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Inspector General Bullet in

Shooting You in the Right Direction

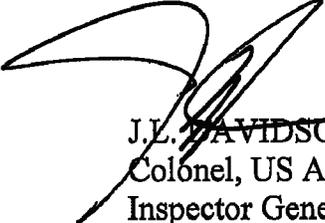
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Greetings from the Command Inspector General's Office! We would like to announce an IG Office initiative for this quarter — the Tennessee Leaders Handbook. We have developed a handbook primarily intended for 1SGs and Company Commanders, but which can be used by all leaders within the Tennessee Army National Guard. We are placing this Tennessee Leaders Handbook on our shared portal as a "Wiki" document. The intent is for this Leaders Handbook to be used as a guide for addressing and researching the majority of issues that a Command Team faces. We hope that it can be used as an effective and informative tool to assist leaders concerning common day-to-day Soldier issues—Flags, Bars, APFT, HT/WT, NCOER appeals, Safety Reporting and more. This handbook will provide an outline for many of the common administrative procedures for the Company Command team and will reference the pertinent/applicable Army and/or National Guard regulation. When using this handbook, keep in mind that it does not supersede or replace any Army or State regulation. We will place the Tennessee Leaders Handbook on the IG Shared Portal in a "Wiki" format in order to allow leaders at all levels access to update and provide proven techniques and procedures.

"Remember that it is the **actions**, and not the commission, that makes the officer, and that there is more expected from him, than the **title**. "

GEORGE WASHINGTON, Address to the Officers of the Virginia Regiment, January 8, 1756.


J.L. DAVIDSON
Colonel, US Army
Inspector General

A Bar to Reenlistment

Too often a Soldier states to the IG, I did not know that I was being considered for separation from the National Guard! Not only do we find that the Soldier in question did not receive the appropriate performance and developmental counseling, but in almost **all** cases the Soldier had not received a Bar to Reenlistment (BAR). A BAR should be considered as a rehabilitative tool, as a non-punitive probationary device intended to serve notice that a Soldier is not a candidate for reenlistment, immediate reenlistment or extension and may be discharged if the circumstances that led to the bar are not overcome.

AR 140-111 and U.S. Army Reserve Reenlistment Program and National Guard Policy Memorandum 09-026, dated 13 Aug 09, is applicable for administering BARs within the Army NG. Memo 09-206 states, "Only Soldiers of high moral character, personal competence, and demonstrated adaptability to the requirements of the professional Soldier's moral code may be reenlisted, immediately reenlisted or extended. Soldiers who cannot or will not measure up to such standards, but whose discharge under proper administrative procedures is not now war-

ranted, will have a BAR from further service under the provisions of this chapter."

Soldiers against whom BARs are initiated often have written documents that disclose the recurrence of one or a combination of the following:

- (1) *Late for formations, details, or assigned duties.*
- (2) *Unexcused absences and unsatisfactory participation.*
- (3) *Loss of clothing and equipment.*
- (4) *Substandard personal appearance.*
- (5) *Substandard personal hygiene.*
- (6) *Recurrent nonjudicial punishment.*
- (7) *Recurrent sickness on drill days without medical justification.*
- (8) *Cannot follow orders; shirks; takes too much time; is recalcitrant.*
- (9) *Cannot or will not train for a job; apathetic; disinterested; avoids training.*
- (10) *Cannot adapt to military life; uncooperative; involved in frequent difficulties with fellow Soldiers.*
- (11) *Failure to manage personal, marital, or family affairs. This includes failure to respond to duty requirements because of parenthood or custody of dependents (minor or adult) AR 600-20, paragraph 5-5.*
- (12) *Causes trouble in civilian community.*
- (13) *Involved in immoral activities*
- (14) *Personal behavior that brings discredit upon their unit and the ARNG/ ARNGUS.*
- (15) *Failure to achieve individual weapons qualification.*

Commanders **will** initiate a bar to reenlistment or discharge proceedings (per Memo 09-026, AR 140-111 and NGR 600-200) against Soldiers who:

- (1) Do not make satisfactory progress after a six-month period on the weight control program and have no medical reason to cause the condition.
- (2) Fail two consecutive APFTs.
- (3) Are removed for cause from NCOES courses.

