UNITED STATES DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE WASHINGTON, DC **CHANGE TRANSMITTAL SHEET**	☐ DIRECTIVE ☐ REVISION ☒ AMENDMENT ☐ OTHER

FSIS DIRECTIVE TRAINING AS A CONDITION OF EMPLOYMENT	4338.1 Amendment 2	3/1/13

I. PRINCIPAL CHANGE

This directive is amended to reflect updates to Attachment 9, Training as a Condition of Employment (TCOE) Frequently Asked Questions and Answers.

II. CANCELLATION

This transmittal is canceled when the contents have been filed with FSIS Directive 4338.1, Training as a Condition of Employment.

for Ronald J. Bomzer
Assistant Administrator
Office of Management

FILING INSTRUCTIONS

Remove Old Pages	Insert New Pages
27 – 34	27 – 34

United States Department of Agriculture

Food Safety and Inspection Service

FSIS Directive 4338.1

Training as a Condition of Employment

TRAINING AS A CONDITION OF EMPLOYMENT

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE	4338.1	3/4/04

TRAINING AS A CONDITION OF EMPLOYMENT

I. PURPOSE

This directive describes the policy and procedures for administering training as a condition of employment for the positions identified in **Attachment 1**, Covered Positions.

II. (RESERVED)

III. (RESERVED)

IV. REFERENCES

This directive incorporates the applicable policies in:

FSIS Directive 4306.1, Employment of Persons with Disabilities (Including Disabled Veterans)
FSIS Directive 4315.2, Probationary Period
FSIS Directive 4315.3, Probationary Period for Newly Appointed Supervisors and Managers
FSIS Directive 4335.1, Merit Promotion Plan
FSIS Directive 4335.6, Applying for Recurring Vacancies
FSIS Directive 4430.1, Performance Evaluation Plan
OPM Training Policy Handbook, OWR-36, May 2000

5 CFR 213, Excepted Service
5 CFR 300, Employment (General)
5 CFR 410, Training
5 CFR 430, Performance Management
5 CFR 752, Adverse Actions
29 CFR 1607, Uniform Guidelines on Employee Selection Procedures (1978)
5 U.S.C. 41, Training

DISTRIBUTION:
All Offices

OPI:
OA – Center for Learning
OM – Labor and Employee Relations Division

V. ABBREVIATIONS AND FORMS

The following appears in their shortened form in this directive:

CBT	Computer-Based Training
CFL	Center For Learning
COE	Condition of Employment
CRD	Civil Rights Division
CSO	Consumer Safety Officer
CSOEP	Consumer Safety Officer Educational Program
ERB	Employee Relations Branch, LERD
FLSA	Fair Labor Standards Act
HACCP	Hazard Analysis Critical Control Point
HRD	Human Resources Division
LERD	Labor and Employee Relations Division
OJT	On-the-Job Training
OPF	Official Personnel Folder
OPM	Office of Personnel Management
SHRO	Servicing Human Resources Office, HRD
SSOP	Sanitation Standard Operating Procedures
SF-50B	Notification of Personnel Action

VI. APPLICABILITY

A. This directive applies to all excepted and competitive service employees appointed, transferred, reassigned, changed to lower grade, or promoted into positions listed in **Attachment 1**, Covered Positions, except as noted in Subparagraph B. Attachment 1 will be amended as positions are added.

B. Employees performing at or above a fully successful level at the time their position becomes subject to training as a COE are not required to meet the conditions of this directive, unless significant changes occur in the duties and responsibilities of the affected employees' position or occupation.

C. All employees moving from one covered position into a different covered position (occupation) are subject to the terms and conditions in this directive.

D. The samples in Attachments 2 through 8 are examples only and ensure consistency in content across covered positions. Affected employees will receive information that refers to their covered position under separate cover.

VII. DEFINITIONS

A. **Academic Standards**. The established standards of performance by which an employee is measured to determine successful completion of training (**example:** passing grade on a written test of course work, demonstrated proficiency in practical exercises).

B. **Background Investigation**. A National Agency Check (including a check of the fingerprint files of the Federal Bureau of Investigation) and written inquiries to appropriate local law enforcement agencies, former employees and supervisors, references, and schools attended by the person under investigation. The level and degree of the background investigation varies depending on the nature of the position. The Agency determines the position sensitivity.

C. **Certification**. A formal confirmation that a training program requirement has been successfully accomplished or met. Certification is generally recognized by an outside body. The certification covers the actual performance of the skills on which one is being certified as part of a training program. The certification shows the individual is qualified to perform a certain job or operation.

D. **Competitive Service**. All civilian positions in the executive branch of the Federal government unless specifically excepted by Statute or by the OPM.

E. **Condition of Employment**. Specific requirement(s) that must be satisfied by an employee to retain employment in a specified position, for example, a prescribed course of study.

F. **Education**. The process of providing employees with learning activities through a variety of structured and unstructured means to satisfy their career development needs to assume a higher level of responsibility. This serves to continue their education and knowledge in subject areas that help keep pace with changes in their chosen field. Education is largely focused on preparing an employee with knowledge, skills and abilities to enhance job performance and meet long-range career goals.

G. **Excepted Service**. Positions in the executive branch of the Federal government which are specifically excepted from the competitive service by statute, by the President, or by the OPM, and which are not in the Senior Executive Service.

H. **Job Analysis**. An analysis of a position or group of positions having common characteristics to identify the:

1. Basic duties and responsibilities.

2. Knowledge, skills, and abilities (competencies) required to perform the duties and responsibilities.

3. Factors that are important in evaluating candidates.

I. **Practical Exercise**. Structured assignment designed to demonstrate proficiency in actual job duties or tasks. Such assignments may be designed as part of a course curriculum or performed and measured under supervision in the actual work setting.

J. **Program Office**. Each of the 8 program areas and the Office of the Administrator. **Example:** Office of Policy and Program Development, Office of Management, Office of Field Operations, Office of Program Evaluation, Enforcement, and Review, Office of International Affairs, Office of Food Security and Emergency Preparedness, Office of Public Affairs, Education and Outreach, Office of Public Health Science.

K. **Probationary Employee**. An employee in the first year of service of a career or career-conditional appointment under 5 CFR 315.

