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FORT BENNING, GEORGIA 31905**



PECP-SCR-H

2 April 2007

SUBJECT: Fort Benning CPAC Staffing Update 4-2007

1. This publication is issued to ensure the Fort Benning Commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Future updates will contain updated information on specific employment topics (i.e., compensation, recruiting procedures, travel entitlements, classification issues, NSPS implementation information, etc.) and will be issued on a monthly basis.

2. **Health Policy Changes Finalized.** OPM has published final rules providing extended FEHB coverage, including authority for agencies to pay both the employer and enrollee share, for up to 24 months to federal employees called or ordered to active duty and who meet certain requirements, including serving in support of a contingency operation. The maximum period was increased from 18 months under a 2004 law.

OPM also has published final rules requiring agencies to provide employees entering leave without pay status, or whose pay is insufficient to cover their FEHB premium payments, written notice of their opportunity to continue their FEHB coverage. Employees who want to continue their enrollment must sign a form agreeing to pay their premiums directly to their agency on a current basis, or to incur a debt to be withheld from their future salary.

3. **Disputed Health Benefits Claims.** The Federal Employees Health Benefits program is one of the best run operations in government. Among other things, it annually secures better premium rates than the private sector and assures that benefits are promptly and accurately handled by all the plans in the program. However, if you or one of your loved ones has had health problems and a request for coverage or payment was rejected by your FEHB plan, either completely or in part, what do you do?

Well, the first thing to do is to pull out the plan brochure and go to the section on disputed claims. There an explanation of the process will be found. In most cases, it reads something like this:

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Write to us at the address shown on your explanation of benefits form within 6 months of the date of our decision, including a statement about why you believe our decision was wrong, citing specific benefit provisions in the brochure, and including copies of documents that support your claim.

The plan then has 30 days from the time they receive the request to either 1) pay the claim, pre-certify the hospital stay, or grant prior approval for a service, drug or supply, 2) ask the enrollee or provider for more information or 3) continue to deny the request.

If asked for more information, 60 days is the timeframe within which the information is to be provided; and the carrier has 30 days in which to respond. If the carrier's decision is not satisfactory, the next step is to write to the Office of Personnel Management asking them to review it.

To get that review, OPM must receive a written request within 90 days after [you] receive the plan's letter upholding its decision (or 120 days from when you first wrote the plan if they didn't meet their 30-day standard or after they asked for additional information).

When OPM receives your letter, you'll get an acknowledgement by return mail. On it will be a phone number you can call to check the status of your disputed claim. I recommend that you not rush to the phone. Be patient. Your case worker needs time to review the package, which is only one of many he or she is handling. However, if time drags on, then you should call to find out why. Then if nothing happens, even with repeated calls or letters, it may be time to escalate the matter.

Begin by writing to the head of the organization explaining the problem. That would be Robert F. Danbeck, Associate Director, Division for Human Resources Products and Services, OPM, 1900 E Street, NW, Washington, DC 20415. Your letter will cause pressure to be put on the staff handling your claim. If you don't get a speedy resolution, go to stage two. Write the head of OPM. Her name is Linda M. Springer. Just write her at the address above. Agency heads expect an even faster response from staff than does the organization's top manager. It's rare that any matter needs to be pursued beyond this level.

Of course, you *can* write to your Member of Congress and ask him or her to intercede for you. However, from long experience running the program, I can tell you that this rarely gets faster results than staying within OPM's own system. In general, congressional inquiries only create an additional layer of paperwork that needs to be cleared away when providing you with an answer.

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Once you have received a decision from OPM, there's only one place to go if you're unhappy with it. That's the federal district court that serves your area of the country. If you decide to go that route, you'll have to file your complaint by December 31 of the third year after the one in which the dispute arose.

4. **Credibility an Issue in SES Pay System.** The potential for politicization and the emphasis on reducing the number of executives getting top ratings have raised questions about the SES pay-for-performance system, which was launched in 2004 and is seen as a potential model for linking pay more closely to performance at other levels of the government as well, the Congressional Research Service (CRS) has said.

