SECTION 1. PURPOSE.

.01 This Order provides policy and guidelines for implementing training and developmental programs for employees in the Department of Commerce (the Department). It supplements instructions and guidelines found in 5 United States Code (U.S.C.) Chapter 41 and 5 Code of Federal Regulations (CFR) Part 410.

.02 This Order has been revised to: (1) reflect legislative, regulatory and Office of Personnel Management (OPM) program changes, specifically, Section 8.04 was revised pursuant to 5 CFR 410.308; Sections 8.05 and 8.06 were revised to clarify and provide guidance for Department use of continued service agreements (CSA) pursuant to 5 CFR 410.309 and 410.310; Section 12 was revised to support the OPM Enterprise Human Resources Integration (EHRI) program requirement to report expanded training data elements pursuant to OPM’s Interface Control Document for Agency Training, Data Release 3.0 (October 2004); (2) Appendix A, “Determining Training Needs and Developing Annual Training Plan” has been deleted because it is no longer applicable; and (3) Exhibit 2, “Department of Commerce Training Course Evaluation” has also been deleted in order to allow the bureaus to have greater flexibility in designing their own evaluation tools that suit their training programs.

SECTION 2. COVERAGE.

The Order applies to employees in the Department covered by 5 U.S.C. Chapter 41 and 5 CFR Part 410. It supplements other DAO policies governing the development of supervisors and managers and policies governing the development of individuals in and for the Senior Executive Service.

SECTION 3. LEGAL AUTHORITY.

5 U.S.C. Chapter 41, which codifies the provisions of the Government Employees Training Act (GETA), authorizes government employee training. 5 CFR Part 410 establishes regulations that Federal agencies are to follow in carrying out their training programs.

SECTION 4. POLICY.

The Department’s policy is to maximize employee competence through training and development programs. Operating units will commit resources to programs which:
a. Improve efficiency;
b. Meet organizational needs; and
c. Encourage employee self-development and continuous learning.

SECTION 5. RESPONSIBILITIES.

.01 The Secretary has delegated authority for employee development to the Chief Financial Officer and Assistant Secretary for Administration who is also the “head of the operating unit” for all Office of the Secretary components.

.02 The head of each operating unit is responsible for:

a. Assuring that employee development and training is consistent with the requirements of this Order;

b. Providing resources to meet the unit’s training needs; and

c. Protecting the Government’s interest when employees complete or fail to successfully complete training for which the operating unit has paid expenses.

.03 The Director for Human Resources Management is responsible for:

a. Issuing Department-wide policy and guidance pertaining to training and employee development;

b. Assisting operating units in developing sound training programs;

c. Developing and maintaining a system which provides training data needed to meet Departmental management and reporting responsibilities;

d. Evaluating training programs throughout the Department;

e. Representing the Department on all interagency training matters; and

f. Processing requests for exceptions to Departmental and Office of Personnel Management training policies.

.04 Principal Human Resources Managers are responsible for the day-to-day administration of the training and development program, including systems and processes for:

a. Issuing appropriate policy, procedures, administrative instructions and guidance that comply with regulations of OPM and the Department;

b. Assessing annual training needs and resources, and if within the responsible office, establishing training programs designed to close competency gaps;
c. Advising managers and employees on training and development matters;

d. Preparing or advising on the preparation of an operating unit training plan and evaluating the results of the training;

e. Recommending methods of funding training programs and other training costs;

f. Identifying and, as appropriate, establishing interagency training resources in areas of substantive competencies and extending operating unit training programs to employees of other governmental units when appropriate;

g. Monitoring training data and ensuring retention of training records for five years, and reporting to the Department and OPM on training activities, as required by 5 CFR Part 410;

h. Encouraging employee self-development and training, and promoting on-the-job training at all levels in the operating unit;

i. Coordinating operating unit training needs with Departmentwide training program development efforts; and

j. Evaluating in-house and external training courses.

.05 Servicing Human Resources Managers are responsible for:

a. Implementing policies, administrative instructions and guidance issued by OPM, the Department, heads of operating units and principal human resources managers;

b. Assisting principal training officers in determining training needs and resources, and establishing training programs;

c. Advising managers and employees on training and development matters;

d. Assisting in the preparation of the annual operating unit training plans and evaluating the results of training;

e. Monitoring data and records and reporting on training activities, as required by 5 CFR Part 410;

f. Encouraging employee self-development and training and providing on-the-job training; and

g. Evaluating in-house and external training courses.

