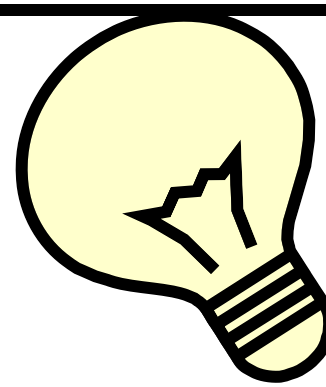
The Illuminator



Shedding Light on the HR World

10-2010 Article Directory

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This publication is issued to ensure the Fort Benning commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Monthly issuances will contain updated information on specific employment topics (i.e., compensation, recruiting procedures, travel entitlements, classification issues, the Maneuver Center of Excellence (MCOE) civilian transition, etc.).

This newsletter is an apercu of articles written by CPAC staff [members] as well as information excerpted from various sources which include, but is not limited to, the Government Executive Newsletter, FedWEEK, the Federal Manager's Daily Report, FEDSmith, and the ABC-C Newsletter.

If you have suggestions for improvement or topic recommendations, please contact the CPAC Director at mailto:blanche.d.robinson@us.army.mil

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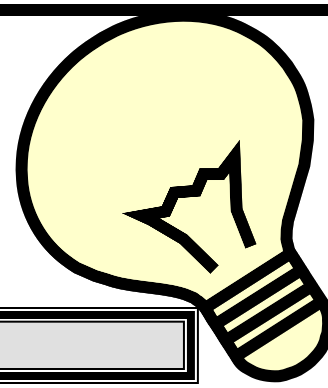


Retirement, Life/Health Insurance, TSP, Social Security and Such

Unique Roth Conversions for Federal Employees. Did you know that Federal Employees have two unique accounts that can be transferred to a Roth IRA?

Most people know you can convert money from a traditional IRA to a Roth IRA. But Federal Employees may also be able to convert money from their Thrift Savings Plan or CSRS Voluntary Contribution Plan to a Roth IRA.

2010: Special Year for Roth IRA Conversions

Roth IRAs have lots of advantages, but they also have income limits to dictate who can contribute to a Roth or not. In the past, if you made ‘too much money’, you couldn’t put money in a Roth IRA or convert money to a Roth IRA.

But in 2010, the income limitations for *converting* money from a qualified account (like a traditional IRA) to a Roth have been removed. So if you thought you made ‘too much money’ to have a Roth - 2010 could be a special opportunity for you.

Now, there are still income limits on who can *contribute* to a Roth IRA. But in 2010, there are no income limits on who can *convert* money to a Roth IRA. This is where it’s important to understand the nuances of tax rules.

What Accounts Can I Convert into a Roth IRA?

You can convert money from a qualified retirement account to a Roth IRA. In most cases where people talk about moving money to a Roth IRA, they are talking about moving money from a traditional IRA.

But Federal Employees have two unique accounts that may also be transferred: Thrift Savings Plan (TSP) and CSRS employees have the Voluntary Contributions Plan (VCP).

Let’s first take a quick look at the basic process of converting money from a traditional IRA to a Roth IRA. Then we’ll look at TSP and VCP transfers.

Converting Traditional IRA to a Roth IRA

Traditional IRAs are tax-deferred. This means that you don’t pay taxes on the money now, in order to defer them and pay taxes later when you take the money out.

A Roth IRA is different. You pay taxes on the money now, and if you leave it for a certain period of time, you can take the money and its growth out tax-free.

You can choose to convert your entire traditional IRA, or just a portion of it.

If you move money from a traditional IRA to a Roth IRA, you will need to pay taxes when you do the conversion. This is an important factor in deciding how much you want to convert. Make sure you consider the taxes you'll owe on the conversion *before* you do anything.

I would say that you shouldn't do a conversion if you can't afford to pay the taxes out of your cash flow. If you have to take the money for taxes out of the amount you're converting - then it generally does *not* make sense to do a conversion.

Anytime you're converting, you need to make sure you're clear about whether the conversion happens as a Transfer or a Rollover. There is a huge difference, and if you're not familiar with the differences, check out our section on Transfers vs. Rollovers on our TSP Retirement Page.

From Your Thrift Savings Plan to a Roth IRA

Most people know that you can move money from their Thrift Savings Plan account when they leave federal service or retire.

But what if you're not planning on leaving federal service in 2010?

Not Retiring in 2010?

Did you know there is another way to transfer TSP money to an IRA? It's called an Age-Based In-Service Withdrawal.

If you are age 59 1/2 or older, you could be eligible do to a one-time move of all or a portion of your TSP money.

There are some quirks about the Age-Based In-Service Withdrawal. For example, you can only take one during your career - that's it. So if you want to take money out of your TSP to move to a traditional IRA or a Roth IRA, you'll want to really think about how much money you want to take out. But if you're thinking about moving your TSP to an IRA at retirement, you might think about moving a portion of it now.