The SES system was revised in order to improve both accountability and mission accomplishment. On the carrot side, the former six levels of SES pay were replaced by a single pay band, with agencies having greater discretion to place individuals at higher pay levels due to their qualifications and performance. On the stick side, CRS said, under the prior policy an exec's pay could be reduced for performance or conduct reasons by no less than 5 percent, while under the current system, a 10 percent reduction is possible.

As that system has gotten established, much of the attention has been focused on the quality of the ratings and the potential for manipulation.

Said CRS: "Whereas some believe the new SES pay system promises to be effective and credible, the judgment of other interested parties, including some senior executives and other federal government employees, will apparently hinge on whether they perceive the system as being equitable, including being free from partisan influence, and transparent. The general acceptance of the new pay system may be contingent, at least in part, upon how it is implemented and how it is perceived."

One troubling early sign, it said, was a 2005 DoD policy, since overridden by law, that would have allowed non-career SES members to receive a higher increase in base pay than certain categories of career SES members,

"Speculation within the SES ranks as to why certain members of the service fared better than others on performance appraisals might be fueled by, or lead to, charges of favoritism. Perhaps such concerns have existed previously, but the perceived increase in latitude afforded supervisors under the new system has led some to suggest that perceived favoritism may be a problem, or a greater problem, under the new system than it was under the previous system," the report said.

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Said CRS, "Ultimately, the significance of the differences in how agencies allocate pay increases may be determined by senior executives themselves. Will they view the lack of standardization as inequitable, or desirable, whereby agencies are allowed to exercise discretion? Answers may vary depending upon, perhaps, where a senior executive is employed."

5. **House Passes FOIA Bill over White House Protests**. The House overwhelmingly passed sweeping legislation Wednesday, 14 Mar 07, amending the Freedom of Information Act, despite the Bush administration's contention the bill would impose substantial administrative and financial burdens on agencies.

The bill (H.R. 1309), sponsored by House Oversight and Government Reform Chairman Henry Waxman, D-Calif., garnered bipartisan support, passing 308-117. The panel's ranking member, Rep. Tom Davis, R-Va., said the measure drew from legislation introduced by Republicans in previous sessions of Congress.

On the Senate side, Judiciary Committee Chairman Patrick Leahy, D-Vt. introduced similar legislation (S. 849). That bill awaits action in the Judiciary Committee.

Leahy said the measures will make government records and information more accessible to the public, and he hoped the Senate passes its version of the bill promptly.

"At a time when government is collecting more and more information about every American, it only seems fair that the American people should also be able to find out what their government is up to," Leahy said.

In a policy statement on the House measure, the White House backed the goals of the legislation, but said the administration cannot support the bill because it would be premature and counterproductive. The White House stopped short of issuing a veto threat, however.

An executive order issued by President Bush 15 months ago is the proper means to spur improvement in agencies' FOIA responses, according to the statement. The Justice Department's preliminary review of annual reports required under the order indicated that some agencies already have achieved meaningful backlog reductions, the statement noted.

Several provisions could result in slower processing of information requests, the administration argued. Agencies might need additional personnel and funding to

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meet the requirements, but would have to draw from their existing resources, according to the White House.

The annual reports issued last year illustrate that the challenges agencies face in responding to FOIA requests are often unique and require tailored reforms, not a government wide, one-size-fits-all legislative approach, the statement said.

The administration opposed a provision that would create an Office of Government Information Services within the National Archives, and any intent that the proposed Office would take on a policy-making role with respect to FOIA compliance. The FOIA compliance function is appropriately placed with the Justice Department, the administration said.

The administration also opposed language aimed at reversing an October 2001 memorandum from President Bush's first attorney general, John Ashcroft, which urged agencies to disclose information under FOIA only after fully considering the institutional, commercial and personal privacy implications.

6. Union, GSA at Odds Over Personnel Policies After Merger. Disagreement on how to merge divergent personnel policies at two recently combined General Services Administration contracting divisions could affect thousands of federal procurement workers, union officials said this week [12-16 Mar 07].

GSA's Federal Supply Service, which purchased office equipment and other materials, and the agency's Federal Technology Service, which provided information technology products, had very different policies on pay, employee bonuses, telework and other personnel issues, according to the National Federation of Federal Employees. The two were consolidated into the Federal Acquisition Service last year.