.06 Supervisors and managers are responsible for:

a. Systematically determining training needs of their employees;

b. Providing resources to meet training needs of their employees;
c. Planning for employee training;

d. Nominating employees for training; and

e. Evaluating the effectiveness of employee training.

SECTION 6. DETERMINATION OF TRAINING NEEDS AND TRAINING PLANS.

Each operating unit will at least annually conduct a training needs assessment of the workforce to determine organizational and individual training needs. Needs assessment should be linked to the operating unit’s strategic plan, closing critical competency gaps, and individual performance plans.

SECTION 7. ESTABLISHING TRAINING PROGRAMS.

.01 Compliance. In developing training plans, operating units will comply with the requirements of 5 CFR 410, Subpart C, Establishing and Implementing Training Programs.

.02 Resources. Each operating unit will secure and allocate resources to meet its annual training needs.

a. Staffing. Each operating unit must designate an individual to be responsible, or liaison to the organization responsible, for managing the establishment, operation, and maintenance of its training programs.

b. Training space, materials and equipment. Each operating unit must make arrangements for the necessary space, materials and equipment to meet program responsibilities, and shall ensure that the facilities and curriculum are accessible to employees with disabilities.

c. Funding. Training funds do not require a separate line item identification in the operating unit budget, as long as they are included within other budget categories.

.03 Training Programs. Before approving training requests, operating unit individuals functioning in the capacity of a chief training officer (see 7.02 above) must assure that:

a. The skills and knowledge to be gained from the training are necessary to meet identified needs;

b. The proposed training is the most economical and effective means of developing the required skills and knowledge; and

c. The proposed training is consistent with current policy, legal requirements, and priority training needs of the operating unit.

.04 Selection and Assignment of Employees for Training. Operating units will establish procedures necessary to ensure fair and equitable treatment in the selection and assignment of employees for training.
a. Selection of employees for training will be made without regard to political, religious or labor organization affiliation or nonaffiliation, marital status, age, race, color, sex, national origin, nondisqualifying disability (5 U.S.C. § 2301(b)(2)), sexual orientation (Executive Order 13087), or retaliation based on participation in the equal employment opportunity process.

b. Training should be mission-related and:

1. Support the agency’s strategic plan and performance objectives;

2. Improve an employee’s current job performance;

3. Allow for expansion or enhancement of an employee’s assigned job; and

4. Meet organizational needs in response to human resource plans and re-engineering, downsizing, or restructuring.

c. Merit promotion procedures must be followed in selecting career, career conditional, or term employees for training given primarily to prepare for advancement and required for promotion. As an example, college or university courses which meet minimum education requirements set by OPM for the position would require the use of merit promotion procedures.

d. When selecting employees for training, the following should be considered:

1. Availability of employees who are already trained but not utilized;

2. Relative degree of employee’s need for training;

3. Relative extent to which the employee’s knowledge, skill or performance are likely to be improved by training;

4. Relative ability of employees to pass the learned skills on to others upon return to the job;

5. Relative length of time, and degree to which operating unit expects to benefit from the training;

6. Training opportunities previously afforded employees;

7. Employees’ own interest in and efforts to improve their work; and

8. Extent to which employees are eligible for outplacement training under reduction-in-force procedures.

.05 Evaluation of Training. Operating units will analyze and evaluate training provided to employees to determine whether the training is contributing effectively to the operating unit’s mission and attainment of management goals based on established performance standards.
SECTION 8. PAYMENT OF TRAINING EXPENSES.

Federal law and regulations provide many ways to support employees’ training and development. Operating units are encouraged to use these flexibilities to meet needs and to support employee self-development and continuous learning. An operating unit determines which expenses constitute necessary training expenses, however, necessary training expenses do not include an employee’s pay or other compensation. An operating unit may pay or reimburse an employee for necessary expenses incurred in connection with approved training, such as payment of travel and per diem as provided in 5 U.S.C. 4109(a)(2).

.01 Conference/Meetings. Operating units may sponsor an employee’s attendance at a conference or meeting under 5 U.S.C. Chapter 41 when:

a. The announced purpose of the conference is educational or instructional;

b. More than half of the time is scheduled for a planned, organized exchange of information between presenters and audience which meets the definition of training (5 U.S.C. Chapter 41);

c. The content of the conference is germane to improving individual or organizational performance; and

d. Developmental benefits will be derived through the employee’s attendance at these conferences (5 CFR 251.202(a)(2) and 410.404(d)).