L. **Remediation**. Assistance provided to an employee to afford a reasonable opportunity to meet the level of competency required for satisfactory completion of the training program.

M. **Selecting Official**. The person who selects the candidate to fill a vacant position. The immediate supervisor of the position to be filled is normally the selecting official unless another appropriate management official is designated.

N. **Training**. The process of providing for and making available to an employee, a planned, prepared, and coordinated program, course, curriculum, or routine instruction in scientific, technical, administrative, or other fields. The objective is to improve individual performance and assist in achieving the Agency's mission and performance goals. Training is largely focused on preparing an employee with the necessary knowledge, skills and abilities to perform the duties and responsibilities of a position.

O. **Vacancy Announcement**. A notice used to solicit applications for a vacant position. The announcement describes the position to be filled, qualification requirements, application procedures, evaluation criteria and any special requirements on conditions of employment. This includes announcements used for merit promotion, delegated examining, and other special appointing authorities.

P. **Validation**. The demonstration of the job relatedness of any selection procedure or training program used to make employment decisions, including written tests, work samples, or evaluation of performance.

VIII. RESPONSIBILITIES

A. **Center For Learning**. The major responsibilities include design, validate, manage and delivery of training programs developed as a condition of employment. CFL programs may take place in Regional Training sites. Other programs may be available through other geographic locations, through distance learning, classroom training, or by on-the-job practical exercises. The CFL monitors the progress of employees toward completion of their training requirements. Specifically, the CFL is responsible for:

1. Designing and validating training programs developed as a condition of employment. The CFL coordinates with LERD, CRD, and HRD to ensure completion of a Civil Rights Impact Analysis, and that position description, vacancy announcements and other notification systems are updated to reflect any new requirements.

2. Conducting a periodic review of training programs under OPM guidelines.

3. Developing the specific training agreement, academic standards, and Training Information Packet for each covered training program for publication and notification to the employees. Providing new or revised training agreements and academic standards to LERD and HRD.

4. Scheduling employees for attendance at training.

5. Working with the employee and program manager or the designee on any scheduling issues to ensure the employee has the opportunity to complete required training within the 12 month timeframe.

6. Providing an advance copy of the COE policy to the selected employee. **See Attachment 2,** Sample Training Information Packet.

7. Reviewing the COE policy on the first day of class.

8. Administering training and tracking students' progress towards completion of required training. Offering remedial assistance to employees as necessary.

9. Notifying the ERB and the supervisor of any employee who fails the training.

10. After completion of training, providing the SHRO with individual **See Attachment 3**, Sample Certification Letter.

B. **Human Resources Division**. Develops job analysis that links the job duties to the competencies by which employees are selected, trained, and evaluated. The SHRO initially notifies prospective applicants about the training requirements established as a COE, notifies the CFL of selections into covered positions, and documents the COE in the employee's OPF. Specifically, the SHRO:

1. Updates position descriptions and performance standards based on input from the CFL on validated training as a COE. **See Attachment 4,** Sample Position Description Statement.

2. Issues the vacancy announcement, which describes the training requirements as a COE for covered positions. **See Attachment 5**, Sample Vacancy Announcement Statement.

3. Includes a statement in the selection/placement letters to selectees that restates the training requirement as a COE and provides the Training Agreement for review and signature. **See Attachment 6**, Sample Selection Notification Letters.

4. Obtains the signed Training Agreement from the employee before **See Attachment 7**, Sample Training Agreement.

5. Provides the list of selectees (into covered positions) to the CFL for use in scheduling classes and tracking their completion of training requirements.

6. Documents satisfactory completion of training requirements in the OPF based on notification from the CFL.

7. Processes the necessary personnel action for individuals who are not successful in completing the training requirements.

C. **Employee Relations Branch, LERD.** Advises the CFL on issues that arise during training related to the employee's performance or conduct. ERB:

1. Initiates action to terminate or remove employees who fail the required training or for other cause.

2. Consults with program management on possible placement of non-probationary employees who fail the training requirements before initiating adverse action.

D. **Civil Rights Division.** Consults with CFL to ensure training programs meet Departmental requirements for civil rights impact.

E. **Program Office**. Act as a liaison among the supervisor, CFL and the SHRO. The program office may designate an appropriate person to carry out this responsibility to ensure that its covered employees are scheduled for and complete the necessary training requirements within the required timeframes and to resolve any issues early in the process. Specifically, the program office is responsible for:

1. Confirming the list of participants scheduled to attend required training.

2. Coordinating with CFL on all covered employees to ensure training is scheduled and completed.

3. Coordinating with CFL or ERB on required personnel actions for employees who do not successfully complete the training requirements.

F. **Supervisor**. Ensures the covered employee understands the training requirements as a COE and the employee completes the training within the required 12 months.

G. **Covered Employee**. Reads the training requirements as a COE in the vacancy announcement and to raise any questions he or she may have with the selecting official before accepting the covered position. In addition, the employee is expected to attend and successfully complete all required training the before end of the 12-month timeframe.

IX. CONDITION OF EMPLOYMENT

A. **Policy.**

1. All employees in covered positions, except for student trainees, are required to begin required training within 90 days of entrance into a covered position. Any delay must be for good cause, as determined by the Agency, and fully documented and approved by the appropriate program official.

2. Student trainees are scheduled for and receive the required training as appropriate during their formal career development program. Student trainees and Career Interns must satisfactorily complete required training by attaining a passing grade as a condition for conversion to the competitive service.

3. All employees must meet the academic standards specified for each training program.

4. Employees must sign a training agreement that outlines the mutual obligation of the Agency and the trainee. The employee agrees to begin the training program within 90 days and satisfactorily complete the required training within 12 months of the effective date of assignment to the covered position.

5. Schedule training during normal duty hours and the normal workweek. Training that requires travel on an employee's personal time is discouraged. However, under unusual circumstances, training may be required on employee's personal time, including evenings and weekends. If this occurs, document the reasons for such actions. Employees are not entitled to premium pay for travel or training unless they meet the specific requirements of the FLSA for nonexempt employees, or Title 5 provisions for all employees.

B. **Other Policies**. In addition to the successful completion of required training, all employees entering a covered position must also:

1. Demonstrate satisfactory job performance and conduct.

2. Submit to a required background investigation.

3. Meet other conditions of employment indicated in the vacancy announcement (**example**: travel availability or security clearance).