Any commander in the Soldier's chain of command may initiate a Bar to Reenlistment. Normally, this action will be initiated by the company, battery, troop, or detachment level commander. A senior commander in the chain of command who believes that bar action is warranted will personally initiate a bar by completing NGB Form 602-R (Bar to Reenlistment/Immediate Reenlistment or Extension Certificate), summarizing the basis for the action.

If you have questions pertaining to Bars to Reenlistment procedures refer to National Guard Policy Memorandum 09-026, dated 13 Aug 09 or seek clarification from your Staff Judge Advocate or the IG.

COL Jeff Davidson

Improper Use of Government Vehicles

Thanks to American taxpayers, government agencies, including the Tennessee National Guard, are provided with vehicles to conduct official business. Whether you are a senior leader or our most junior Soldier, Airman, or civilian, government provided vehicles ensure that you don't have to use your personal vehicle to conduct official government business. Federal law, DoD directives, and Army regulations govern the proper use of government vehicles. A brief summaries of the applicable regulations follow:

1. Code of Federal Regulation (CFR), Standards of Ethical Conduct for Employees of the Executive Branch, states that an employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.
2. DoD Directive (DODD) 5500.7-R, Joint Ethics Regulation (JER), identifies the misuse of a Federal Government vehicle as being a criminal and punishable offense. It also strictly prohibits the use of government employees as drivers (or for other activities), related to the conduct of unofficial business.
3. Army Regulation AR 58-1, Management, Acquisition, and Use of Motor Vehicles, is the Army's regulation that prescribes policies, responsibilities, and procedures for the management, acquisition, and use of government non-tactical vehicles (NTVs) restricting their use to official purposes only.
4. Air Force Instruction (AFI) 24-301, Vehicle Operation, requires commanders and vehicle operators, to know vehicle use restrictions and what constitutes official use. It also requires vehicle administrators to restrict use of all DOD motor vehicles, including those rented or leased, for official purposes in support of authorized DoD functions, activities or operations.

The standard is clearly communicated in these guidelines that government vehicles are only to be used for official business; however, the concept of "official business" can be a gray area that may be difficult to interpret. Government wide



investigations, in recent years, have determined that leaders and authorized operators have used government vehicles, and their drivers, to conduct personal errands and unofficial business. These investigations often found that such unauthorized use of a government vehicle was inappropriately justified by being a more efficient use of the individual's time compare to the use of a personal vehicle or public transportation. The investigations also found that many operators or leaders authorizing such use also incorrectly believed that use of a government vehicle for unofficial business was authorized if it resulted in minimal cost to the government. Unfortunately, the regulations above cite neither cost nor time efficiency as factors justifying the use of government vehicles for non-official business. Additionally, the use of a government vehicle for unofficial business is not authorized even if such use enables the user to better execute their assigned duties.

General restrictions include (as found in AR 58-1 and similar to AFI 24-301):

1. Vehicles will not be provided when the justification is based solely on reasons or rank, position prestige, or personal convenience.
2. Transportation requirements do not include: transportation to private social functions; personal errands; or side trips for unofficial purposes; transportation of dependents or visitors without an accompanying official; or in

- support or non-DoD activities unless specifically approved under the provisions of Army Regulations.
3. Even on a government facility, these vehicles must not be used for transportation to or be parked at commissaries, post exchanges, or any non-appropriated fund activity unless personnel using the vehicles are on official Government business or temporary duty travel (TDY).
 4. NTVs will not be used to transport personnel over all or any part of the route between their domiciles and places of duty or employment, unless specific prior authorization is received.
 5. NTVs will not be used to transport Army personnel and their family members to, from, or between U. S. Government facilities or commercial establishments for the purpose of conducting personal business or engaging in other activities of a personal nature.
 6. Installation assets are procured or leased for the benefit of installation activities/agencies and not as a supplement to military equipment.