.02 Guidance on Payment of Expenses to Obtain Professional Credentials and Organizational Membership. 5 U.S.C. 5757 allows agencies to pay for expenses related to professional credentials. However, agencies are not required to use this authority. This authority may not be used to qualify an applicant for a position. In implementing this authority, operating units must ensure that the funding of these expenses directly support identified strategic interests of the Department. Operating units using this authority will establish, and coordinate with DOC/OHRM, a policy and process which determines the functions or occupations for which professional credentials will be paid and if continued service obligations will be required. Appropriated funds can be used to pay for:

a. Expenses for employees to obtain professional credentials, including expenses for professional accreditation, State-imposed and professional licenses, and professional certification;

b. Examinations to obtain such credentials; and/or

c. Membership in a professional association only if the membership is a prerequisite to obtaining the professional license or certification.

.03 Job-related Training. Operating units may determine which expenses constitute necessary training expenses pursuant to 5 U.S.C. 4109. An operating unit may reimburse an employee for necessary expenses incurred in connection with approved and successfully completed training. Necessary training expenses do not include an employee’s pay or other compensation.
.04 **Academic Degree Training.** 5 U.S.C. 4107 and 5 CFR 410.308 allow an agency to pay or reimburse employees for the cost of academic degree training. This policy allows the head of an operating unit to establish an academic degree training program that meets the following requirements:

a. Academic degree training programs apply to training that contributes significantly to:

1. meeting an identified agency training need,

2. resolving an identified agency staffing problem, or

3. accomplishing strategic goals in the agency.

b. Such training must be part of a planned, systemic, and coordinated agency employee development plan linked to accomplishing strategic goals of the agency.

c. Such training must be accredited and provided by a college or university that is accredited by a nationally recognized body (i.e., a regional, national, or international accrediting organization recognized by the U.S. Department of Education).

.05 **Continued Service Requirement.** 5 U.S.C. 4108 and 5 CFR 410.309 allow an agency to determine the conditions for requiring employees to agree to continue in service after completing training. Operating units shall establish written procedures which include the minimum requirements for a continued service agreement (CSA) and must use the model agreement included as Attachment 1 of this Order. Operating units may consider the cost of training as well as the length of training in determining thresholds for requiring CSAs. The CSA must be signed prior to starting the training.

.06 **Computing Time in Training.** Guidelines for computing the time in training for CSAs are set forth in 5 CFR 410.310.

a. For training that is not part of an academic degree training program, computations are based on an employee’s work schedule and the number of hours the employee is in pay status during the training assignment. Specific guidelines for determining an employee’s time in training are set forth at 5 CFR 410.310(a)-(c).

b. For training that is part of an academic degree training program, an operating unit may compute the length of the academic training based on the academic institution’s established contact hours. These contact hours are an institution-specific formula incorporating factors such as the number of credits required for completion of the degree program, the number of credits per course, and the length of courses in weeks. This method establishes an effective minimum commitment for continued service and still allows agencies the flexibility to establish required service times above the minimum to address their specific goals in using the academic degree program. (5 CFR 410.301(d))
.07 Guidance on Training Restriction Contained in Public Law 105-277. Section 635 of the Treasury and General Government Appropriations Act of 1999 and provisions in subsequent General Government Appropriations Acts prohibit use of appropriated funds for inappropriate training. Funds should not be obligated or expended for any employee training that:

a. Does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties;

b. Contains elements likely to induce high levels of emotional response or psychological stress in some participants;

c. Does not require prior employee notification of the content and methods to be used in training;

d. Contains any methods or content associated with religious or quasi-religious belief systems or “new age” techniques as defined in Equal Employment Opportunity Commission Notice N-915.022 dated September 2, 1988; or

e. Is offensive to, or designed to change participants’ personal values or lifestyles outside the workplace.

SECTION 9. TRAINING OF PRESIDENTIAL APPOINTEES.

Training presidential appointees is not covered by 5 U.S.C. Chapter 41. OPM has delegated to the head of each agency authority to authorize training for officials appointed by the President and approved by the Senate (PAS). In exercising this authority, the Secretary must ensure that the training is in compliance with 5 CFR 410.302(b)(1). This authority may not be delegated to a subordinate. PAS supervisors of non-career Senior Executive Service and Schedule C employees may approve training for these employees when it 1) meets the definition of training in 5 U.S.C. Chapter 41, and 2) will provide a demonstrable return to the Department during the tenure of the employee.