C. **Components of Training Program**. Training programs that are designed and validated as a COE will be outlined in attachments. The attachment will stipulate the following information concerning each training program:

1. Position(s) covered.

2. Length of training.

3. Location of training.

4. Major subject areas of training.

5. Academic standard(s).

6. Training delivery method (**examples:** classroom, on-the job; on-line; CBT, etc.)

7. Certification requirements, if applicable.

D. **Other Training**. Employees may be required to complete additional training during their career, but only the training described in the attachments constitute a COE for purposes of this directive.

E. **Testing Policies and Remediation**. Although retesting is not permitted and all test scores are final, the CFL strives to ensure that every student receives the assistance, support, and encouragement needed to successfully meet the academic standard. There are five primary areas of assistance the CFL provides to students:

1. **Formal Review Session Before Each Test**. The purpose of these sessions is to review critical information students have learned, to reiterate what general content will be covered on the upcoming test, and to clarify or answer any questions students have before to the test.

2. **Formal Feedback Sessions After Each Test**. The purpose of these sessions is to review the test, answer any questions students may have on specific questions, and to ensure that they receive correct feedback for any questions they may have missed.

3. **Performance Monitoring and Test Tracking**. Performance monitoring and test tracking ensure that employees failing to meet established criteria for tests are coached (mentored) to improve their subsequent performance on tests. It is also a mechanism for identifying potential problems before they occur, and taking the steps necessary to help improve student performance over time. In addition to the CFL monitoring student performance and tracking their test scores, students receive information and instructions on how to record and track their scores. This enables students to know how well they are doing overall and on the individual tests administered during the training. It also allows them to calculate, how well they need to perform on the remaining tests to successfully complete the training program.

4. **Tutoring**. CFL training staff coaches (mentors) and provides guidance and tutoring to the employee for the specific courses they teach. Tutoring sessions may occur during the course of a typical class day (**example:** during lunch periods or other breaks), are incorporated into the formal review sessions before each test, or may occur before or after hours per the student and staff agreement. Every effort is made to ensure that students who are failing to meet established academic standards are coached (mentored) and tutored to improve their subsequent performance on tests.

5. **Notification of Special Requirements**. Before students attend training, the CFL ensures that employees with special needs due to a disability are provided reasonable accommodation while attending the training. Employees provide the CFL with information regarding any special requirements or needs they may have. The CFL may consult with the Disability Employment Program Coordinator on difficult or unusual cases to ensure that the students' needs are accommodated before their arrival.

F. **Consequences of Failure**.

1. **Probationary Employees.** New employees who are serving under a probationary period and who fail to satisfactorily complete required training, by attaining a passing grade, are removed from Federal service.

2. **Non-probationary Employees.**

a. Employees who are promoted, reassigned, or changed to lower grade within FSIS, and who fail to satisfactorily complete required training by attaining a passing grade, may:

(1) Be returned to their former position, depending on availability of the position and the Agency needs.

(2) If qualified, be offered another position at the same or lower grade than the position held immediately before accepting the covered position.

(3) Be removed from Federal service.

b. Employees who transferred from another Federal agency or department and fail to satisfactorily complete required training by attaining a passing grade, are removed from Federal service for failure to meet a COE pursuant to adverse action procedures under 5 U.S.C. Chapter 75.

G. **Repeating Required Training After Failure**. Former covered employees who fail required training may compete again for entry into the covered position if they meet the area of consideration in the announcement. If selected, the employee is subject to the terms of the training as a COE agreement and must successfully complete the required training.

H. **Job Performance and Conduct**.

1. Probationary employees may be released from employment for unsatisfactory job performance or conduct issues despite meeting the academic standards for the position.

2. Non-probationary employees are subject to employee standards of conduct and performance in addition to meeting the academic standards for the position. Deviations from acceptable conduct and performance standards are addressed through disciplinary and adverse action procedures and performance guidelines.

I. **Background Investigation**. Covered employees must submit to a background investigation and must obtain a security clearance for the designated sensitivity level of the position.

J. **Scheduling Employees for Training**.

1. **Assigning Training Slots**. Scheduling preferences are given to employees based on the effective date of their selection to the position. Covered employees have priority over all other employees. Other employees may be scheduled based on availability of slots provided such assignment does not interfere with a covered employee's ability to meet a COE.

2. **Rescheduling**. Based on the circumstances, a covered employee may be rescheduled for required training if training is initiated within the first 90 days in the new position.

a. An employee's circumstances are reviewed on a case-by-case basis. The employee must submit a memorandum and any supporting documentation to the CFL describing the circumstances, in detail, including actions taken to mitigate the hardship. Decision authority resides with the CFL after coordination with the Program Manager.

b. An employee who departs from required training for emergency reasons or extenuating circumstances, where approved by the appropriate program area, will be rescheduled to attend at a later date provided the training can be completed within 12 months from the effective date of assignment to the covered position. **Note:** When training slots become available for any reason, participants may be moved up on the priority lists.

c. **Rehires**. Covered employees who have successfully completed required training in the past and are rehired, may be required to retake all or selected components of the training at the discretion of the CFL.

K. **Notification to Covered Employees Regarding Training as a COE.**

1. Employees are notified about training as a COE a number of times during the probationary period or first 12 months in a covered position. These notifications ensure that covered employees are fully informed of the requirements.

2. Notification occurs in several of the following ways:

a. The vacancy announcement for the covered position.

b. If an interview occurs, the interviewing official communicates the COE training requirement as stated in the vacancy announcement.

c. The reporting letter or selection letter.

d. All covered employees receive a Training Information Packet within 3 months of entrance into a covered position. **See Attachment 2,** Sample Training Information Packet.

e. The CFL reviews the Training Information Packet outlining training as a COE on the first day of class.

f. Position Description.

g. SF-50B, which includes a remark that training is a COE for retention in the position.

X. VALIDATION OF TRAINING

There must be a rational relationship between performance in a position and the employment practice used. Therefore, training will be validated using procedures intended to be consistent with generally accepted professional standards for evaluating standardized tests and other selection procedures, such as those described in the Standards for Educational and Psychological Tests.