All personnel who are responsible for the proper use of a government vehicle must become familiar with the rules governing its use so they can be alert to potential violations and address such use proactively. The Office of the Inspector General, Tennessee National Guard can, will, and has addressed the misuse of government provided vehicles throughout the force in the form of random site inspections, special inspections directed by The Adjutant General, and through investigations into individual allegations of wrongdoing. Safeguard taxpayer dollars by only using government provided vehicles for legitimate government business.

MAJ Tim Roberts

Record APFT Failure/Flag Counseling

Developmental Counseling:

Is a subordinate-centered communication that outlines actions necessary for subordinates to achieve individual and/or organizational goals and objectives.

Goal/Intent: (FM 6-22, Para B- 4-7)

Event-oriented counseling involves a specific event or situation. This counseling may precede or follow events and is both positive and negative in nature. Successful event-oriented counseling must be conducted as close to the event as possible. The common tendency is to identify what went wrong instead of right. Often, counseling efforts focus on identifying/documenting the poor performance/conduct. Leaders must be just as diligent in identifying/documenting positive performance/conduct as well. When a leader's rehabilitative efforts fail, counseling with a view towards separation fills an administrative prerequisite to many administrative discharges and serves as a final warning to the Soldier. Adverse separation counseling may involve informing the Soldier of the administrative actions available to the commander in the event substandard performance/conduct continues and of the consequences associated with those administrative actions. (See AR 635-200)

Possible Purpose of Counseling: (reason for counseling; Para. B-53)

- Event counseling (e.g., Record APFT Failure).
- Leader includes facts and observations prior to the conduct of counseling.

The purpose of this counseling is to inform the Soldier that he failed to pass a record Army Physical Fitness Test (APFT), the potential career consequences, and to develop a plan of action for improved performance.

Facts:

1. APFT raw score requirements for your gender and age groups are:

Push-ups: _____ ; **Sit-ups:** _____ ; **2 Mile Run:** _____

2. You achieved the following raw scores on the record APFT:

Push-ups: _____ ; **Sit-ups:** _____ ; **2 Mile Run:** _____

3. You failed (place an "X" in appropriate categories) the following event(s) of the record APFT:

Push-ups: _____ ; **Sit-ups:** _____ ; **2 Mile Run:** _____

Possible Key Points of Discussion During Counseling: (Para B-54, 55)

Your failure to meet minimum APFT standards is an overall indication of your less than acceptable fitness standards. As this was a record APFT, you will be flagged or considered for a bar to reenlistment. This means you are not eligible for favorable actions like awards, promotions or attend primary military education (PME) until you pass a record APFT. You're required to take another record APFT within 180 days of the first record failure. (Must not exceed the 180 day window without documentation from qualified medical authorities) You will take a diagnostic APFT every 30 days until your record test to measure your progress. Continued poor performance of this nature could lead to further corrective training or elimination from the service. If separated for your duty performance, the least favorable character of discharge you could receive is "under honorable conditions". (AR 635-200, Para 13-10)

MAJ Doug Gale

Record APFT Failure/Flag Counseling (continued)

Possible Plan of Action: (subordinate and counselor develop plan; Para B-56)

You will participate in the company's special fitness program. Your squad leader and Master Fitness Trainer (MFT) will design a program to address your specific fitness needs. The program regimen will help you improve your area(s) of weakness and overall fitness level. **It will be necessary that you routinely spend some of your personal time to work on your physical conditioning.** Achieving Army minimum standards is not difficult, if you keep a positive "can-do" attitude and will to succeed. This is corrective, not punitive in nature and will assist both you and the command to ensure you are capable of passing a record APFT.

Record and Close the session: (Para B-57-59)

Although requirements to record counseling sessions vary, a leader always benefits from documenting the main points of a counseling session, even the informal ones. Army regulations require specific written records of counseling for certain personnel actions such as processing an administrative separation. When closing the counseling session, summarize the key points and ask if the subordinate understands and agrees with the proposed plan of action.