Also, if you do an Age-Based In-Service Withdrawal, TSP says you can not leave your money with TSP after you retire. But many people plan on moving their TSP money at retirement anyways, so this is not a big draw back for them.

However, be sure to think about how this might affect your plans for your TSP money at retirement before doing an Age-Based In-Service Withdrawal. To learn more about what you can do with your TSP at retirement, check out our page reviewing your TSP choices at retirement.

Special CSRS Benefit - Voluntary Contributions Plan (VCP)

CSRS employees have another special benefit - the Voluntary Contributions Plan or VCP. The VCP was designed to allow you to put extra money away to ‘buy’ a larger CSRS pension at retirement.

But there is another way to use the VCP, a way that few people really understand. The VCP is a phenomenal way to stick a large amount away into a Roth IRA - if you know what you’re doing.

You can put a substantial amount into your VCP. The limit is 10% of your CSRS base pay—that you have received over your entire career. Again—It’s 10% of your accumulated pay. So it’s not 10% of your pay per year—it’s 10% of all the CSRS base pay you’ve ever received. For many CSRS this puts their ‘limit’ easily over $100,000.

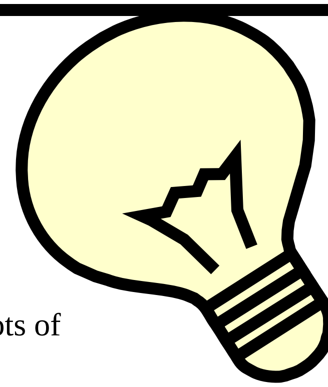
The VCP is a unique program—and if you’re thinking about using it this way, you must get everything in line *before* you retire. Read more about the Best Kept Secret in CSRS on our Voluntary Contributions Page.

Reminder About Considerations Before Converting

Remember that just because you can convert money to a Roth IRA doesn’t necessarily mean that you should. Do keep in mind that when you convert money from a tax-deferred account to a Roth IRA, you have to pay taxes on the money now.

There is no limit to how much money you can convert. The only limit, you might say, is how much makes sense for your personal situation.

In this article, we’ve just touched on some of the highlights of moving money to a Roth IRA - be sure to do more research before making any big decisions. You might check out the IRS Pub 590 on IRAs.



I happen to think Roth IRAs are phenomenal planning tools. And there are lots of advantages to having money in a Roth IRA.

Even so - they aren't for everyone. I have many clients who are taking advantage of the special rules in 2010 to move money into Roth IRAs. But I have other clients where it just didn't make sense for their personal situation.

Everyone's financial situation is unique. And you want to be sure it's right for you before converting any money.

Secure Flight Passenger Data Required for all Reservations. This fall the Transportation Security Administration (TSA) will complete implementation of the Secure Flight Program. Accordingly, all passengers will be required to have Secure Flight Passenger Data (SFPD) in their reservation at least 72 hours prior to departure. SFPD includes traveler's full name, date of birth, gender, and redress number, if applicable. The traveler's full name must match the government issued identification (driver's license, passport, or military identification). For example, if the government identification used contains full middle name, then the SFPD must reflect full middle name.

While DTS was modified in September 2009 to capture and transmit the required information, travelers making reservations in DTS must verify the SFPD is accurate and complete. The system will continue to prompt travelers to verify or update this information each time they attempt to make any travel reservations.

If you contact the commercial travel office directly to make reservations after October 1, 2010, you will be required to provide SFPD at the time the reservation is requested or the reservation will not be accepted.

Travelers should ensure their DTS TSA profile is complete and accurate. To review your profile, log in to DTS and click on Traveler Set Up on the top menu bar. Select "Update Personal Profile." When the profile opens, click on the "MY TSA Information" at the top of the "My Profile" box. Be sure not to include rank, titles, suffixes ("CPT", "Maj", "CMSgt", "Mr.", "Dr.", "Ms.", "Jr.", "Sr.", "III", "IV", etc.) or special characters in the SFPD.

For additional details, please go to: http://www.defensetravel.dod.mil.
A link to Secure Flight Program information can be found under "What's New on the Site".

Diversifying can Help you Get the Most from Your Investments. As a Thrift Savings Plan participant responsible for managing your own pension fund, you would be wise to understand investment diversification, which means allocating your money among different investment assets — putting your eggs in many baskets.

Why diversify? The usual answer — to reduce risk — is only part of the answer. The real reason to diversify is to improve — or better yet, optimize — your portfolio's risk-adjusted expected rate of return, which is the rate of return your portfolio is most likely to produce in the future, adjusted for the risk that it will fail to produce that rate or return. For example, a portfolio with a 10 percent probability of producing a 20 percent rate of return has a considerably lower risk-adjusted expected rate of return (RAEROR) than one with a 90 percent probability of producing a 10 percent rate of return. The former might produce its expected return, while the latter probably will.

