notify the appointing authority of intent to reply within 7 business days and submit any information or material they rely on as part of the appeal in writing to the appointing authority within 30 business days of the receipt of the notification. The appointing authority will consider the information provided, and make a final determination regarding suspension or revocation within 7 business days of receipt of the reply.

f. The appointing authority will notify the SHARP employee in writing of a decision to suspend or revoke a D-SAACP certification within 3 business days of decision. This notification letter must include:

- 1) The effective date of the suspension or revocation of certification.
- 2) The grounds for the suspension or revocation, including the specific misconduct, ethical violation, (as described in DoDI 6400.07, DD Form 2950, and DD Form 2950-1), substandard performance, professional or personal impairment, or the reason the commander or appropriate approving authority lost faith and confidence in the SHARP employee to perform assigned duties. See DoDI 6495.03 and DoDI 6400.07.
- 3) The direction for the SHARP employee to surrender their D-SAACP certificate and wallet identification card to the first person in the chain of command or supervisor within 24 hours of receipt of the letter of notification.
- 4) Notice of the SHARP employee's right to appeal the decision in writing within 7 business days, and a description of appeals procedures.

g. The appointing authority will provide a written report to the HQDA SHARP Program Office within 3 business days of concluding an inquiry. The report must document:

- 1) Complaint received.
- 2) Facts surrounding the complaint.
- 3) Findings made during the inquiry process will include the grounds for the suspension or revocation, the specific misconduct, ethical violation, substandard performance, professional or personal impairment, or the reason the approving authority has lost faith and confidence in the SHARP employee to perform assigned duties.
- 4) Decision to suspend or revoke the SHARP employee's D-SAACP certification and the effective date of the suspension or revocation.
- 5) Signature of the SHARP employee acknowledging receipt of their suspension or revocation decision notice (or annotation that the employee refused to acknowledge receipt).

h. The supervisor and appointing authority must coordinate with the CHRSC and legal advisor regarding any adverse personnel actions being considered as a result of the suspension or revocation.

i. Should the complaint prove to be unfounded, the SARC or SAPR VA may be reinstated in accordance with the guidance in enclosure 3, section 5 of reference 2g.

j. If an appointing authority determines that the employee is suffering from a

temporary condition that precludes performing the duties of or meeting the requirements of the position, e.g., a temporary medical condition preventing deployment in a position that requires deployability, every effort should be made to temporarily reassign the employee to other duties for the period of incapacitation. See reference 2.e. for the process on accommodating deployable civilian employees with medical conditions. Organizations should also apply the provisions of reference 2.i. when there is a need to provide reasonable accommodation to individuals with disabilities.

7. Change in Conditions of Employment.

If there is a change in conditions of employment for a current employee, organizations will, in coordination with the CHRSC and the labor counselor, notify the employees of the new conditions of employment unless the employee is a Bargaining Unit Employee. Notification must occur with the applicable Union prior to management notifying the Bargaining Unit Employee of the change in conditions of employment. Commands with local collective bargaining agreements are reminded to review those agreements and be sure to comply with any local notice and bargaining requirements.

a. For changes in conditions of employment to a SHARP position, the employee's supervisor will obtain the employee's signature on the template at Appendix D acknowledging receipt immediately, and either accepting or declining the change within seven calendar days.

1) If the individual accepts the change and it requires a higher level background investigation, the supervisor will notify the CHRSC and the CHRSC or Security Manager will submit the request for background investigation. The Command designated official will obtain background investigation results and review for automatic disqualifying conditions. If there are any automatic disqualifying conditions, the Command designee will alert the Appointing Authority. The Appointing Authority or supervisor of the individual will contact the CHRSC for further advisory and assistance with subsequent required actions. The appointing authority will use the template at Appendix E of this enclosure to notify the CHRSC of the results of the assignment eligibility determination.

2) If the employee does not accept the new conditions, the servicing CHRSC will attempt to locate a suitable position to which the individual may be assigned – that is, a position at the same grade and salary currently held, and in the same commuting area. Other placement options may be explored upon the employee's request, subject to agreement by the CHRSC and the organization. If a position at the same grade and salary is identified, the employee will be reassigned to that position. If the employee declines the reassignment, or if a suitable position is not located within 30 days of the declination of the new conditions of employment, action will be initiated to remove the employee from the Federal service for failure to meet a condition of employment. This action will be taken in accordance with applicable due process rights and procedures in accordance with law and regulation. Additionally, if an automatic disqualifying condition is found, or the DCSA CAS cannot render a favorable adjudicative determination, the Appointing Authority will consult with the servicing CHRSC and legal advisor.