XI. ADMINISTRATIVE PROCESS

The following overview includes only those steps in the hiring and training process that relate to training as a COE.

A. **Before the effective date of an employee's entrance into a covered position:**

1. The SHRO issues the vacancy announcement, which includes a statement on training as a COE.

2. If an interview occurs, the interviewing official communicates to the applicant the COE training requirement as stated in the vacancy announcement.

3. The selecting official selects the candidate and notifies SHRO. The SHRO forwards:

a. The selection or reporting letter to the selectee which reiterates the training requirements for the position.

b. The training agreement.

4. The selectee signs and returns the training agreement to SHRO.

Note: SHRO provides the CFL with ongoing information on employees entering covered positions, to include current employees going from a noncovered to a covered position, and selection dates.

B. **Within 90 days after the effective date**:

1. The CFL schedules new covered employees for required training.

2. The CFL sends a memorandum or electronic message to each program area to confirm the list of new covered employees to attend the next training class.

3. Program areas call or send an electronic message to the CFL to confirm, add, or delete names on the list of covered employees scheduled to attend training.

4. The CFL finalizes the list of attendees.

5. The CFL sends a package to the covered employee containing information about attending training. This package includes information on:

a. Travel.

b. Lodging.

c. Special Accommodation Request (**See Attachment 8,** Sample Accommodation Request).

d. Training Information Packet.

C. **During required training period**:

1. On the first day of training, the CFL reviews the policy for training as a COE and adherence to Employee Conduct and Responsibilities while attending the training.

2. The CFL promptly advises the ERB of any attendance issues or other concerns with standards of conduct that arise with any employee while at the training.

3. The CFL provides remedial assistance as appropriate.

4. When a practical exercise training component is required as a COE, the employee must satisfactorily complete the component.

5. The CFL determines the final grades of the employees and notifies them of their final grade at the conclusion of the training.

D. **If the employee passes the training, the CFL**:

1. Issues a training certificate to the employee at the completion of the training.

2. Sends a certification letter to the SHRO for filing in the employee's OPF. A copy is also forwarded to the program manager. **See Attachment 3,** Sample Certification Letter.

E. **If the employee fails the training, the CFL:**

1. Promptly notifies the ERB and the appropriate program manager so that ERB can initiate the appropriate personnel action.

2. Provides supporting documentation to ERB for all employees who fail to satisfactorily complete the training.

for Karen A Messmore
Assistant Administrator
Office of Management

COVERED POSITIONS

1. Consumer Safety Inspector, GS-1862-05/07/08/09/10.

2. Supervisory Consumer Safety Inspector, GS-1862-08/09.

3. Veterinary Medical Officer (Working Title: Public Health Veterinarian), GS-0701-09/11/12.

4. Supervisory Veterinary Medical Officer (Working Title: Supervisory Public Health Veterinarian), GS-0701-09/11/12.

5. Consumer Safety Officer (Working Title: Enforcement Investigations, and Analysis Officer), GS-0696-05/07/09/11/12.

NOTE:

Employees hired under excepted service appointing authorities, such as the Student Career Experience Program or Career Intern Program, who are targeted for placement into one of the covered positions above, must satisfy the conditions of employment before conversion to the competitive service.

This attachment will be updated as positions subject to TCOE are added

SAMPLE TRAINING INFORMATION PACKET

Consumer Safety Officer Educational Program
As a
Condition Of Employment

Purpose

- To inform you of the requirements for passing the Consumer Safety Officer Educational Program (CSOEP), and

- To provide additional information regarding the CSOEP.

Requirements For Retention in the Position

All newly selected or appointed Consumer Safety Officers (CSO's), GS-696, (whether selected from outside or promoted from within) must meet certain requirements during the first 12 months, 365 days, in the position beginning with the effective date of assignment to the position. To be retained in the position, you must attain the following:

- Achieve a final grade of __ on the final exam administered at the end of the CSOEP training.

- Submit to a background investigation to obtain a security clearance.

- Demonstrate satisfactory job performance and conduct.

Satisfactory completion of the CSOEP by receiving a passing grade is a condition of your employment. This means that you must complete and pass the training within 12 months of the effective date of assignment to the position. The consequences of failing CSOEP are:

1. If you are a new hire with FSIS, you will be terminated from Federal employment.

2. If you are not a new hire (**example:** you were formerly a Consumer Safety Inspector or Food Inspector) you cannot remain in the GS-696 position. At the Agency's option, you will either be:

   a. Returned to your former position held immediately before accepting this position depending on availability of the position and the needs of the Agency.

b. If qualified, offered another position at the same or lower grade as that held immediately before accepting this position.

c. Removed from Federal service, depending on job availability and the needs of the Agency.

Your training begins as soon as possible after your appointment, but not later than 90 days after the effective date of your entrance into the CSO position.

You must submit to a background investigation and be granted a security clearance. The Agency provides the appropriate forms for you to complete and return as indicated. You must maintain the security clearance while employed in the position.

All of the above requirements **must** be met within 12 months after the effective date of your entry into the CSO position.

In addition to passing CSOEP, you **must** demonstrate satisfactory performance and conduct. Unsatisfactory performance or conduct may subject you to a personnel action up to and including removal from the Federal service, even if you pass the CSOEP.

The Purpose of the CSOEP

The purpose of CSOEP is to provide relevant training and education to help you acquire the skills and knowledge needed to accomplish the work of the CSO to further the mission of the Agency. This instruction provides you with the background information and work methods needed to conduct onsite food safety and other consumer protection verification activities associated with systems of commercial establishments operating under a Federal grant of inspection. You will be trained on the Administrative Enforcement Process, including administrative law and FSIS statutes, design of Sanitation Standard Operating Procedures and Hazard Analysis and Critical Control Points systems, and in the methodology to conduct comprehensive food safety assessments. In addition, you will gain knowledge of food microbiology and statistical process control and learn other job related skills needed to do your job effectively, including computer applications, report writing, public speaking, auditing and investigative techniques. Successful completion of CSOEP qualifies you to work as a CSO.

Length, Location, and Format of CSOEP

CSOEP begins during your first 90 days as a CSO. Approximately 4 weeks of CSOEP takes place at College Station, Texas. The course work is instructor led and also includes practical learning through a group project accomplished and reported on during the 4-week session. There are 2 tests given during the session with the final exam being administered on the final morning of the session.

