

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

ICE Directive 1055.1:

Voluntary Health and Wellness Program

Issue Date: June 28, 2018
Effective Date: June 28, 2018
Superseded: None.
Federal Enterprise Architecture Number: 306-112-002a

- 1. Purpose/Background.** The purpose of this Directive is to codify current health and wellness practices of U.S. Immigration and Customs Enforcement (ICE) employees. This Directive promotes the physical health and fitness of ICE employees and ensures uniform standards for contracting offsite fitness facilities. Additionally, this directive establishes the functions of the ICE Health and Wellness Coordinator within the Office of Human Capital (OHC).

A healthy workforce is vital to carrying out ICE’s mission. Worksite health and wellness programs can also produce organizational and employee benefits such as lowering healthcare costs, increasing productivity, improving recruitment and retention of ICE employees, reducing absenteeism, and enhancing employee engagement. Worksite health and wellness activities include, but are not limited to, health education, nutrition services, lactation support, physical activity promotion, screenings, vaccinations, traditional occupational health and safety disease management, and linkages to related employee services.

- 2. Policy.**

- 2.1. Voluntary Health and Wellness Programs.** ICE promotes the physical health and fitness of its employees. ICE employees are encouraged to exercise and engage in wellness activities. While personal fitness is an individual responsibility, ICE may, within funds available, expand the opportunities for individuals to empower themselves to improve their general health. Such opportunities may include, improving the flow of information about personal fitness, assisting in the utilization of that information, or increasing the accessibility of resources for physical activity. Participation in wellness activities is encouraged but optional.

Directorates and Program Offices retain authority and discretion to establish further guidance for optional participation in wellness programs. Additionally, subsequent guidance from Directorates and Program Offices must be informed by, and may be more restrictive than, relevant DHS policy.¹ This directive does not supersede previously existing health and wellness policies or programs within the Directorates or Program Offices.

¹ See relevant DHS foundational documents listed in the Authorities/References section in this Directive; this list is not exhaustive.

2.2. Funding and Contracts. Directorates or Program Offices are not permitted to use appropriated funds to pay for expenses personal to employees participating in health and wellness programs, such as entry or sponsor fees to events, t-shirts, running shows, or tent rentals. ICE should encourage employee participation and recognize achievements of its employees in fitness activities, consistent with fiscal limitation on the use of appropriated funds and applicable ethics constraints. ICE can, whenever feasible, provide onsite fitness facilities or fitness equipment. If onsite fitness facilities are not available, ICE can consider using appropriated funds to subsidize or discount the cost of offsite fitness center memberships. Requests for authorization to enter into a contract with an offsite fitness facility for employee use shall be submitted to the Executive Associate Director (EAD) of Management and Administration (M&A) for review and approval. ICE will not reimburse employees for the cost of personal gym memberships or fees.

3. Definitions.

3.1. Field Responsible Official (FRO). The highest-ranking official in any ICE field location; including Special Agents in Charge, Field Office Directors, ICE Attachés, Chief Counsels, and other officials designated in writing by the ICE Director.

3.2. Headquarters Responsible Officials (HROs). EADs of Enforcement and Removal Operations, Homeland Security Investigations, and M&A; the Associate Director of the Office of Professional Responsibility; and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, Chief of Staff, or M&A EAD.

3.3. Inadequate facilities. For purposes of this Directive, inadequate facilities are defined as such locations that are ill equipped, in disrepair, or pose danger to the employee arising from the physical location of the facility.

4. Responsibilities.

4.1. All EADs are responsible for determining how their Directorates and/or Program Offices will apply Voluntary Health and Wellness Programs.

4.2. The EAD for M&A is responsible for providing written authorization for ICE to enter into contracts with offsite fitness facilities.

4.3. The HROs are responsible for:

- 1) Submitting written offsite fitness facility contract requests to the M&A EAD; and
- 2) Ensuring compliance with the provisions of this Directive within his or her Directorate or Program Office.

4.4. The FROs are responsible for:

- 1) Assessing whether onsite fitness facilities are unavailable or inadequate for employee use; and
- 2) Submitting written requests to the HRO for employee access to an offsite fitness facility.