8. Records.

a. Documenting Position Requirements.

(1) All SHARP positions require a minimum Tier 3 background investigation with favorable adjudication. Activities submitting recruitment actions for SHARP positions will enter the following in section 6 of the AutoNOA recruit/fill tool):

Position Designation: 3 – Tier 3

Position Sensitivity/Risk: 2 – Non-Critical Sensitive Moderate

Security Clearance Level: Select appropriate code based on security clearance requirement

b. The appointing authority will maintain paper or electronic records of the results of initial pre-screening background checks for SHARP positions as part of the assignment eligibility determination and/or local supervisory files, as required by the Army Regulation 25-400-2, Army Records Management Program. Paper files will be stored in a locked filing cabinet.

9. 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, supervisors 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 2.r. provides information regarding types of counseling, as well as guidance regarding counseling techniques and methods. Figure B-1 of that reference lists a variety of resources that are available for the supervisor 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 of reference 2.r. 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. Services may be provided in the EAP or by referral.

c. The supervisor should immediately contact the CHRSC and legal advisor if it is suspected that a medical condition is causing performance or conduct issues. At this time, if appropriate, the supervisor can engage in the reasonable accommodation process.

10. Overtime

a. Supervisors 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 2.ff.) for overtime and others are covered by the FLSA (nonexempt). Supervisors need to be aware of this before approving overtime requests of employees.

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 alternative 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 2.x. 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:

i. 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.

ii. 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.

11. 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 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 2.v. Being in an on-call status does not meet the requirements of standby duty for compensation as authorized in reference 2.w.

b. SHARP Program employees who respond to emergencies after hours should be compensated with overtime pay or compensatory time, as outlined in section 11. 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. If an employee is not required to return to the workplace for unscheduled overtime work or to work unscheduled overtime on a nonscheduled workday, but is still required to provide services by telephone or through email communication, the employee will be eligible for overtime, or compensatory time, as specified in section 11.

12. 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 CHRSC to better understand applicable labor relations rights and obligations when interacting with SHARP employees who are part of a bargaining unit.

Appendix A: Automatic Disqualifying Conditions

Information or offenses that result in mandatory disqualification for appointment or retention in a SHARP position. Automatic disqualifying conditions include:

1. A conviction of a crime of sexual assault or any other sex-related offense listed in Chapter 47 of Title 10, United States Code, also known and referred to as the Uniform Code of Military Justice.
2. A conviction of a crime of domestic violence¹ as described by DoDI 6400.06, child abuse, or any violent crime under the Uniform Code of Military Justice or child abuse² (defined in reference 2.p.); violent crimes; or attempts in accordance with Article 80 of reference 2.p. (section 880 of that reference).
3. A conviction of a State or federal law-equivalent to a disqualifying condition.
4. A criminal conviction determined by the commander, supervisor, or other appointing authority to be inconsistent with the duties of a SARC, SAPR VA, and SAPR PM.
5. A conviction of any attempts to commit acts referenced in Paragraphs 3.2.a.(1) through 3.2.a.(4) punishable under the law.
6. A requirement to be registered as a sex offender.
7. Any criminal behavior, such as arrests or probation before judgment, as within the individual's background investigation, determined by the commander, supervisor, or other appointing authority to be inconsistent with the duties of a SARC, SAPR VA, and SAPR PM.
8. While not an automatic disqualifying condition, Commanders, supervisors, and other appointing authorities will consider arrest records or adverse actions in personnel files when evaluating an individual's assignment eligibility for certification of new SARCs, SAPR VAs, and SAPR PMs. Also, subjects of open criminal, equal opportunity, harassment, or any inspector general investigations will have certification applications delayed until the investigation and complaint have been fully adjudicated to ensure applicants are eligible for certification.

¹ An offense that has as its factual basis, the use or attempted use of physical force, or threatened use of a deadly weapon; committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victims.

² The physical or sexual abuse, emotional abuse, or neglect of a child by a parent, guardian, foster parent, or by a caregiver, whether the caregiver is intrafamilial or extrafamilial, under circumstances indicating the child's welfare is harmed or threatened. Such acts by a sibling, other family member, or other person shall be deemed to be child abuse only when the individual is providing care under express or implied agreement with the parent, guardian, or foster parent.