In addition, the CFL reviews the terms of this training as a condition of employment on the first day of CSOEP class. Regarding CSOEP, the CFL staff reviews the following:

1. The academic standards for passing CSOEP.
2. Testing policies.
3. Grading.

CSOEP Content and Standards

The CSOEP consists of training and education in the following subject areas:

1. Statutes and Regulations.
2. Design of SSOP and HACCP systems.
3. Administrative Enforcement Process.
4. Food Microbiology and Statistical Process Control.
5. CSO Work Methods.
6. Other related job skills.

There will be 2 tests, 3 assignments, and a final examination on which you will be graded. The final examination is administered on the final day of training.

Grading

Your final grade for CSOEP is determined as follows:

Test #1	100 points
Test #2	100 points
Finding and Applying Scientific Info (written report)	50 points
Group Assignment (written report and presentation)	100 points
Compliance Homework Assignment	50 points
Final Examination	200 points
Total	**600 points**

You must attain a total score of 360 points to pass the CSOEP training. Passing grades are as follows:

A – 600-540
B – 539-480
C – 479-420
D – 419-360

Attendance/Audit Policy/Make-up Exams

Regular attendance and participation in the course is expected of all students. Clear anticipated absences with the instructor before the absence. Report emergency absences (serious illness, injury, death, etc.) as soon as possible. Make-up work and exams will be allowed only very rarely under extenuating circumstances for which written documentation is provided.

Other Training Requirements

In addition to the subject areas you will be trained on in CSOEP, there will be other training (such as regulatory enforcement training at Federal Law Enforcement Training Center or a similar institution) that you must complete. Such training is important to your development and effectiveness as a CSO and must be completed as required.

SAMPLE CERTIFICATION LETTER

Date

This certifies the following employee has successfully completed the training program required as a condition of employment:

Employee Name
Name of Training Program (e.g. CSO Education Program)
Position Title
Date of completion

File this certification on the right side of the employee's OPF as documentation the employee has satisfied their training agreement for retention in the position.

(Signature)

Typed name and title of CFL representative

SAMPLE POSITION DESCRIPTION STATEMENT

*The following is a **sample** paragraph for use in position descriptions for covered positions with a training program as a COE. Modify the content based on specific input from the CFL for each training program.*

The Consumer Safety Officer (CSO) position has a training program requirement as a condition of employment. This training program requires the incumbent to successfully complete a 4-week off-the-job training program at a designated location, which is necessary to perform the duties and responsibilities of a CSO. Courses include:

- CSO Work Methods
- Food Microbiology
- Report Writing
- Design of SSOPs and HACCP Plans
- Administrative Law and FSIS Statutes
- FSIS Rules of Practice
- Dealing with Difficult People and Behavioral Analysis
- Collecting and Handling Evidence
- Listening Skills
- Group Projects
- Epidemiological Investigative Techniques
- Audit Basics
- Food Safety Assessment
- Statistical Process Control
- Cultural Diversity
- Ethics
- Integrity
- Professionalism

Incumbents must begin the training within 90 days of the effective date of their selection with successful completion within 12 months of the effective date of selection.

SAMPLE VACANCY ANNOUNCEMENT LETTER

*The following is a **sample** paragraph for use in vacancy announcements under a section for CONDITIONS OF EMPLOYMENT. Modify the content based on specific input from the CFL for each training program*.

The Consumer Safety Officer (CSO) has a training program requirement as a condition of employment. If selected, you must successfully complete a 4-week off-the-job training program at a designated location which may require travel outside the duty location for an extended period. The training is necessary to perform the duties and responsibilities of a CSO. Courses include:

- CSO Work Methods
- Food Microbiology
- Report Writing
- Design of SSOPs and HACCP Plans
- Administrative Law and FSIS Statutes
- FSIS Rules of Practice
- Dealing with Difficult People and Behavioral Analysis
- Collecting and Handling Evidence
- Listening Skills
- Group Projects
- Epidemiological Investigative Techniques
- Audit Basics
- Food Safety Assessment
- Statistical Process Control
- Cultural Diversity
- Ethics
- Integrity
- Professionalism

You must begin the training within 90 days of the effective date of your selection and successfully complete the training within 12 months of the effective date of your selection. Failure to successfully complete the required training may result in:

A. Return to your former position held immediately before accepting this position.

B. If qualified, to another position at the same or lower grade as that held immediately before accepting this position, depending on job availability and the needs of the Agency.

C. Removal from Federal service.

If you are a former FSIS employee who successfully completed the training program in the past by attaining a passing grade, you may be required to retake all or selected components of the required training.

SAMPLE SELECTION NOTIFICATION LETTERS

*The following is a **sample** paragraph for use in selection letters (merit promotion and new appointments). Modify the contents of the selection letters using input from the CFL for each training program.*

The Consumer Safety Officer (CSO) position for which you have been selected has a training program requirement as a condition of employment. You will be required to successfully complete a 4 week off-the-job training program necessary to perform the duties and responsibilities of a CSO. Courses include:

- CSO Work Methods
- Food Microbiology
- Report Writing
- Design of SSOPs and HACCP Plans
- Administrative Law and FSIS Statutes
- FSIS Rules of Practice
- Dealing with Difficult People and Behavioral Analysis
- Collecting and Handling Evidence
- Listening Skills
- Group Projects
- Epidemiological Investigative Techniques
- Audit Basics
- Food Safety Assessment
- Statistical Process Control
- Cultural Diversity
- Ethics
- Integrity
- Professionalism.

You must begin the training within 90 days of the effective date of your entry into the position and successful completion of the training within 12 months of the effective date of your assignment to the position. Failure to successfully complete the required training may result in:

A. Return to your former position held immediately before accepting this position, depending on job availability and the needs of the Agency.

B. If qualified, to another position at the same or lower grade as that held immediately before accepting this position.

C. Removal from Federal service.

If you cannot commit to these requirements, please contact me as soon as possible. Otherwise, please review and sign the attached Training Agreement and return it in the attached self-addressed envelope.