Diversification is instrumental to maximizing the probability that you will earn a given rate of return from your portfolio. Optimizing the risk-adjusted expected rate of return is the process of identifying the rate of return you will need to support your lifestyle in retirement and then combining various types of investments to maximize the probability of actually achieving that required rate of return.

Every investment portfolio has an expected rate of return and associated probabilities, and an infinite number of alternative rates. As an investment manager, it is your responsibility — in fact, it is critical — to know what those rates and probabilities are for your portfolio.

For our purposes, there are two basic types of diversification: intramarket and intermarket. Intramarket diversification occurs within a particular market or group of investments, while intermarket diversification occurs among two or more investment markets or groups.

Let's start with intramarket diversification, something the TSP takes care of automatically.

If you own stocks or bonds issued by a single entity, there is a potentially large risk that the issuing entity will falter or fail to perform as expected. Intramarket diversification can help to insulate you from this risk without costing much in the way of expected rate of return.

If you own the stock of two large computer hardware manufacturing companies, for example, they both probably have about the same expected rate of return. If each stock has a 10 percent expected rate of return, combining them into a portfolio will produce the same 10 percent expected rate of return. But by owning both stocks, the potential for losses resulting from problems specific to one of the companies — say, accounting fraud — is reduced.

So, combining these two assets together in the portfolio did not reduce the expected rate of return for the portfolio, but, at the same time, it reduced at least one type of risk, producing an improved RAEROR.

Taking this logic to the extreme, you can maximize the RAEROR for a portfolio composed of large computer hardware manufacturing companies by owning all such companies. This will minimize the company-specific risk you bear without substantially reducing the portfolio's expected rate of return.

The same principle can be expanded to larger groups of investment assets, with similar results, and is the part of the rationale for investing in index funds like those offered in the TSP. The TSP's funds tend to produce high RAEROR values for the types of investment assets they represent — cash, bonds and stocks.

Based on historical evidence, I estimate that large-cap domestic stocks will most likely produce a return of around 12 percent in any given year, before investment expenses. This expectation applies to all large-cap domestic stocks, individually and as a group. But history also tells us that there is about a 17 percent chance that, as a group, they will produce a loss of at least 6 percent in any year. Owning less than the entire group of large-cap domestic stocks will produce the same 12 percent expected return, but with higher probability of loss, owing to the increased company-specific risk associated with owning fewer than the maximum number of stocks.

The TSP's C Fund gives you the optimal large-cap domestic stock exposure — or something close to it — with about the highest RAEROR for the asset type you will find. Any alternative you consider should be compared with this standard.

The same is true of the TSP's other four basic funds with respect to the asset types they represent.

If you have questions on diversification, please contact your tax attorney, financial consultant, etc . While we strive to ensure information is available, tax/investment expertise is not vested in the CPAC staff.

Employment-Related News

Why so Many SES Jobs go Unfilled. It takes special talents to become a member of the Senior Executive Service. Not only must an aspiring executive have exceptional technical skills in his chosen field, but he must know how to lead others, manage complicated programs, and in some cases oversee massive budgets.

But many senior agency officials are complaining now that the candidates they receive don't have what it takes. And rather than accept a substandard executive, agencies are forced to start looking all over again before finding the right person for the job.

Experts say it's a problem that has come into sharp focus recently because of the Obama administration's efforts to reform the federal hiring process. Many of the problems plaguing hiring overall are particularly acute when it comes to filling SES vacancies, experts say.

The agency normally charged with fixing the problem — the Office of Personnel Management — has been incapable of dealing with the problem. Soon after becoming director of OPM last year, John Berry announced plans to create an office to oversee SES issues and hire a leader for the office by the end of 2009. But that effort stalled, Berry said, because he not yet found a "superstar" to head the office. When asked, OPM officials cannot provide data on how many SES vacancies there are or the average length of those vacancies.

"OPM has been supportive of moving to résumé-based recruiting for SES going back to the pilot program they implemented over a year ago, which is now being used across government," said Kathryn Medina, executive director of the Chief Human Capital Officers Council. "OPM is also working closely with OMB and federal agencies on advancing improvements to recruitment and selection in the SES ranks, through a joint working group."

Finding qualified candidates is a problem that especially affects small to midsize agencies, experts say.

Ron Flom, who retired recently as OPM's chief human capital officer, said the challenge for small agencies like OPM to find qualified SES candidates is huge. "It would not be unusual for us to have to go out two times at least — maybe even more," looking for qualified SES candidates, he said. "We did interviews, but at the end, we shook our head and said the right person isn't in this group. He's got to be out there somewhere."

Agency officials cite a range of problems — from poorly written vacancy announcements to shortsighted training and succession planning — that must be corrected to overcome the paucity of qualified candidates. They told Federal Times they usually end up finding qualified people to fill their executive slots, but having to repost vacancy announcements often adds several months to the hiring process. And while agencies keep looking for someone to head a particular division or project, they have to rely on acting officials — who don't have the power to make budgetary or strategic decisions — to keep it in a holding pattern.