Until parties agree on policies to cover the combined organization, employees will be left in the dark, NFFE officials said. Union officials said that while they are not opposed to the reorganization, they want to ensure the merger does not have a negative effect on workers.

"We must see that the ... lives of the employees we represent are not adversely affected by ill-defined decisions made later," said Charles Paidock, chief negotiator for the more than 2,000 FAS employees who are NFFE members.

NFFE and GSA have been at odds over policies for the merged procurement service since they began negotiations in mid-January. The parties have since

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recessed and have sought assistance from the Federal Mediation and Conciliation Service, an independent agency that promotes labor-management cooperation.

Art Valero, director of labor relations at GSA, said the agency has provided information to both NFFE and the American Federation of Government Employees, another union representing GSA workers, ever since the merger was conceived. The agency has since held a series of union briefings and has provided "detailed crosswalks" showing that every employee would retain the same grade and would not be required to make a geographic move, Valero said.

AFGE "was given the same notification, and bargaining with AFGE has been completed," Valero said.

NFFE said it has presented GSA with 135 proposals since negotiations began, and the agency has accepted only eight. Several of those have been narrowed in scope, said John Hanley, president of the NFFE GSA National Council.

But Valero said that while NFFE has made proposals, they have not constituted "appropriate arrangements." In fact, most of the proposals cover subjects that are already in an overall agreement between NFFE and GSA, Valero said, adding that a general rule in federal labor relations law is that agencies are not required to negotiate topics that are adequately covered in a current agreement.

Hanley attributed much of the problem to GSA's placing a contractor in charge of negotiations. He said private sector workers are unable to understand the agency's culture and lack concern for the employees involved.

"The in-house people have a vested interest in the success of the agency," Hanley said. "They want to protect their job. It's unprecedented for a contractor to be at the table."

Valero said, however, that a fundamental concept in negotiation is that each party is free to designate a representative.

"NFFE has frequently used nongovernmental employees who are employed by the union as negotiators," Valero said. "That is their right, just as a government agency may choose whomever they wish to represent them."

Hanley said the parties will return to the negotiating table next week, with a plan to meet with the FMCS Wednesday.

7. **FERS Retirement Supplement.** Employees in the Federal Employees Retirement System (FERS) with at least one calendar year of FERS service when they retire may be eligible for a Special Retirement Supplement. This supplement, (also known as the FERS Supplement) is unique to FERS employees. The purpose of the retirement supplement is to provide a level of income before age 62 similar to what a retiree will receive at age 62 as part of their Social Security benefit. The supplement stops at age 62 even if the retiree is *not* eligible for Social Security. Like Social Security benefits, the supplement is subject to an earnings test. Specifically, the supplement is reduced if the income from earnings or self-employment is higher than an allowable amount.

In addition to at least one full calendar year of FERS service, an employee must *retire* on an immediate annuity (that is, one that begins within one month of separation) under one of the following provisions to be eligible for the FERS Supplement:

1. After 30 years of service at or after Minimum Retirement Age (MRA); or
2. After 20 years of service at or after age 60; or
3. Under one of the special provisions for law enforcement officers, firefighters, air traffic controllers, or military reserve technicians; or
4. Under Discontinued Service Retirement (DSR) or early retirement (that is, a major Reduction-in-Force (RIF), reorganization, or transfer of function) provisions. However, if an employee retires on a DSR or an early retirement, eh/she will have to wait until they reach their MRA before becoming eligible to receive the supplement.

If an employee retires on a disability, MRA + 10 provision, over the age of 62, or under the Civil Service Retirement System (CSRS) he/she **cannot** receive a supplement. For more information on the FERS Supplement, please visit the Office of Personnel Management (OPM) website at www.opm.gov or call 1-877-276-9287 [or 1-877-276-9833 for TDD].

8. **Paying LTCI Premiums in Retirement.** Deductions for Long Term Care Insurance (LTCI) do not automatically transfer from the agency to a retirement system. Employees currently enrolled in LTCI and contemplating retirement soon should contact LTC Partners and give them the effective date of their retirement. Subsequently, the LTC Partners will work with the Office of Personnel Management (OPM) to set up premium deductions from the retirement annuity. LTC Partners will bill retirees directly for premiums due while those retirees are in receipt of interim annuity payments from OPM. This is because LTCI premiums cannot be deducted from interim pay. Once the retirement is

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finalized, LTCI premiums will be deducted from the annuity. Once direct billing/deductions have been established it is imperative that the premiums be paid promptly as annuity deductions cannot be adjusted to "catch up" uncollected premiums.