SAMPLE TRAINING AGREEMENT

CONSUMER SAFETY OFFICER (CSO) EDUCATIONAL PROGRAM
TRAINING AGREEMENT

I, _____, agree to enter into the position of Consumer Safety Officer (CSO) with the Food Safety and Inspection Service (FSIS). I understand that FSIS will furnish, at Government expense, a 4-week off-the-job training program as considered necessary for me to perform the duties and responsibilities of a CSO. I also understand that the training may require travel outside the duty station for an extended period.

I understand that I must successfully complete the CSO training program within 12 months of entry into the position.

I understand that to successfully complete the training program I must achieve a passing grade for the entire course, which includes the following areas of study:

CSO Work Methods
Food Microbiology
Report Writing
Design of SSOPs and HACCP Plans
Administrative Law and FSIS Statutes
FSIS Rules of Practice
Dealing with Difficult People and Behavioral Analysis
Collecting and Handling Evidence
Listening Skills
Group Projects
Epidemiological Investigative Techniques
Auditing Basics
Food Safety Assessment
Statistical Process Control
Cultural Diversity
Ethics
Integrity
Professionalism

I understand that failure to successfully complete the required training program will at the Agency's option, result in:

A. Return to my former position held immediately before accepting this position.

B. If qualified, to another position at the same or lower grade as that held immediately before accepting this position, depending on job availability and the needs of the Agency.

C. Removal from Federal service.

I recognize that FSIS may terminate this agreement at any time, by issuing a notice to that effect, for such reasons as changes in program requirements or inadequate performance or misconduct on my part.

I hereby agree to abide by the terms of this agreement.

_____ _____
(Signature of Employee) Date

_____
(Title and Grade of Position)

SPECIAL ACCOMMODATION REQUEST

If you are requesting an accommodation, please complete and return this form. It will inform your training provider of any special accommodations you may need to attend or complete your training and provide the CFL time to prepare such accommodations.

I _____ require the following accommodations
Name (Please type or print)

in order to attend or complete the training scheduled on _____ at
(Date)

_____.
(Location)

(Please explain the reasons for the request.)

If you need to discuss this with me, I can be contacted on _____
(Phone Number or e-mail address)

_____ _____
Signature Date

Mail To:
UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
CENTER FOR LEARNING
CRYSTAL PARK PLAZA, ST. 3000
COLLEGE STATION, TX 77845

TRAINING AS A CONDITION OF EMPLOYMENT (TCOE) FREQUENTLY ASKED QUESTIONS AND ANSWERS

1. Can an employee's college course (**example**: in microbiology) substitute for any portion of the training?

Response: No. FSIS training is designed to provide specific knowledge related to FSIS policy, inspection verification methods, and thought processes used to determine regulatory compliance, along with the skills needed to perform a specific job. While college courses provide a knowledge base, they do not substitute for FSIS training courses which provide information about how to actually perform the assigned duties.

2. Is it possible that an employee might not successfully pass the training? What assistance is given to employees who are having difficulty with the course content?

Response: Employees must get a passing score on the final test to successfully complete the course. Failing the test is a possibility. However, TCOE positions have validated training curriculum to ensure the training is related to knowledge required to perform the duties of the position. Passing the validated training course helps demonstrate that only employees who have the basic knowledge needed for these critical in-plant positions are placed into the assignments. To help ensure successful completion of the training, the Center for Learning (CFL) staff provides in-class assistance to help employees experiencing difficulties with portions of the training. See FSIS Directive 4338.1, Section VIII., for additional information.

3. Why does an employee have to get a passing score for TCOE courses?

Response: Employees must have the competencies to perform their jobs successfully to assure that the food supply is safe, wholesome, and that the health of the American public is protected. When employees pass the training, they are equipped with the knowledge and technical expertise to do their job.

4. Will an employee's travel and lodging for training be paid by the Agency?

Response: Yes, if the travel meets the conditions governing travel regulations.

5. If an employee is selected for a higher graded position and subject to TCOE, when will the employee's promotion be effective?

Response: It is the Agency's policy to promote those selected for higher graded positions within a reasonable timeframe, generally within two pay periods from the date the employee accepts the position. Under TCOE, when a change in duty station is involved, a personnel action effecting the promotion is processed separately from the change in duty station. The promotion is granted within a reasonable time after selection, even if the training has not yet been successfully completed. However, the change in duty station is not processed until the employee successfully completes the required training.

6. What duties will an employee who has been promoted into a covered position perform, and where and to whom will the employee report until they successfully complete training?

Response: This question pertains only to employees who have completed a one-year probationary period. All new Federal employees hired are subject to a one-year probationary period. An employee would remain at their former location, performing the duties assigned to the former position until they successfully complete the required training. If an employee is promoted to a position in the same commuting area and resources are available, the employee can begin their new duties before successfully completing the training. However, in these cases, an employee is assigned to shadow another employee or work under close supervision until the employee successfully completes the training.

If the position to which an employee is promoted is in a different commuting area, the employee must relocate. The employee will not report to the new duty station until the required training is successfully completed. When the training is successfully completed, a personnel action is processed to reflect the new duty station and a reporting date is set. Until that time, the employee remains in the former duty station, performing the duties of their former position. The gaining district and CFL make every effort to schedule the required training within a reasonable time following selection for a position covered by TCOE.

7. Will any on-the-job training (OJT) before the classroom training substitute for any practical exercises that will be part of the TCOE requirement?

Response: No. Any practical exercises that are designed to ensure that an employee master specific competencies and that are a part of the training program that is a condition of employment, must be satisfactorily completed as designed. The employee cannot substitute OJT experience or training they have had. (**NOTE**: Practical exercises are not necessarily a part of every training program covered by this directive. The PHV Intern course incorporates a formal mentoring phase which must be completed as specified by the PHV Intern course design.)

8. Can an employee take the required tests without taking the training?

Response: No. All covered employees must complete the training before taking the tests.

9. If an employee withdraws from training, will they receive credit for any portion that they completed?

Response: No.

10. Do TCOE policies apply to an employee with an intermittent work schedule?

Response*:* FSIS Directive 4338.1, Training as a Condition of Employment, applies to all employees regardless of work schedule. However, only applicants applying for covered positions are subject to the procedures and policies in the directive.