"While we had an acting person in a position, they were just meeting the day-to-day requirements," Flom said. "We didn't have a person in place looking after the future of the organization."

The severity of the problem largely depends on where someone sits in the government. Officials at small and midsize agencies, such as the Environmental Protection Agency and Energy Department, report frustration with the quality of candidates.

But larger agencies, such as the Homeland Security and Veterans Affairs departments, say they're pleased with their quality.

Brian Costlow, Energy's administration director, said at a Partnership for Public Service event last month that he is often given "the best of the worst" when filling SES or GS-15 positions. In many cases, he said, the candidates lack both leadership and technical skills.

"In some cases, it's extremely shallow," he said in a Sept. 9 interview. "It really gives me pause."

Costlow said he usually looks to see if an SES candidate has managed significant projects, has led a work force that is comparable to the staff he will lead as an executive, and has the required technical skills, such as engineering or analysis. But he said it sometimes seems people with those skills aren't looking for work, or are unwilling to wait for the government to take roughly five months to hire them.

One senior executive at EPA, who asked not to be named, said her agency has a hard time finding executives with specialized scientific skills. She said she thinks the problem is getting worse, and said the Clinton administration's downsizing meant the government didn't hire as many talented, midcareer workers who could grow into the executive ranks.

She is concerned that talented candidates will become even more scarce in coming years, as executives begin to retire. The government has avoided the "retirement tsunami" officials once predicted, but the EPA official said executives will have to retire sooner or later. And that's just going to increase the demand for qualified candidates.

A former chief human capital officer at a large agency, who asked not to be named, said the problem stems from severe training cutbacks in recent decades. He said some agencies' SES development programs are inadequate, and are often filled by people who filed grievances and were promised development opportunities as part of their settlement.

"It's one of the dirty little secrets," he said. "These programs are filled with people who will never be SES."

He added that the government has a hard time finding qualified candidates to oversee functions such as procurement, human resources and financial management — careers that were downsized in the 1990s and contracted out in the Bush years.

Flom said he believes many agencies aren't effective recruiters and are too often content to post vacancies on USAJOBS.gov. That approach only reaches people who are looking for government jobs during that vacancy period, he said, and misses "passive job seekers" who could be swayed to a federal position.

Flom — who became a managing director at the executive search firm Preston Reffett in May — said most agencies don't take advantage of headhunting firms, or advertising in publications that reach nonfederal audiences. Part of that problem is budgetary, he said — some agencies don't the money to drop on ads or headhunters.

VA chief human capital officer John Sepulveda said VA rarely uses executive search firms because they are expensive. But when VA has used them, they found excellent candidates from academia, nonprofits and the private sector.

Sepulveda said VA generally is pleased with its candidates because the department's size gives it a broader pool of potential executives already familiar with VA to choose from. But he acknowledged that the quality of SES candidates VA received was somewhat lacking before 2009, when VA consolidated its SES hiring efforts. Previously, individual offices and divisions conducted their own SES searches.

"Before, it took longer to fill, and they didn't always find the people they needed," Sepulveda said. "It was the fact that they had to reinvent the process each and every time that contributed to it not being as efficient and effective."

Many experts agree the lack of qualified candidates shows the government's succession planning efforts are falling short.

"Agencies that aren't thinking out into the future, keeping accurate job descriptions, growing their bench and building candidates internally, they're in worse shape because they go out with a description that doesn't reflect what the job is," Flom said.
Those poorly written vacancy announcements contribute to the poor quality of SES candidates, Flom said. Others may be so vague that unqualified people don't realize they don't have a chance

Federal Employees Tend to Stay on the Job. Federal employees on average tend to stay with their employer longer than do private sector workers, according to new Labor Department data. Median employee tenure—where half of an employer's workers have been there longer and half shorter—in the private sector workforce is 4.0 years, but among federal employees it is 7.9 years. Other public sector workforces, including state and local governments, also are well above the private sector average, although not by as much as federal workers. The figures also showed that overall, tenure tends to be higher among older and more highly educated workers; the federal workforce on average is above the private sector workforce by both those measures. By occupation, tenure tends to be long in managerial and professional positions; the government also has a higher concentration of those.

Federal Pay Called into Question Again. During a panel discussion hosted by the right-leaning Heritage Foundation, analysts said federal workers' pay and benefits are more generous than those available in the private sector and should be brought in line with industry compensation. Government employees haven't felt the impact of the recession like the rest of the workforce, they said.

"Civil service shouldn't be something where you get a massive pay cut, but it also shouldn't be something where you go to get rich," said James Sherk, senior policy analyst in labor economics at Heritage. "We want government to be like any other job."

Panelists called into question the claim, made by Office of Personnel Management Director John Berry, that the pay debate is long-standing.