For additional information or to notify LTC Partners of retirement, the Customer Service Center is available and can be reached at 1-800-LTC-FEDS (1-800-582-3337, option #3), or TTY at 1-800-843-3557. Additional information is also available on the LTCFEDS website at www.ltcfeds.com.

9. **Cancelling FEHB Coverage**. Due to Internal Revenue Service (IRS) imposed regulations on employees participating in Premium Conversion, an employee may not be able to cancel or change his/her Federal Employees Health Benefits (FEHB) plan outside Open Season. Premium Conversion, which came into existence in October 2000, is the "pre-tax" arrangement that facilitates FEHB premiums being paid from take home pay before tax is levied. As a consequence, employees save on Federal income tax and FICA taxes (Social Security and Medicare taxes). In most cases, employees also save on State and local income tax.

The exception to cancellation outside of an Open Season is a Qualifying Life Event (QLE), such as birth of a child, marriage, or divorce. Additional information on Premium Conversion and QLEs is available via the OPM website at <https://www.opm.gov> or telephonically at 1-877-276-9287 or 1-877-276-9833 [for TDD].

10. **Justice Insiders Give Advice on Job Competitions**. Competing on a team to keep work in-house can be one of the most stressful jobs in a government employee's career, but offers a unique opportunity to experience the proposal process, according to two Justice Department employees who led a winning bid for operations support work.

Early March, Justice announced that an in-house team, known as a "most efficient organization," won a public-private competition for computer facilities management work. The work, competed under the Office of Management and Budget's Circular A-76 rules, covered the jobs of 127 federal employees and 125 contractors.

In a lessons learned paper developed before the award decision was announced, Nancy Chamberlin and Bob Miller -- co-leaders of the team that developed the employee proposal -- discussed challenges associated with the competition and

how cultural and other differences that separate contractors and federal employees affected the process.

Chamberlin and Miller said that in preparing to join an in-house team, a government employee should expect to spend at least a year and likely more on a project that sometimes demands long hours and can require that personal plans be unexpectedly altered.

After the request for proposals comes out, they warned, "the need for working long hours, seven days a week, should not surprise you." The authors reflected how "this cramming approach seems to be the normal process for bidders."

The team leaders also warned about cultural changes: "Realize that the very nature of an A-76 competition generates stress among the affected federal employees ... The stress from affected staff tends to bubble up to the MEO team leads."

But the process can be rewarding as well, they said, and "is a wonderful opportunity for federal employees to observe and experience the proposal development process from the point of view of a bidder." It also provides a chance to explore new ways of doing things that could be difficult under normal operations, they said.

Chamberlin and Miller found that at the Justice Department, which had little experience with the process used for large competitions, they often had to push hard to ensure respect for the in-house team.

"Standing up for MEO team rights, especially where little guidance to clarify these rights exists, may be perceived [by management] as being uncooperative," they wrote. Citing agencies' inclination to err on the side of fairness to the contractor, they urged in-house teams to push for appropriate information and access, and to consider options like using the Freedom of Information Act.

The co-leaders urged others in their shoes to carve out early the resources needed to put a bid together. An MEO might need to be located away from the regular office to ensure that confidential bid information is not compromised, they said. The team might also need separate computers, printers, network connections and even e-mail accounts to ensure that proprietary information is not available to affected employees or potential competitors.

Tasks normally performed by those working full-time on the in-house bid might need to be done by others in the office, or even by temporary employees, they said. The Justice Department team included a core group of six people working full-time, as well as an additional two dozen who contributed as needed.

The Justice co-leaders noted that asserting the need for resources can pit the in-house team against managers: "Th[e] struggle for resources, combined with the physical separation of the MEO team, may impede communications with management and result in an 'us versus them' mentality." They suggested that occasional reminders that the team leaders were appointed by management could help keep the peace.