11. If a covered employee completed required training before the occupation became subject to TCOE, retired, and later returned to the Agency as a reemployed annuitant in the covered occupation, would that individual be required to retake the training?

Response: Yes.

12. If an employee retires or leaves the Agency and returns as a covered employee (the employee had not received required training during previous employment), would the employee be subject to TCOE?

Response: Yes, the employee is subject to the TCOE requirements in FSIS Directive 4338.1. The employee must sign the training agreement, attend the class, and successfully pass the course by obtaining a passing score.

13. An employee, who successfully completed required training, laterals into a position at the same grade and with the same position description. Will the employee be required to meet TCOE requirements again?

Response: No. The employee is not required to successfully complete the training again.

14. Who can employees contact in the event of illness or an emergency during scheduled training?

Response: Employees contact their supervisor, whether the illness or emergency arises prior to departing for the training or during the training itself. The supervisor makes any necessary follow-up contacts with the CFL.

15. At the time an employee's position becomes subject to TCOE, if the employee is not performing at a fully successful level, is the employee still considered grandfathered into the occupation?

Response: If an employee is performing at less than a fully successful level at the time their position becomes subject to TCOE they are "grandfathered" into the occupation only if the employee's performance returns to a fully successful level after serving a formal performance improvement period under a performance improvement plan (PIP) following governing regulations.

16. Who can applicants contact for additional information regarding covered positions if they have TCOE requirements for the position desired?

Response: An employee who is applying for a covered position can contact the Human Resource Office or a district resource management staff employee with their questions.

17. When will a covered employee be notified if they passed the test?

Response: CFL notifies the employee's district office within 5 work days of completing the class. The notification is provided by electronic mail with a copy to Human Resource Operations for filing in the employee's official personnel file. The district office notifies the covered employee.

18. What happens if a covered employee, through no fault of the employee, is not scheduled for training within the timeframes provided for in FSIS Directive 4338.1?

Response: If the Agency fails to schedule a covered employee for required training within the timeframes in the FSIS Directive 4338.1, the timeframe is extended. Failure to schedule does not exempt the employee from the training requirements; attendance and a passing score are still required within the parameters of any extension. (**NOTE**: If a probationary employee does not successfully complete the training by the end of the probationary period, the employee must be terminated. The probationary period cannot be extended for any reason, even if completion of the training was outside of the employee's control, (**example**: as a result of an administrative oversight the Agency failed to schedule the employee for training).)

19. A newly promoted CSI requires both the Inspection Methods training and the Thermal Processing course because the position covers a canning assignment. How should these two courses be scheduled?

Response: The Agency does not plan to require 5 or more consecutive weeks of training for CSIs. The Inspection Methods course should be scheduled first. When this course has been successfully completed, the CSI can relocate and assume the responsibilities of the position. The Thermal Processing course can be scheduled as soon as is practical after the successful completion of the Inspection Methods course, no later than the end of the first year. Prior to attending the Thermal Processing course, the new CSI can work under close supervision. The inspector can be provided with developmental assignments to provide familiarity with the thermal processing equipment, processes, and products produced, to prepare the CSI for success in the Thermal Processing classroom training.

20. A current CSI has successfully passed FSRE Sanitation and Raw HACCP training in the past, and attended the PHIS CSI training. The employee's assignment has not changed. The employee has not attended FSRE Ready-to-Eat (RTE) RTE/Not RTE or FSRE Shelf Stable training. Will the employee be required to take the new CSI Inspection Methods course?

Response: No. The employee will not be required to take the CSI Inspection Methods course. If the employee's assignment does not change (that is, the employee continues to cover only Slaughter/Raw Intact and Raw Non-intact), there is no need for further training at this time.

21. A current CSI has previously successfully passed FSRE Sanitation and Raw HACCP training, and attended the PHIS CSI training. The employee has been reassigned or promoted to a CSI position that covers RTE or Shelf Stable processes. What training is the employee required to take? Will it be considered TCOE for the employee?

Response: If the employee is assigned to an assignment that covers RTE or Shelf Stable products, the employee must take a one-week RTE and Shelf Stable topics classroom training course. The Agency also recommends that an employee take the AgLearn courses on RTE and Shelf Stable industry processing practices (see question 35 below).

If the assignment the employee is reassigned or promoted into includes thermally processed products, the employee must take the two-week formal classroom training for Thermal Processing.

Although an employee is expected to participate actively in all training activities such as discussions, demonstrations, and workshops, maintain regular attendance, exhibit attentiveness, and pass the test, the employee will not be subject to the TCOE requirement.

22. Will vacancy announcements reflect whether the position is covered by TCOE?

Response: Yes, vacancy announcements for positions subject to TCOE contain information concerning the content and length of the training, that attendance can require travel outside the duty station for an extended period of time, and that the servicing district office can be contacted for additional details.

23. If an emergency arises that necessitates an employee's departure from training before the training is completed, will the employee be required to attend another full training course?

Response: The CFL, in consultation with the employee's supervisor, decides whether the employee can resume the training at the point of departure, or whether the employee must return for the entire session.

24. What happens if an employee fails the final examination? Can the employee retake the test? How long does an employee have to retake the test?

Response: If the employee is a bargaining unit employee, they are given the opportunity to retest one time. Notification of the retest is sent to the employee and the employee's supervisor. Reasonable travel time to the test site, and official (duty) time to take the test, is provided. The Agency pays reasonable travel costs for the employee to travel to the testing site following the Federal Travel Regulations. The employee has a maximum of one year following the first test date to take the retest. The probationary period for new hires, however, cannot be extended to accommodate a retest due to restrictions on probationary periods in Federal regulations.

25. Does TCOE apply to a CSI whose position includes performance of some slaughter inspection duties?

Response: Yes. TCOE applies to all CSI, GS-1862, positions, even if they perform some slaughter inspection duties.

26. What happens if an employee is promoted, successfully completes the TCOE training, and then decides they do not want to relocate to the new duty station?