Federal workers likely weren't overpaid 20 years ago, said Chris Edwards, director of tax policy studies at the libertarian Cato Institute. Government always has employed lawyers, scientists and other highly paid professionals, yet trends show a dramatic rise in federal compensation in the last 10 years compared with the private sector, Edwards said. For example, federal pay has risen nearly 60 percent in the last decade, while private sector wages have increased 30 percent. It is unlikely government workers became so skilled so quickly to explain this trend, he said.

"You get what you reward," said Sherk. "The work of an entrepreneur is on balance, but would be far more important for the health of the economy than work of the average federal bureaucrat."

Lawmakers, union leaders and government officials have been quick to jump into the debate. National Treasury Employees Union President Colleen Kelley has expressed support for data showing federal workers earn 22 percent less than their private sector counterparts, and Berry last week said OPM is working with the Office of Management and Budget to determine if improvements to federal pay calculation are necessary. And during a Sept. 15 speech on the Senate floor, Sen. Ted Kaufman, D-Del., said private sector workers are paid more than their federal counterparts.

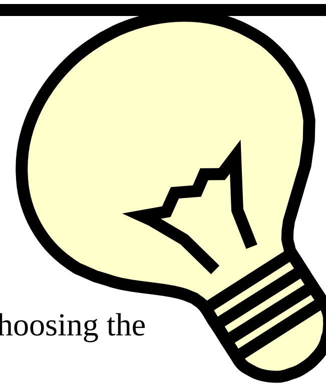
Kaufman cited Federal Salary Council data from October 2009 that civilian federal employees are making, on average, more than 26 percent less than private sector workers in comparable jobs. He argued recent media reports suggesting federal workers are paid nearly double their private sector counterparts are based on "deeply flawed" analyses. The Bureau of Economic Analysis data, upon which some news reports are based, does not take into account that the private sector workforce is 52 times larger than the federal workforce, he said.

Kaufman added the federal government is not like private industry. "Federal employees perform functions directly relating to public health, national security and financial stability," he said. "Jobs in the federal government routinely involve decision-making that affects millions of lives."

Participants at the 21 Sep event criticized OPM's focus on a job-to-job comparison rather than an employee's skills and abilities when considering pay. The government promotes workers to positions more senior than those they would occupy in the private sector, they said.

Panelists suggested a number of ways to eliminate the pay gap. For example, a pay-for-performance system that uses market demand to set pay would be more appropriate than the seniority-based General Schedule, and government could outsource more jobs and bring vacation days in line with the private sector. They also called for a multiyear federal pay freeze while outside auditors review the methodology used to calculate compensation, though they cautioned such measures could have a negative effect because not all employees are overpaid by the same amount.

"Government is static, arthritic," said Edwards. "If you lowered pay and benefits, you'd get turnover -- young and fresh people, which would be a good thing."



Where to Apply for a Federal Job. When applying for government jobs, choosing the right agency can improve your chances

The federal government employs approximately two million people, making it easily the largest employer in the country. Especially in today's economy, the benefits, pay scale, emphasis on work/life balance and security of a government position can be particularly alluring. A recent survey conducted by the Office of Personnel Management also finds federal workers highly satisfied with their jobs; contributing to the country can be a rewarding choice.

Two major factors in today's current climate make it an especially favorable time to pursue a government job. More than half a million federal employees are poised to retire by 2016, creating openings at agencies across the board. And the Obama administration has begun replacing many contractors with government workers, adding to the number of federal job openings.

Of course, it is not all growing budgets and welcome mats for new employees. Where some departments have the green light for hiring, other government areas are forced to slow down or cut back. Job seekers may find competition is fierce for positions in occupations with fewer retirements or for popular jobs with many applicants. Knowing which agencies are hiring the most can make a big difference in your search.

Medical and Public Health

As baby boomers continue to age, wars continue in the Middle East and technology enables more health issues to be treated, the medical and public health arena needs the most manpower. The Department of Veterans Affairs (VA) has the greatest number of job openings in the federal government, not only for physicians and nurses, but for medical technicians, IT specialists, administrative and human resources professionals as well. The Department of Health and Human Services (HHS) and its sub-agency, the Food and Drug Administration (FDA), also have an increasing demand for nurses, physicians, pharmacists, social workers, mental health professionals, physical therapists, biologists, toxicologists and investigators. The Armed Forces and the Public Health Service Commissioned Corps (PHS) have a multitude of job openings across many fields.

Security and Protection

It stands to reason that improving the country's security creates more government jobs. The Federal Bureau of Investigation (FBI) and the Bureau of Prisons (which fall under the Department of Justice) are in the midst of large-scale hiring initiatives. The Department of Homeland Security (DHS) is also ramping up its workforce with a wide range of professional opportunities. And with a significant percentage of its staff preparing to retire, USAID is currently hiring a large number of people for the Foreign Service overseas and for Civil Service here in the District.