Appendix B: Civilian Screening Matrix

SCREENING CRITERIA	RESPONSIBILITY TO INITIATE CHECKS	RESPONSIBILITY TO CONDUCT CHECKS
STANDARD POSITION DESCRIPTION USED*	CHRSC	CHRSC
QUALIFICATION REQUIREMENTS*	CHRSC	CHRSC
FBI FINGERPRINT FILES*	CHRSC	DCSA
Defense Central Index of Investigations (DCII) Check*	CHRSC	DACID
PREVIOUS EMPLOYER REFERENCES (IN ADDITION TO SUITABILITY CHECKS)*	HIRING OFFICIAL (EXCEPT CHRSC FOR PPP MATCHES)	HIRING OFFICIAL (EXCEPT CHRSC FOR PPP MATCHES)
INVESTIGATIVE QUESTIONNAIRE (SF-86)*	CHRSC	SECURITY MANAGER
TIER 3 OR HIGHER INVESTIGATION WITH ADDED STATE CRIMINAL HISTORY REPOSITORY CHECKS (10 YEARS)**	PSI-CoE	DCSA
STAND ALONE STATE CRIMINAL HISTORY REPOSITORY CHECK (5 YEARS)***	COMMANDER DESIGNEE	COMMANDER DESIGNEE

*Interim Checks must be complete and reviewed for assignment eligibility prior to onboarding.

**Selectee may be on-boarded pending results of this investigation.

***If the individual already has a Tier III or higher completed investigation that did not include the SCHR check, standalone check is required. Individuals may be on-boarded prior to the SCHR Check(s) completed by DCSA and the results available for review.

Appendix C: Template for Appointing Authority to Document Assignment Eligibility – New Hires

MEMORANDUM FOR (insert CHRSC name) CHRSC:

1. I serve as the appointing authority for the position of _____(position title, series, and grade) in _____(organization). I have reviewed the results of the following background checks for _____(employee name). I have initialed to the left of all checks I reviewed.

- Two previous employer references (unless only one reference given)
- Investigative Questionnaire (SF-86) (for interim)
- FBI Fingerprint Check
- DCII Check

2. (check one)

I have determined that _____ may be made a final offer to the position in paragraph 1. There were no automatic disqualifying conditions to consider. Please notify me of the entry on duty date.

I have determined that _____ may not be made a final job offer to the position in paragraph 1 due to the identification of automatic disqualifying conditions. Please withdraw the tentative job offer for failure to meet the conditions of employment for the position.

(Add Signature of Appointing Authority and Date)

Appendix D: Template for Notice of Change in Conditions of Employment

(Employee Name):

This memorandum is to notify you that new conditions of employment have been added to the position you currently hold, XXX, GS-XXX-XX.

Conditions of employment that have been modified. (Specify): _____

You are requested to either accept or decline the added conditions of employment within seven calendar days. If you accept the new conditions of employment and they include background checks, the additional checks will be initiated immediately.

If you decline the added conditions of employment, you may not remain in your current position. The servicing Civilian Human Resources Service Center (CHRSC) will attempt to locate a suitable position to which you may be assigned – that is, a position at the same grade and salary you currently hold, and in the same commuting area. Other placement options may be explored upon your request, subject to agreement by the CHRSC and the organization. If a position at the same grade and salary is identified, you will be reassigned to that position. If you decline the reassignment, or if a suitable position is not located within 30 days of your declination of the new conditions of employment, action will be initiated to remove you from the Federal service for failure to meet a condition of employment. This action will be taken in accordance with applicable due process rights and procedures.

Acknowledge Receipt:

Signature

Date

I () accept the added conditions of employment.

I () decline the conditions of employment being added to my current position. I understand the consequences of declining these conditions of employment.

Signature

Date

Appendix E: Template for Appointing Authority to Document Assignment Eligibility Determination – Current Employees with Changes in Conditions of Employment

MEMORANDUM FOR (insert CHRSC name) CHRSC:

1. I serve as the appointing authority for the position of _____(position title, series, and grade) in _____(organization). I have reviewed the results of the following background investigation for _____
_____(employee name). I have initialed to the left of all those reviewed.

_____ Background Investigation Questionnaire (SF-86) (for interim if higher level investigation is required)

_____ DCSA Report of Investigation (for final if higher level investigation is required)

2. (check one)

_____ I have determined that _____ may be retained in the position in paragraph 1. There were no automatic disqualifying conditions.

_____ I have determined that _____ may not be retained in the position in paragraph 1. Please contact me to assist in determining appropriate action.