Possible Leader Responsibilities: (counselor's responsibilities to subordinate; Para B-60)

- Have Soldier medically evaluated for potential factors contributing to physical limitations. Possible dietary considerations.
- Structure fitness plan to meet Soldier's requirements.
- Squad Leader must stay involved and interested in Soldier's improvement.
- Ensure qualified NCOs conduct fitness training.
- Ensure participation of required Soldiers in the unit's special fitness program.
- PSG/ISG periodically joins in fitness sessions for encouragement/support and to verify training quality.
- Schedule a record APFT within 180 days of first record failure and must be agreed upon by the commander and Soldier.
- Upon passing of record APFT, release from special fitness program to participate in unit physical training.
- Upon passing of record APFT, removal of flag and bar to reenlistment (if applicable).

Required Action: (completed by command)

- In case of APFT failure, complete DA Form 268 to initiate flag action. **SIDPERS is the official record for flags not RCAS!**
- Ensure future counseling establishes that the Soldier was afforded a reasonable opportunity to overcome the deficiencies discussed prior to initiating chapter proceedings.
- Ensure both the counselor and the Soldier counseled sign the 4856.

Assessment: (completed by both the counselor and subordinate; Para B-61)

- To be completed once action(s)/standards/desired results are achieved, corrective/rehabilitative training/punishment is complete, or the plan of action has changed.

References: 1. FM 6-2200, Appendix B, dated, 12 October 2006
2. AR 635-200(RAR), dated 6 September 2011.

**** (This example is intended to be used as a guide and is not all inclusive)****

MAJ Doug Gale

Adverse Effects of Hostile Work Environment

A hostile work environment exists when an employee experiences workplace harassment and fears going to work because of the offensive, intimidating, or oppressive atmosphere generated by the harasser based on race, religion, sex, national origin, age, disability, veteran status, or, in some jurisdictions, sexual orientation, political affiliation, citizenship status, marital status, or personal appearance. Hostile work environment is also one of the two legal categories of sexual harassment. Anyone in the workplace might commit this type of harassment – a management official, co-worker, or non-employee, such as a contractor, vendor or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

A hostile work environment is a form of harassment. It is demonstrated by such severe and pervasive conduct that permeates the work environment and interferes with an employee's ability to perform his or her job. When a person or people are acting offensively toward you, they are creating a hostile work environment for you. A hostile work environment can be created by offensive actions (touching, discriminatory job assignments) or offensive words. A hostile work environment has a negative effect on the organization as a whole.

Working in a hostile environment can harm you emotionally, physically and mentally. It can even put you at greater risk for heart disease, depression, cancer, anxiety and a number of other ailments. The effects of a hostile work environment have been compared to a cancer that creeps slowly throughout the organization, until it becomes the accepted culture of a particular workplace. When asked what it is like to work in a hostile work environment it has been

described as entering the bullring. It is very difficult for an employee to be effective and productive when they are constantly on guard.

In order for a person to feel linked to their environments and perform at peak levels, they need to feel connected and have a sense of belonging. When alienated, an individual will soon lose their connectedness to their peers, management and the organization as a whole. When employees disengage from a hostile working environment, they are simply going through the motions while at work. Individuals focus their time 'stuffing' the negative energy rather than focusing on productive energy. Research shows that when individuals are exposed to high amounts of stress or low levels of continuous stress, the chemicals produced by the body put a person in fight or flight mode. Essentially this reduces all higher-level thinking and rational thought. Employees may find it difficult to concentrate or to learn new tasks. They may make many careless errors and have difficulty retaining information. Stress hormones play a significant role in suppressing memory. If one considers that trauma victims sometimes cannot remember the actual trauma, this becomes more clear in considering a hostile work environment and its effect on individual employees.

How does a hostile work environment affect an organization? Lost productivity, absenteeism, increased use of healthcare benefits, and reduced morale are a few examples of the monetary loss associated with allowing this type of work environment to continue. Management has the responsibility to be aware of the work surroundings at all times, and discern possible hostile work environment issues based on lost productivity, increased rates of sickness, and general lack of morale among employees.