Two things to keep in mind as you are looking: Whether or not predictions for a slowdown in hiring after 2012 prove to be accurate, hiring freezes and drastic budget cuts can happen any time, so do not procrastinate. (This sentiment also applies when taking into account that the average applicant spends five months securing a position.) And when weighing your options among the agencies that are hiring the most, do not rule one out simply because at first glance it does not seem to fit your field of expertise. Each agency offers a broad spectrum of jobs ¿ a historian, for example, may find an opportunity at the National Institutes of Health (NIH) as well as the biologists and chemists you would expect.

Management-Employee Relations

Must Reads for Managers: Federal Union Steward Guides. This article was written by bob Gilson. Any references to "I" pertain to him as an author.
Federal supervisors and managers with labor relations responsibilities face a number of complex issues in this area. Frequently, Agency policies are outdated and guidance is often so affected by political correctness or just plain politics, whether P or p, that getting a coherent or straight answer can be difficult.

Not so for union representatives. I recently went on line and found a number of guides from the various Federal unions that, in many cases, tell the representatives exactly what to do in a given situation.

What Managers Must Commonly Address in a Federal Labor Relations Environment

My top list of issues a manager must regularly deal with in a unionized environment include (in likely order of frequency):

1. Providing the union notice of a potential change in working conditions
2. Union requests for official time
3. Making decisions on whether to invite the union to attend a meeting (formal discussion)
4. Dealing with requests for official time
5. Addressing discipline or performance issues
6. Handling an employee complaint or grievance
7. Providing an answer to a union request for information
8. Responding to a union allegation of an unfair labor practice

9. Dealing with contract interpretation or applications to specific sets of circumstances
10. Conducting an investigative interview with an employee

Each of the above has its own set of rules and numerous Federal Labor Relations Authority (FLRA) Cases (some conflicting) on the rights of employees, unions and Agencies in each situation.

Do You Have A Clear Idea What Your Agency Expects of You?

OK. You read the above list. What is your comfort level that you know how to deal with them? If there’s a relatively active union around, whether in your immediate work group or not, you may find out that the union steward has specific instructions on dealing with these same day to day matters and the steward’s understanding may not be the same as yours.

AFGE’s Charter for Stewards

The American Federation of Government Employees’ Steward Manual, for example, is pretty clear about a Steward’s basic role:

> **"The Steward's Function**
> Because Stewards are the most important link between the Local and its members, they must have a good personality, be articulate, and know the Local's contract. In addition to being the Local's front line representative, the Steward is an organizer whose personal goal should be the achievement of 100 percent membership in the Local AFGE bargaining unit.
> Not unlike the job of a police officer, the function of the Steward is to enforce the 'Law of the Local,' or its contract with the agency. The Steward's 'beat' is the office or shop within the Local's bargaining unit."

What NTEU Tells Its Stewards

In its Steward guide, the National Treasury Employees Union lists a "Summary of Shop Steward's Rights" as follows:"

1. To be the exclusive representative of unit employees within any organizational boundaries imposed by the contract or the union.

2. To decide what grievances to file and which to let the employee file without union representation. The union can refuse to represent an employee because it believes the grievance is unlikely to succeed, it will cost the union too much money or other

resources, or it is against the best policy interests of the union. The union steward can also refuse to represent a nonmember in matters outside the contract and collective bargaining

3. To attend any grievance meeting management has with an employee who files without union representation and to be informed of (and agree with) any grievance outcome.

4. To be informed in advance of any formal meeting a manager has with employees to discuss personnel policies, practices and working conditions. To attend the meeting on official time, to ask questions related to the topics the manager raises and to make a brief statement to employees about the union's position on the issue under discussion.

5. To delay any change management wants to implement until management has notified the union, bargained with it if requested, and reached agreement. The steward can also demand that unilaterally changes be revoked until bargaining is complete.

6. To talk to employees confidentially about union matters, and, if it is during non-work time, to do so without informing a manager of the discussion.

7. To get access to any documentary records management has that are needed to file a grievance, negotiate or otherwise make a representational decision.

8. To be free of retaliation, coercion or other interference for exercising any right as well as to have reasonable accommodations made to his or her workload for the time spent on official time.

9. To file grievances on behalf of unit employees.

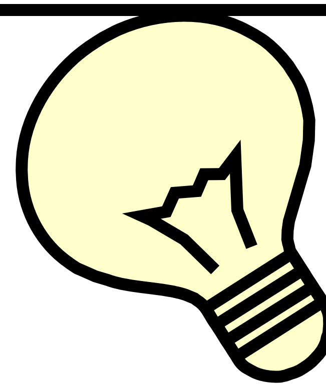
10. To be treated by management as an equal and to engage in robust debate."

Why Should the Manager Care?

The more you deal with the union, the more you should know about their goals, beliefs and approaches to issues in the workplace. Following are links to union guides you'll find interesting if your employees are represented by that particular union. The others are worth a look as well.