(Add Signature of Appointing Authority and Date)

Appendix F: Assignment Eligibility Screening Checklist

ASSIGNMENT ELIGIBILITY SCREENING CHECKLIST – CIVILIAN SHARP EMPLOYEES

INITIAL APPOINTMENT

LAST NAME, FIRST NAME:
TITLE, SERIES AND GRADE:
ORGANIZATION:

PART 1: CIVILIAN PERSONNEL SERVICE CENTER (CHRSC) INITIAL REVIEW (COMPLETED PRIOR TO ONBOARDING)

	REQUIREMENT	COMPLETED
1	Standard Position Description Statement on GS-09 or above, or equivalent	
2	Qualifications	
3	PSIP Request Submitted to PSI-CoE	
4	DCII Check	
5	Forward results of completed DCII check to Appointing Authority	

CHRSC Representative Signature and Date: The above requirements were completed.

Signature

Date

PART 2: APPOINTING AUTHORITY ADJUDICATION (COMPLETED PRIOR TO ONBOARDING AND TRAINING):

	SCREENING	COMPLETED
5	FBI Fingerprint Check provided by security manager	
6	Previous Employer References provided by the hiring manager (For New Hires only)	
7	Background Investigation Questionnaire (SF-86) provided by security manager	
8	DCII Check provide by CHRSC	
9	State Criminal History Repository Check Submission provided by Commander Designee	

Appointing Authority Signature and Date: Above screenings were completed. The assignment eligibility determination has been rendered. Selectee may be on-boarded and attend training.

Signature

Date

PART 3: INSTALLATION COMMANDER'S DESIGNEE ACTION – RECEIVE AND FORWARD COMPLETED DCSA BACKGROUND INVESTIGATION AUGMENTED WITH SCHR CHECKS (COMPLETED PRIOR TO D-SAACP CERTIFICATION)

	INVESTIGATION	COMPLETED
	DCSA Background Investigation Augmented with SCHR Checks, No Automatic Disqualifying Conditions	
	DCSA Background Investigation Augmented with SCHR Checks, Automatic Disqualifying Conditions	
	Stand Alone SCHR Checks Results (OFI-86-C) (As applicable)	

Commander's Designee Signature and Date: The completed DCSA background investigation results were forwarded to the Appointing Authority.

Signature _____ Date _____

PART 4. APPOINTING AUTHORITY FINAL ASSIGNMENT ELIGIBILITY DETERMINATION (COMPLETED PRIOR TO D-SAACP CERTIFICATION)

	INVESTIGATION	COMPLETED
	DCSA Background Investigation, Augmented with SCHR Checks	
	Stand Alone SCHR Checks Results (OFI-86-C) (As applicable)	

Appointing authority signature and date: The above reviews were completed.

_____ There were no automatic disqualifying conditions. Employee may proceed with application for D-SAACP certification.

_____ There were automatic disqualifying conditions. Employee may not proceed with application for D-SAACP certification. I will coordinate with the Servicing CHRSC and legal advisor for appropriate action.

Signature _____ Date _____

PART 5: FINAL ACTIONS DOCUMENTING COMPLETION:

	OWNING ORGANIZATION REQUIREMENTS	DATE COMPLETED
1	Appointment Orders	
2	Training	
3	D-SAACP (NOVA) Credentialing	
4	Enrolment into DoD Continuous Vetting	

Prepared by:

Position: _____ Signature: _____ Date: _____

Appointing Authority Final Review and Assignment Eligibility Determination:

Position: _____ Signature: _____ Date: _____

Appendix G: Privacy Act Request for Army Central Registry Records

This information may be provided to an individual who desires to obtain his/her records from the Army Central Registry in response to findings from DCII and/or ALERTS.

Requirements for Privacy Act Request:

- A signed statement that you are requesting this information under the Privacy Act.
- Include your social security number, a photocopy of your driver's license (front and back), a phone number, and how and where you want us to send your information to you.
- You will receive a letter from the Army Central Registry letting you know if your social security number is or is not in our system of records.
- If your social security number is in our system of records, you will receive a printout of the DA Form 7517 (DA Child/Spouse Abuse Incident Report) that contains the data.
- If the DA Form 7517 contains other privacy data that is not yours, that privacy data will be redacted.
- Data can only be released through emails if you have a .mil email address due to security regulations.

A sample of the request is on the following page.

Date:

US ARMY Medical Command
ATTN: MCHO-CL-H
615 E. Houston Street, Suite 251
San Antonio, TX 78205-2046

Email:

Dear Records Custodian:

Under the Privacy Act, I am requesting any reports that include my name and/or social security number that are contained in your system of records.

Name:

SSN:

Contact Number:

I have included a photocopy of my driver's license (front and back) for verification of my signature. Please (FAX, Email, USPS) to:

Name:

Street Address:

City, ST:

Zip Code:

Fax #:

Email:

Sincerely,

(Your Signature)

Enclosure