They also urged MEO teams to communicate as much as possible with affected employees, answering general questions about public-private competitions, the procedural aspects of any retirement incentives, hiring freezes or potential layoffs and the competition's status. "We hope this helped employees understand the process," they said, "and, to the extent possible, view it more as an opportunity than a punishment."

11. **TSP Boosts Participation of Young, Lower-Paid Employees**. Younger civilian workers and those at the lower end of the pay scale are participating in the government's 401(k)-style retirement savings plan at increasing rates, according to newly compiled demographic data.

This is good news because these tend to be the groups where it is hardest to boost participation, said Greg Long, director of product development for the Thrift Savings Plan, in summarizing the data for board members at a meeting Monday.

The report focuses on full-time civilian employees and covers the period from 2000 to 2005.

TSP participation rates for Federal Employees Retirement System workers younger than 30 rose from 76.3 percent in 2000 to 83.8 percent in 2005, the report stated. For FERS employees in the lowest-paid quintile, it increased from 75.7 percent in 2000 to 78.8 percent in 2005.

FERS is the newer of two retirement systems for federal employees, and is more dependent on TSP contributions than the older Civil Service Retirement System.

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With the exception of these groups, participation rates among civilians topped out at about 88 percent for full-time employees in FERS over the five-year period. This comes on the heels of steady growth in the 1990s, the report said.

The recent civilian participation rates are about as high as can be expected, leaving the military as a key place to concentrate any efforts to expand, TSP board officials said. The services for the most part do not offer to match employee contributions, making participation less enticing.

One exception is an Army pilot project to match contributions of some soldiers at the same rate as that enjoyed by FERS participants. The project is meant to boost recruitment in hard-to-fill specialty posts, and the matching funds only are available to soldiers who enlist in such posts for five years or more. So far, 3,309 soldiers have signed up.

The demographics and behavior report also noted that civilian TSP participants have increased the average percentage of pay they contribute. For FERS employees, the average rate grew from 7.1 percent in 2000 to 8.6 percent in 2005. For CSRS employees, it rose from 4.4 percent to 7.5 percent. Those rates are higher than the average in the private sector, Long said.

The growth is partly attributable to an increase in maximum allowable contributions, the report said. The ceiling for contributions as a percentage of pay increased from 10 percent in 2000 to 15 percent in 2005 for FERS employees, and from 5 percent to 10 percent for those in CSRS.

Beginning in 2002, participants age 50 and older were allowed to make "catch-up" contributions above these limits, also contributing to the growth.

The G Fund, which invests in government securities and is less risky than other plan offerings, and the C Fund, which tracks the Standard & Poor's 500 Index of stocks in the largest domestic companies, were the most popular options across all age groups, according to the demographic report.

TSP officials noted at the meeting that participants appear to be responding to the recently volatile stock market with a high volume of trading. Trading in the international stocks (I) fund was especially expensive, at 24.3 basis points -- or \$2.43 for every \$1,000 invested -- for the month of February.

Plan officials encourage investors to have a long-term strategy and to avoid shifting money in response to short-term fluctuations. They said they will continue

to monitor trading, and will also look closely at the performance of the lifecycle (L) funds, which invest in a mix of the underlying funds that grows more conservative as participants near retirement. So far, these funds appear to have been relatively stable amid the recent volatility, officials said.

12. **Designating Disabled Individuals as Beneficiaries.** Before you name a disabled individual as beneficiary of your IRA, proceed with care. If the intended beneficiary participates in a means-tested program, such as Medicaid and Supplemental Security Income, inheriting an IRA could disqualify him or her from such means-tested programs.

Instead, leave the IRA to a trust and name the disabled individual as the trust beneficiary. Draw up the trust as a “special needs” or “supplemental needs” trust. Such trusts are designed to allow the beneficiary to maintain eligibility for means-tested programs.

In this type of trust, the trustee will accumulate income and have the discretion to distribute funds to the beneficiary. The trust usually will include language that prohibits the use of trust funds for basic needs—food, clothing, shelter, medical care—which will remain the responsibility of the relevant government agencies. Instead, the trustee will be allowed to provide funds for purposes that enrich the beneficiary’s life, such as buying a television set or computer.