American Federation of Government Employees' Steward's Guide (From national website)

National Treasury Employees Union Steward's Guide (From a union local website)



NTEU Grievance Guide (From a union local website)

National Association of Government Employees Steward's Handbook (From national website)

National Federation of Federal Employees' Steward's Resources Page (From national website)

International Federation of Professional and Technical Engineers, Steward Resource Guide (From a union local website)

Congress Changes Intellectual Disability Wording. Recently disabilities advocates on applauded Congress for passing legislation that eliminates the term "mental retardation" from federal laws.

"Changing how we talk about people with disabilities is a critical step in promoting and protecting their basic civil and human rights," said Peter Berns, CEO of The Arc, an organization promoting the human rights of people with intellectual and developmental disabilities.

The measure, passed by the House by voice vote September 22nd, changes the phrase "mentally retarded" to "an individual with an intellectual disability" in existing health, education and labor law.

Sen. Barbara Mikulski, D-Md., sponsor of the bill with Sen Mike Enzi, R-Wyo., said it would make language in federal law consistent with that used by the Centers for Disease Control and Prevention, as well as the health arm of the United Nations and the White House.

"This law is about families fighting for the respect and dignity of their loved ones," Mikulski said. "This change will have a positive effect on more than 6 million Americans."

"Rosa's Law," named after a Maryland girl with Down Syndrome, passed the Senate last month and now goes to President Barack Obama for his signature.

Workforce Morale can be Sapped by Unskilled Managers. The Merit Systems Protection Board, which produces many excellent studies of workplace management issues in government, has engaged in the push to enhance the quality of first-line federal management by releasing a report titled “A Call to Action: Improving First-Level Supervision of Federal Employees.”

Two of the best projects conducted by my second-year students have involved the quality of first-line supervision. In one project, the students asked second-line supervisors to rate the quality of the first-line teams they oversaw. The students found that the better the job the frontline employees felt their first-line supervisor was doing, the higher the rating the second-line supervisor gave for the performance of the frontline team.

In another project, the students compared the job perceptions of recent Kennedy School of Government graduates working in the federal government with recent Harvard Business School grads working for Fortune 500 companies. The biggest difference was the perceived quality of their immediate supervisors — no prize for the correct guess about which group was far more satisfied with their supervisors.

In its latest report, MSPB cites an analysis of 1,500 scholarly papers about organizational performance improvement that concluded that “the most effective way to improve organizational performance is to improve first-level supervision.”

The report includes both diagnosis and prescription. Based on a review of postings for first-line supervisory jobs, the researchers show that in government, new supervisors are mainly chosen for their technical abilities, not for their skills — or even interest — in managing a team. That failure has consequences: Of frontline employees who reported that their supervisor has “good management skills only,” 90 percent reported overall satisfaction with their supervisor. In contrast, of those reporting that their supervisors had “good technical skills only,” a mere 38 percent were satisfied.

Government not only tends to choose supervisors based on technical rather than management skills but also falls down in training people in supervision. A third of new supervisors reported that they received no relevant training in their first year on the job. And of those who did receive training, only 26 percent said they had been trained in developing performance goals and standards, 24 percent in providing feedback and coaching, and 16 percent in improving productivity. New regulations promulgated by the Office of Personnel Management in December 2009 require that all new supervisors receive training within a year.

Those findings reflect what I have elsewhere referred to as a doer culture rather than a manager culture in the federal government. In companies, some engineers aspire to be the best working engineer around, while others seek an engineering management track. But in government, it seems every engineer aspires to be good at bench engineering and views management as a departure from real work. That is a problem for getting good engineers to manage contracts, something often regarded as a punishment. For the federal government to be well managed, we first have to take management seriously.

Unlike some other management challenges the government faces, the task of improving first-line supervision is relatively easy. Selecting and fostering better first-line supervisors is not rocket science. On the other hand, because there are so many first-line supervisors in the government, that change must come through hundreds of local decisions to improve things, not from a central mandate.

For organizations that are serious about improvement, MSPB's “Call to Action” is a good starting point.

EEOC Finds DOD Liable for not Reassigning a Disabled Employee as an Accommodation. In *Bowers v. Robert M. Gates, Secretary, Department of Defense,* EEOC Appeal No. 0720070012 , the Equal Employment Opportunity Commission (EEOC) affirmed an Administrative Judge's (AJ) decision finding the Department of Defense (DoD) liable for illegal disability discrimination.

Complainant, who worked as a Personnel Security Specialist at Fort Meade, Maryland, was born with the four fingers of her left hand fused into a cone. After almost a dozen surgeries, she was left with fingers without knuckles, dexterity, or grasp. Complainant's job was to conduct background checks for security clearances of federal employees, which required a substantial amount of typing.

To keep up with her responsibilities, complainant requested several accommodations including lower production levels and the use of adaptive equipment. DoD denied the request to lower her production levels, but ordered a one-handed keyboard for her to use, which was expected to improve her typing speed only slightly.