Harassment that results in a tangible employment action occurs when a management official's harassing conduct results in some significant change in an employee's employment status (e.g., hiring, firing, promotion, failure to promote, demotion, formal discipline, such as suspension, undesirable reassignment, or a significant change in benefits, a compensation decision, or a work assignment). Only individuals with supervisory or managerial responsibility can commit this type of harassment.

A hostile work environment is actionable in the EEO process when it is based on allegations or discrimination; e.g., race, color, sex, national origin, religion, age, disability or sexual orientation, or reprisal. Stopping the hostile work environment/harassment is the primary action. However, this may not prevent the employee from filing a formal EEO complaint alleging a discriminatory hostile work environment/harassment. This is a right the employee has under the Federal EEO complaint process. The employee might also be entitled to personal relief such as restoration or leave or other appropriate remedy caused by the harassment.

Connie Witherow

Did Ya Know?

Did ya know... Civilian doctors to include VA doctors cannot issue physical profiles to Soldiers? In accordance with AR 40-501, para 708, For Army National Guard Soldiers not on active duty, profiles will be accomplished by State ARNG providers. Chapter 10 specifically addresses ARNG Soldiers and requires them to report any hospitalization, significant illness, or disease that occurs when not on duty, to the unit Commander or 1SG at the earliest possible opportunity and, in all cases, before initiating the next period of training. Paragraph 10-15 requires that Soldiers report in writing, any recommendation for restricted activity that has been made by a private physician before performing any duty. This includes VA physicians. It is the individual Soldier's responsibility to report any medical problems immediately to the chain of command. Commanders will honor the private physician's recommendation until the Soldier is evaluated by a military provider, and a recommended course of action is determined by a designated military profiling officer. In short; the note you got from your personal doctor is not an official profile. That note does however need to be submitted by your unit administrator via MODS for approval by a profiling officer. If all goes as it should, a profile assessment by a military provider should occur before the next period of duty.



Did ya know... You cannot simply transfer from the Army National Guard to the Army Reserves or Active Army? However; you can request a conditional release for entrance into another component of the military service. Keep in mind that your request does not have to be approved. For example, if a unit or component is undermanned in a particular MOS, the conditional release may be disapproved. If you can't pass the APFT or Height/Weight your chances of being released are slim to none. You should also understand that this process isn't necessarily fast. The TNARNG guidance for processing requests for Conditional Release can be found in TAG Policy Memorandum, Guidance for Processing Request for Conditional Release.

Requests must include the following documents:

1. DD Form 368 completed by the Soldier's recruiter along with both signatures. (Sections II and III, and the remarks page should be left blank).
2. DA Form 4187 [Signed by the Unit Commander and Soldier];
3. A signed justification letter from the Soldier stating the circumstances leading to the request for release from the TNARNG;
4. A memorandum from the MACOM CSM stating whether they recommend approval or disapproval for the release.
5. A memorandum from each level of the Soldier's Command stating whether they recommend approval or disapproval of the release. **(A line THRU with the initials and date from higher Commander is NOT acceptable).**
6. Conditional release Fact Sheet and contact information for Soldier requesting conditional Release (phone number and AKO email address).
7. PQR to show enlistment and ETS date.

Soldiers who are alerted for mobilizations are not eligible for conditional release. The Adjutant General is the approving authority for conditional releases. I hate to see anyone leave the TNARNG, but I also understand that circumstances and situations dictate what we do in life and with our career.