Response: If the local practice covering the previous position allows for a noncompetitive Change to Lower Grade without going through the lateral reassignment system, and the previous position is vacant, it would be possible for the district to have a Change to Lower Grade action processed. The district is not obligated to return the employee to the position. However, if they allow it, the employee will be required to sign a voluntary Change to Lower Grade statement. If the promotion action was across district lines, a "release" date would need to be obtained from the district to which the employee is promoted. However, if past practice prohibits by-passing the lateral reassignment system, the employee's option would be to apply to the lateral system and it can be possible for the district to select the employee from that source, if they choose to do so. If the district does not choose to return the employee to their former position and current duty station location, a personnel action would be processed to reassign the employee to the new duty station for which they were selected. If the employee does not report as directed, the employee would be carried in an AWOL status.

27. An employee has been selected for a CSI position at the developmental GS-5 level with promotion potential to the GS-8. Does the employee have to sign a new training agreement each time they are promoted to the next higher grade level (**examples**: GS-7 and GS-8)?

Response*:* No, the employee will sign one agreement when they enter the position. The employee's signature indicates that they understand they must successfully complete the training required to perform the duties of the position at full performance level (GS-8, in this case.)

28. A CSI employee (GS-8) successfully completed the new Inspection Methods training when they were promoted from Food Inspector (FI). The employee has now been promoted to a GS-9 (or GS-10) CSI position. What training is the employee required to take?

***Response**:* The employee will not be required to complete any additional training, with the exception of Thermal Processing, if it applies to the assignment.

29. A new Veterinary Medical Officer (PHV) with the Agency incurs first post of duty expenses at their duty station. Will the employee be able to incur moving expenses prior to attending the required training?

Response: Yes, because the employee is new to the Agency, they are entitled to report to their new duty station and incur first post of duty moving expenses prior to their training. To the extent that applicable travel regulations apply, they will be reimbursed for limited costs associated with a household move, such as per diem costs, mileage and transportation of household goods. However, if the employee does not successfully complete the training, they will be terminated from Federal employment. If they do not fulfill the service agreement terms, they will be indebted to the Government for all relocation expenses.

30. A Veterinary Medical Officer (PHV) has been with the Agency for many years. The employee applied and was selected for a Supervisory Veterinary Medical Officer (SPHV) position. Is passing the PHV Intern training program a condition of employment for the employee?

Response: No. The employee and other PHVs hired before PHV training became a condition of employment are “grandfathered in.” This is because the PHV Intern training program was designed for newly hired PHVs, regardless of their entry grade level. The employee has been performing the PHV work (presumably at a fully successful or higher level) on which new employees are being trained in the PHV Training program, so it is not a condition of employment.

31. A PHV is promoted after successfully completing the EIAO training. The employee is considering a lateral to an EIAO position. If the employee is selected for the EIAO position, will they have to repeat the training and have it be a condition of their employment?

***Response**:* No. Since the employee previously took the training and attained a passing score on the exam, the employee has met the TCOE requirement. On the other hand, if a PHV applies for an EIAO position and is selected, and the employee has not previously passed the EIAO training, then the PHV must take the course and attain a passing score to retain the EIAO position for which selected.

32. A Food Inspector (GS-7) (non-probationary, bargaining unit member) is promoted to the GS-8 CSI position. What training is the employee expected to successfully complete? Will it be considered TCOE for the employee?

Response: The employee will be required to successfully complete the Inspection Methods training course. Successful completion includes actively participating in all training activities such as discussions, demonstrations, and workshops, maintaining regular attendance, exhibiting attentiveness, and passing the test. If the employee does not successfully pass the test, they will be provided one opportunity to re-test. If the employee does not pass the retest, the employee can be either returned to their former position, depending on availability, offered another position at the same or lower grade, or be removed from Federal service.

33. What training is a newly hired (probationary) PHV expected to complete as TCOE?

Response: The employee is required to successfully complete the PHV Intern training, a 10-week training program containing a combination of formal classroom training, and in-plant mentoring. Part of the formal classroom training will be attendance at the Inspection Methods training. The employee is expected to participate actively in all training activities such as discussions, demonstrations, and workshops, maintain regular attendance, and exhibit attentiveness. The employee is expected to pass all tests administered; however, the final assessment at the end of the 10-week training program is the test the employee must successfully pass as a condition of employment.

34. What training is considered as a condition of employment for EIAO?

Response: EIAOs must successfully complete the EIAO training program as a condition of employment. In addition to taking the EIAO training, the employee must attend either FSRE Sanitation and Raw HACCP courses or the current Inspection Methods course. If practical, Inspection Methods should be attended prior to EIAO.

35. Does the Inspection Methods training course require any preparatory courses?

Response: No, however, there are several Agency provided computer-based courses that are recommended to be completed prior to attending the formal classroom training. The Agency provides these courses to employees via AgLearn, the Department of Agriculture's training network. Three courses which will help prepare employees for success in the Inspection Methods training are: 1) Industry Practices for Producing Raw Product, 2) FSIS Industry Practices for Producing Not Shelf Stable, Ready-to-Eat/Not Ready-to-Eat Products, and 3) FSIS Industry Practices for Producing Shelf Stable Products. Employees who would like to complete the courses during duty hours should consult with their supervisor for permission to use official time for course completion.

36. How will an employee's pay be affected if they fail TCOE requirements for a position and elect a change to lower grade and are placed in the previous position held or in a position similar to the position from which they were promoted?

Response: It is the Agency's policy to have the employee receive the highest previous rate (HPR) of pay if the employee served ninety (90) days or more in the higher graded TCOE position. If the employee served less than ninety (90) days in the higher graded TCOE position; the employee's rate of pay will be based on the pay rate received before entering the higher graded TCOE position. This rate would include any pay increase which would have occurred at the lower grade had the employee not been promoted to the higher graded TCOE position.

37. How can an employee access the recommended preparatory course for Inspection Methods?

Response: Use AgLearn: Go to: http://www.aglearn.usda.gov/ and then Log In. The employee needs an eAuthentication Login User ID and Password. At the top of the page, the employee enters the name of the course in the Search Catalog field. The employee can either launch content immediately or add the course to their To-Do List for completion later. If the employee has questions about AgLearn call 800–336–3747 or send an email to FSISAglearn@usda.gov. To obtain eAuthentication assistance or to set up an eAuthentication User ID, please contact the eAuth help desk at eAuth@fsis.usda.gov. To obtain assistance with FSIS computers, contact the FSIS Service Desk at 800–473–9135, or send a Footprint ticket to the service desk at http://service/footprints.