13. **CBO Examines Workforce Demographics.** The federal workforce is becoming older but better educated, and the average age of both retirements and separations is holding about steady, according to the Congressional Budget Office. CBO, looking only at executive branch, white-collar jobs, said the average federal worker is now 46.9 years old, compared to 42.5 in 1990, and that 48.9 percent of workers have a college degree, up from 42.8 percent in 1990. The average age of a newly-hired employee is also increasing, from 32 years in 1990 to more about 37 years today and the proportion of them with a college degree also rose from 51 to 55 percent. The average retirement age has remained steady at about 59, CBO said, a number that is pulled lower by the generally earlier retirement of law enforcement personnel. Just above 40 percent of those who retire or separate have college degrees, effectively meaning that as they are being replaced the educational level of the overall workforce is going up. The average age of someone resigning for reasons other than retirement was 40.

14. Carrying Federal Employees Government Life Insurance (FEGLI) into Retirement. FEGLI may be carried into retirement provided an employee (1) retires on an immediate annuity; (2) is enrolled in Basic insurance for the five years of service immediately before the annuity begins or for all opportunities during which it was available to the employee, if enrolled less than five years; (3) the employee or the assignee(s), if applicable, does not cancel the coverage; (4) the employee or the assignee(s) does not convert it to an individual policy; and, (5) the employee did not receive a full Living Benefit.

Living Benefits are life insurance benefits payable to employees while they are still living, who have been diagnosed as terminally ill with a life expectancy of nine months or less and are paid to the employee rather than paid to a beneficiary or survivor upon the individual's death. Living benefits can be elected only once and an election cannot be retracted. Employees should contact the Office of Federal Employees' Group Life Insurance by calling 1-800-633-4542 or contact the Army Benefits Center for a determination on whether they meet eligibility to apply for Living benefits.

Employees must maintain Basic insurance in order to keep any of the Optional coverage in retirement. The amount of Basic Insurance will depend on the amount of the employee's final annual basic pay, rounded up to the next \$1,000, plus \$2,000, age, and the choice of reduction elected, and whether an election of Living Benefit is made.

The cost of post-retirement Basic insurance coverage depends upon the level of protection the employee wants to retain after they reach age 65 (or after they retire, if later). When an employee retires, they must choose one of three Reduction Levels: No Reduction, 50 percent Reduction, or 75 percent Reduction. All of these levels provide full coverage, as when employed up to age 65, and then:

75% Reduction –This means that the Basic insurance will reduce by a fixed amount each month, equal to 2% of the amount of Basic insurance the employee carried into retirement. The Basic insurance will continue to reduce until 25% of the original amount remains. Retirees do not pay an extra premium for this choice,

50% Reduction –The Basic insurance will reduce by a fixed amount each month, equal to 1% of the amount of Basic insurance carried into retirement. The Basic insurance will continue to reduce until 50% of the original amount remains. Retirees will pay an extra premium for this choice.

No Reduction –The basic insurance will not reduce. However, the retirees will pay an extra premium for this choice.

If an employee elects 75% or 50% reduction, the Basic insurance begins to reduce on the first day of the second month after reaching age 65 or on the first day of the second month after retirement, whichever is later.

The amount of Option A, or Standard Insurance, that an employee can continue as an retiree/annuitant is \$10,000.00, the amount they had on the date of separation. A premium is required until the retiree reaches ages 65, at which time the \$10,000 will begin to reduce by 2% per month.

Option B/Additional Insurance may be carried into retirement and will equal the employee's annual basic pay at retirement, rounded up to the next higher \$1,000, multiplied by the number of multiples the employee elects, but no higher than the number of multiples (1-5) that the employee had prior to retirement.

Option C, or family coverage, is available after retirement under the same conditions. Coverage is equal to the election the employee had prior to retirement (multiples from 1-5); or (2) the number of multiples elected to continue multiplied by \$5,000 (for your spouse) and \$2,500 (for each of your eligible children).

An annuitant/retiree has 30 days from the date of receipt of the first monthly annuity check to change the reduction election. They must write to the Office of Personnel Management, Retirement Section and state what changes that they are requesting.

Contact the Army Benefits Center for Civilians for more in-depth information.