4.5. The Office of Human Capital (OHC) is responsible for:

- 1) Designating an ICE Health and Wellness Coordinator; and
- 2) Ensuring compliance with the Department of Homeland Security (DHS) Directive 254-07, *Workplace Health and Wellness Program*, dated August 22, 2016, and DHS Instruction 254-07-001, also titled, *Workplace Health and Wellness Program*, dated August 24, 2016, or as updated.

4.6. The ICE Health and Wellness Coordinator is responsible for coordinating with the DHS Workplace Health and Wellness Coordinator,² communicating with ICE stakeholders on health and wellness issues, and promoting health and wellness.

4.7. ICE Supervisors are responsible for promoting workplace health and wellness.

4.8. ICE Employees are responsible for following policies and guidelines related to health and wellness activities, time and attendance, and any other related procedures that arise from voluntary participation in health and wellness activities.

5. Procedures/Requirements.

5.1. Offsite Fitness Facility Contracts. In accordance with DHS policy, contracts for commercial fitness center memberships should be competed to the maximum extent practicable. Fitness center memberships shall be in the name of ICE not the individual employee. Any contract between ICE and an offsite fitness facility must have written authorization and approval by the M&A EAD. The following procedures must be followed:

- 1) The FRO assesses the availability and/or adequacy of other fitness resources (e.g., other Federal fitness centers, low cost community centers or universities) and makes a written determination, coupled with an explanation, that such resources are unavailable or inadequate. The FRO will submit a written request to his or her HRO, through his or her chain of command, for employee access to an offsite fitness facility. The written request must detail the basis on which an onsite fitness facility is unavailable or inadequate and explain how employee usage of fitness center memberships and the facility will be monitored as part of a preventative health program.

² See duties established in DHS Directive 254-07 *Workplace Health and Wellness Program*, August 24, 2016, or as updated.

- 2) The HRO will evaluate requests and, in the exercise of discretion and the best interests of the agency, make a final determination regarding the unavailability or inadequacy of an onsite fitness facility. Should the HRO deem it to be unavailable or inadequate, he or she will submit a written request for a contract between ICE and an offsite fitness facility to the M&A EAD.
- 3) The M&A EAD, in the exercise of discretion and the best interests of the agency, will provide final written authorization for a contract between ICE and an offsite fitness facility.

6. Recordkeeping.

- 6.1. All related records will be stored and maintained by the ICE Health and Wellness Coordinator in accordance with approved National Archives and Records Administration schedules.
- 6.2. The Contacting Officer shall maintain in the contract file a copy of the FRO assessment and determination, HRO determination, and M&A EAD approval for six years after final payment or cancellation in accordance with GRS 1.1, item 010.

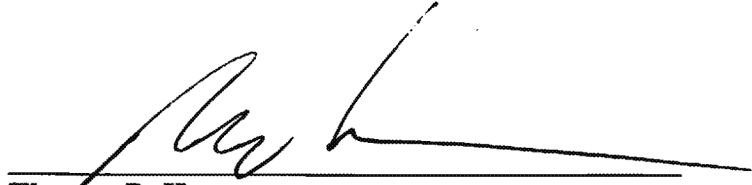
7. Authorities/References.

- 7.1. 5 U.S.C. §7901 – *Health Service Programs*.
- 7.2. Office of Personnel Management (OPM) Healthier Feds Program.
- 7.3. *Defense Medical Systems Support Center-Health and Fitness Program*, 70 Comp. Gen. 190 (Jan. 18, 1991).
- 7.4. DHS Directive 254-07, *Workplace Health and Wellness Program*, August 22, 2016; DHS Instruction 254-07-001, *Workplace Health and Wellness Program*, August 24, 2016; and DHS Guidelines Human Resources Management & Services, *Workplace Health and Wellness Guidelines*, April 3, 2017.
- 7.5. Executive Order 13266, *Activities to Promote Personal Fitness*, June 20, 2002.
- 7.6. Office of Personnel Management, *2018 Federal Workforce Priorities Report*, February 7, 2018.

8. Attachments. None.

9. **No Private Right.** This document provides only internal ICE policy guidance, which may be modified, rescinded, or superseded at any time without notice. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal

matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigative prerogatives of ICE.



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