SECTION 10. ACCEPTANCE OF CONTRIBUTIONS, AWARDS, AND PAYMENT FROM NON-GOVERNMENT ORGANIZATIONS.

See 5 CFR Part 410 Subpart E.

SECTION 11. INTERAGENCY TRAINING.

See 5 CFR 410.305.
SECTION 12. REPORTS.

Each operating unit shall maintain records of its training plans, expenditures, and activities in an electronic system so as to be able to transmit required training data pursuant to 5 CFR 410.701. Each operating unit will report this training data to the Department at such times as requested by the Department and in such form as explained in the OPM Guide to Personnel Recordkeeping and the OPM Guide to Human Resources Reporting.

SECTION 13. EFFECT ON OTHER ORDERS.

This Order supersedes Department Administrative Order 202-410, dated September 19, 1983, and titled “Employee Development.”

[Signature]
Director for Human Resources Management

Approved:

[Signature]
Chief Financial Officer and Assistant Secretary for Administration

Office of Primary Interest
Office of Human Resources Management
Employee's Full Name ______________________________ Telephone No. ___________________
Operating Unit ________________________________
Office ________________________________

Agreement to Continue in Service

This agreement is made pursuant to 5 U.S.C. 4108 and 5 CFR 410.309 and applies to all training that costs more than $___________, non-Government training in excess of ________ hours and Government or non-Government training of a long term nature in excess of 120 calendar days that is part of an established or requisite curriculum for which the Government approves payment of training costs prior to the commencement of such training. The period of obligation begins the first workday after the training ends. Nothing contained in this section shall be construed as limiting the authority of an agency to waive, in whole or in part, an obligation of an employee to pay expenses incurred by the Government in connection with the training.

a. I agree that upon completion of the training described in this request, I will serve in the Department of Commerce (Commerce) a minimum of three times the length of the training period (or time period prescribed by the bureau); except that if I receive no salary for the time spent in training the period of obligated service will be either one month or a period equal to the amount of time spent in training, whichever is greater. The length of part-time training is the number of hours spent in class or with the instructor. The length of full-time training is eight hours for each day of training, up to a maximum of 40 hours a week.

b. If I voluntarily separate from Commerce and the Federal service before successfully completing the period of service agreed to in item (a) above, I agree to reimburse Commerce for the tuition and related fees (including books, materials, and equipment), travel, and other special expenses (excluding salary) paid in connection with my training. However, the amount of the reimbursement will be reduced on a pro rata basis for the percentage of completion of the obligated service. (For example, if the cost of training is $900 and I complete two-thirds of the obligated service, I will reimburse Commerce $300 instead of the original $900.)

c. If I voluntarily separate from Commerce to enter the service of another Federal agency or other organization in any branch of the Government before completing the period of service agreed to in item (a) above, I will give my servicing human resource manager 10 days advance written notice during which time, in accordance with Federal regulations, a determination concerning reimbursement or transfer of the remaining service obligation to the gaining agency will be made.
d. If I am separated involuntarily for reasons beyond my control and not because of misconduct or personal delinquency during the training or the post-training obligated service period, I understand that this agreement will be cancelled and the right of Commerce to recover will be waived.

e. I understand that any amounts which may be due the employing agency as a result of any failure on my part to meet the terms of this agreement may be withheld from any monies owed me by the Government, or may be recovered by such other methods as are approved by law.

f. I acknowledge that this agreement does not in any way commit or require the government to continue my employment.

g. Training period requiring obligated service:

Program Title: ______________________________________
From (YYMMDD) __________________________ To (YYMMDD) __________________________
Number of duty hours __________________________ Non-duty hours __________________________

h. Period of obligated service:
From (YYMMDD) __________________________ To (YYMMDD) __________________________

i. I am not receiving any contributions, awards, or payments in connection with this training, from any other government agency or non-government organization and shall not accept such without first obtaining approval from the authorizing training official. I agree that should I fail to complete the requested training successfully due to circumstances within my control, I will reimburse the agency for all training costs (excluding salary) associated with my attendance.

j. By signing this Agreement, I acknowledge and understand my obligation to Commerce as described above.

__________________________________________  ________________________________
Employee signature                            Date signed