15. **Agencies Can Rein in Employees When Outside Conduct Hits Home**. If an employee's misdeeds resonate in the workplace, agencies should not hesitate to take action. Even if the behavior is outside work, the appropriate managers should work with HR to address the issue. The high-profile case of former NASA astronaut Lisa Nowak, who was charged in an alleged scheme to murder a perceived romantic rival, raises questions as to what agency officials can do if they fear an employee's conduct could hurt the agency's mission. Since Nowak is a Navy officer, NASA terminated her detail. When determining an appropriate penalty for a civilian employee, the actual conduct, its impact on the agency, and the employee's position must be considered.

16. **Deferral Decision.** Many retirees will have a taxable investment portfolio as well as money in a tax-deferred account such as an IRA. In that situation, the taxable account should be drawn down first so that the IRA can remain intact as long as possible. The longer the IRA remains untapped, the more tax-deferred accumulation the recipient will eventually enjoy.

Suppose, for example, a retiree wants to take a \$20,000 first-year withdrawal from their total portfolio. That \$20,000 can come from the taxable account. The next year, if inflation is 3 percent, \$20,600 might be withdrawn from the taxable account to maintain their spending power. And so on, each year.

After age 70 ½ is reached, the retiree will have to take minimum withdrawals from their IRA. The IRS tables require a withdrawal of nearly 4 percent in the first year, for most people. On a \$250,000 IRA, for example, that would be around \$10,000. A retiree could take that \$10,000 from their IRA and the balance of their spending money from the taxable account, as long as it has funds. All the while, the IRA can keep growing, tax-deferred, to provide funds as the retiree grows older.

17. **How Alternative Dispute Resolution Works.** Alternative dispute resolution (ADR) is a number of different methods for resolving cases which has many advantages over litigation. It primarily consists of mediation although other methods, such as having an early neutral evaluation of each side's case or arbitration where a third party makes a binding decision, may be utilized.

Mediation consists of having a neutral third party act as a facilitator in a confidential process to try to bring about a mutually acceptable resolution to the dispute. A mediator has no authority to force either party to make concessions to settle the case, or to make any final decision. Through joint and separate meetings with the parties, the mediator will try to bridge the gap between each side's positions. It will usually result in an enforceable settlement agreement by an administrative agency or a court.

Typically mediation begins with the moving party, usually the employee, giving a summary presentation of his or her case without interruption although the mediator may pose questions. Then the mediator will ask the other side, usually the employer, to give its side of the case. At that point, the employee will usually set forth his or settlement demands, and the mediator will hold separate

caucuses with each side to get a better idea where the middle ground may lie. Most of the work in mediation is done in separate sessions with the parties where the mediator can try out different scenarios to see where there may be movement. The information provided in a separate session will be kept confidential unless the party gives permission for the mediator to disclose it to the other side.

It is expected in settlement negotiations, as in mediation, that each party will exchange proposals back and forth responding to the other's last offer. The mediator can be very helpful in acting as a sounding board to discourage unrealistic offers by both sides and by giving each party a frank assessment, especially in a separate session. By going back and forth between the parties, the mediator will hopefully narrow the gap between each party's respective positions. Also, it gives a party the opportunity to offer a new proposal through the mediator without revealing its source. If there is a misunderstanding that needs clarification or if the parties reach an impasse, the mediator may call a joint session to get the settlement negotiations moving forward.

Typically the parties will set aside the agreed-upon provisions and concentrate on the remaining outstanding issues although an agreement cannot be finalized until all provisions have been settled. Once an overall agreement has been reached in principle, the mediator or one of the parties may draft a written settlement agreement encompassing all of the agreed-upon terms and the usual boilerplate provisions contained in a settlement agreement.

Another alternative, if the agreement cannot be finalized on the spot, is for the mediator or one of the parties to set forth in writing a summary of the agreed-to terms to be initialed or signed off by the parties and the mediator pending a final written agreement. It is generally a very bad idea to merely conclude settlement negotiation by a handshake as each side can later have different perceptions as to what has been agreed upon.