“Now You Know”

MSG David Malone

Basics of Counseling

Counseling is a basic responsibility of every leader and an important part of taking care of Soldiers. Counseling responsibility ranges from holding scheduled, structured counseling sessions to conducting event oriented disciplinary counseling to providing on the spot guidance. Commanders will ensure that all members of their command receive timely performance counseling. Effective performance counseling of officers, non-commissioned officers (NCO), enlisted Soldiers and DA Civilian employee's helps to ensure that they are prepared to carry out their duties efficiently and accomplish the mission. AR 623-3 contains counseling requirements in conjunction with the evaluation reporting requirements. Unit commanders will determine the timing and specific methods used to provide guidance and direction through counseling. FM 6.22 provides advice and makes suggestions concerning effective counseling. It is a command function to provide regular and effective performance counseling to all Soldiers, not just those whose performance fails to meet unit standards. All commanders will ensure that their subordinate commanders have implemented and are maintaining an effective performance counseling program. Performance counseling statements inform Soldiers about their jobs and expected performance standards and provides feedback on actual performance. To be effective, developmental counseling must be a shared effort. Leaders assist their subordinates in identifying strengths and weaknesses and creating plans of action. Once an individual development plan is agreed upon, they support their Soldiers and civilians throughout the plan implementation



and continued assessment. To achieve success, subordinates must be forthright in their commitment to improve and candid in their own assessments and goal setting. Army leaders evaluate Army civilians using procedures prescribed under civilian personnel policies. DA Form 4856 is appropriate to counsel Army civilians on professional growth and career goals. DA Form 4856 is not adequate to address civilian counseling concerning Army civilian misconduct or poor performance. The servicing Civilian Personnel Office can provide guidance for such situations. Caring and empathic Army leaders conduct counseling to help subordinates become better team members, maintain or improve performance, and prepare for the future. While it is not easy to address every possible counseling situation, leader self-awareness and an adaptable counseling style focusing on key characteristics will enhance personal effectiveness as a counselor. The best counseling is always looking forward. It does not dwell on the past and what was done, rather on the future and what can be done better.

Don't wait to build a book on a Soldier. There will be opportunities to counsel each week. Do not procrastinate! Be positive and proactive!

Leaders must demonstrate these qualities to counsel effectively:

- Respect for subordinates.
- Self and cultural awareness.
- Credibility.
- Empathy.

Leaders must possess these counseling skills:

- Active listening.
- Responding.
- Questioning.

Effective leaders avoid common counseling mistakes. Leaders should avoid:

- Personal bias.
- Rash judgments.
- Stereotyping.
- Losing emotional control.
- Inflexible counseling methods.
- Improper follow-up.

The Counseling Process:
Identify the need for counseling.
Prepare for counseling:

- Select a suitable place.
- Schedule the time.
- Notify the subordinate well in advance.
- Organize the information.
- Plan counseling strategy.
- Establish the right atmosphere.

Conduct the counseling session:

- Open the session.
- Discuss the issue.
- Develop a plan of action (to include the leaders responsibilities).

Follow up:

- Support plan of action implementation.
- Assess the plan of action.

MSG Cindy Wilson

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About The Inspector General:

- Acts as impartial fact-finder and honest broker
- Is a problem solver; recommending solutions to Commanders
- Maintains open communication through non-attribution, but cannot guarantee absolute confidentiality
- Participates in regular staff planning and functions
- Shall not recommend adverse or punitive action
- Does not compare units for favorable or unfavorable recognition (inspections)

IG Mission:

Extend the Eyes, Ears, Voice and Conscience of The Adjutant General. Identify problems or Issues; determine their Root Causes; teach systems, processes and procedures; identify responsibility for corrective action and promote and spread innovative ideas.

IG Vision:

Professional, competent special staff element that lives by the Army Values, has fun and gets the job done while demonstrating caring and concern in every action.

Before You Contact the Inspector General:

- Be sure you have a problem, not just a peeve (are the cooks turning out lousy chow or was it just one bad meal?)
- Give your chain of command a chance to solve the problem (many problems must be addressed to the chain of command for resolution anyway)
- If IG assistance is needed, contact your local IG first. (IG's at higher commands will normally refer the case to the local IG for action)
- Be honest and don't provide misleading information (IGs will discover the truth quickly in most cases and there are penalties for knowingly providing false information)
- Keep in mind that IGs are not policy makers (if a policy is flawed, you can submit proposed changes on a DA Form 2028)

We're on the Web

<https://tn.ngb.army.mil/tnmilitary/IG/Default.htm>