18 Human Resources (HR) for Supervisors. The HR for Supervisors Course is highly recommended for all Department of Army civilian (DAC) and military supervisors of appropriated fund (APF) civilian employees who supervise at least 3 appropriated fund DAC employees. The course is 40 hours long and is intended to help the supervisor in performing his/her HR management duties. In addition to teaching the participants about HR regulations and processes, the course introduces them to the automated HR tools. Completion of this course

can enhance the supervisor's confidence and performance. The course includes the following modules:

- Overview of army CHR (includes coverage of Merit System Principles and Prohibited Personnel Practices)
 - Staffing
 - Position Classification (includes an introduction to CHR automated tools such as CPOL, ART, Gatekeeper and FASCLASS)
 - Human Resource Development
 - Management Employee Relations
 - Labor Relations
 - Equal Employment Opportunity

The course includes lectures, class discussion and exercises. There is a pre and post test administered at the beginning and end of the course. The course does not address supervision of non-appropriated fund (NAF) or contractor employees. The next course is scheduled for **11-15 June 2007 and will be conducted from 0800 to 1630** in building #6, classroom #225. Please see the schedule below for other class start dates. The point of contact for this course is Ms. Stephanie Carpenter, Fort Benning CPAC, 545-2681.

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17-21 September 2007

19. **RPA and ART Workshop**. The Fort Benning CPAC HR specialists are available to conduct RPA and ART desk-side walkthroughs and/or workshops to assist managers/supervisors and new DCPDS account holders with accessing and using DCPDS, ART, initiating RPAs, creating Gatekeeper Checklists, forwarding and tracking RPAs, generating reports and printing SF 50s. Training can be accomplished via individualized sessions or activity specific workshops upon request. If you desire training of this nature, please contact your servicing HR specialist to arrange for scheduling.

20. **Job Aids Available on the Web**. Lotus ScreenCams (how-to-movies) are available to assist DCPDS users with DCPDS, Army Regional Tools (ART), Oracle 11i and other automation tools. ScreenCam movies ART Logon, Ghostview, Gatekeeper, Inbox Default, Initiating an RPA, Logging On, Navigator, RPA Overview and RPA Routing are available on the web at: <http://www.chra.army.mil/>. Click on HR Toolkit and then click on the name of the

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movie to download or play it. Managers/supervisors and administrative personnel responsible for initiating RPAs are encouraged to review this site and check out these new tools. ART Users Guide has been updated and provides descriptions of and instructions for using tools available in ART, including such tools as Employee Data, Inbox Statistics (timeliness and status information about personnel actions), Organization Structure (information about positions in various organizational elements), and many more tools. It is intended for use by managers, resource management officials, administrative officers, and commanders as well as CPAC and CPOC staff members. There is both an on-line and downloadable Word version (suitable for printing).

In addition, to the ART Users Guide, there is a Defense Civilian Personnel Data System (DCPDS) Desk Guide which provides how-to information about tasks and functions that end users might need to perform in DCPDS, such as initiating a Request for Personnel Action (RPA) and creating a Gatekeeper Checklist. The ART Users Guide and the Desk Guide can be accessed from the CHRA web page at: <http://www.chra.army.mil/>, by clicking on HR Toolkit. In addition to these tools the Fort Benning CPAC staff is available to assist you in accessing DCPDS, ART, initiating RPAs, creating a Gatekeeper Checklist, forwarding and tracking RPAs, generating reports and printing an SF 50. If you have any questions or need assistance, please contact your servicing HR specialist to arrange a time so we can come to your office to help you.

21. **Emergency Contact (Next of Kin) Database.** Information on the Emergency Contact Database is located on the Civilian Personnel on Line (CPOL) website <http://www.cpol.army.mil/>. It can be accessed from the CPOL homepage by clicking on the link for "Emergency Guidance and Resources," and then clicking on "Emergency Contact Database" Managers need to keep reminding their civilian employees of the need to have their current emergency contact information on file in the Emergency Contact Data Base. In addition, supervisors and managers are required to conduct periodic validations, with employees, to ensure the accuracy of their data. If assistance is needed, please contact project e-mail account at echelp@asamra.hoffman.army.mil.

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22. **Fort Benning CPAC Homepage**. Please log on to our website at <https://www.benning.army.mil/Cpac/Index.htm>. If you have suggestions on ways to improve or recommendations for information to add, please contact the undersigned.

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