In June 2002, complainant applied for a vacant Privacy Act Specialist position, which involved less typing and for which she was qualified. Then, in July 2002, complainant asked to be reassigned to the Privacy Act position as a reasonable accommodation. DoD denied complainant's request, opting instead to give the one-handed keyboard a 30-day trial period. In addition, complainant's supervisor informed her that she could face a Performance Improvement Plan if her performance did not improve by the end of the 30-day period. At the same time, the agency increased its typing production standards from 14-17 units per day to 19-22 per day. After this increase, complainant again requested reassignment, but the agency did not grant her request.

Complainant then contacted the agency's EEO Director, who asked management to keep the Privacy Act position open until complainant's 30-day trial period ended. Management agreed, but at the end of the trial period, complainant's performance did not meet her performance requirements. Further, the agency decided to withdraw the vacancy announcement and give the position to its former incumbent, who decided to return to the agency. Complainant then left the agency after being granted disability retirement.

Complainant filed an EEO complaint alleging that she was discriminated against on the basis of disability and reprisal when the agency denied her reassignment as a reasonable accommodation. After hearing, the AJ found that the agency's failure to reassign complainant to the vacant Privacy Act Specialist position constituted a denial of reasonable accommodation, finding that she was not required to compete for the position. The AJ also found in complainant's favor on her retaliation claim.

On appeal, DoD argued that complainant is not an individual with a disability. Within the meaning of the Rehabilitation Act, an "individual with a disability" is one who:

1. has a physical or mental impairment that substantially limits one or more major life activities;
2. has a record of such impairment; or
3. is regarded as having such impairment.

A "qualified" individual with a disability is one who satisfies the requirements for the employment position she holds or desires and can perform the essential functions of that position with or without reasonable accommodation. 29 C.F.R. § 1630.2(m). The Commission was not persuaded by the agency's argument, finding that complaint is essentially one-handed and thus is substantially limited in several major life functions.

The Commission then explained that in reassignment cases like this, complainant has an evidentiary burden to establish that it is more likely than not that there were vacancies during the relevant time period into which she could have been reassigned. *See Hampton v. U.S. Postal Service*, EEOC Appeal No. 01986308 (2002). Here, complainant established that a vacancy existed for which she was qualified, and she requested reassignment into the position on several occasions. The Commission then determined that:

Instead of simply reassigning complainant to the position, the agency essentially made her compete for the position, because it determined that the person most qualified for the position was the individual who had recently vacated the position.

The position remained open for several months after complainant was denied the position. However, an employee seeking reassignment as an accommodation should be placed in the position, if qualified, without competition. . . . There was no . . . evidence presented that complainant was not qualified for the Privacy Act Specialist position. The agency therefore should have reassigned her to the vacant Privacy Act Specialist position when it became apparent that she could not be reasonably accommodated in her Personnel Security Specialist position.

The Commission also upheld the AJ's finding of retaliation. The record contained deposition testimony which established that efforts to secure the Privacy Act Specialist position for complainant ceased as soon as it became known that she had initiated EEO counseling. As noted by the AJ, the refusal of complainant's superiors to assist her in securing the reassignment was "a materially adverse action" which could have deterred complainant from pursuing her rights; further, the agency did not demonstrate that it would have dropped complainant from consideration for the position in the absence of complainant's EEO activity.

Finally, the Commission upheld the AJ's award of $2,500 in non-pecuniary compensatory damages for physical pain and $24,000 in non-pecuniary compensatory damages for emotional distress as reasonable, over DoD's objection.

Training, Self-Development, and Personal Improvement

Tuition Assistance. Training and professional development can be an essential element of a federal employee’s career advancement. Accordingly, the responsibility for ensuring the training and development needs of the organization and its employees are identified and met is appropriately vested with Management. Federal laws and regulations provide support for this endeavor through the establishment of a tuition assistance program.

Under the tuition assistance program, managers may pay up to 100% of tuition costs for college/university courses if the selected course meets one or more of the criteria below. Training not meeting these criteria may not be authorized. Training may be funded if it:

1. Supports the organization’s strategic plan and performance objectives;
2. Improves an employee’s current job performance;
3. Allows for expansion or enhancement of an employee's current job;
4. Enables an employee to perform needed duties outside of his/her current job at the same level of responsibility; or
5. Meets organizational needs in response to human resource plans, downsizing, restructuring and/or program changes.

Only full time permanent employees with at least one full year of Federal civilian service may be considered for the program. If approved for tuition assistance, employees ***cannot*** be relieved of their full-time tour of duty to attend courses; however, mission permitting and at management's discretion, their schedules may be adjusted to accommodate training so long as the weekly requirement is not altered.

SF 182 (Request, Authorization, Agreement, Certification of Training and Reimbursement) is used to request and document **ALL** training (government, non-government, cost, no cost, and required by law or regulation regardless of length). It is used to authorize and record civilian employee training in government facilities, training in non-government facilities, and attendance at training conferences. SF 182 is a multipurpose form and reduces the need for separate forms for training records. This form is used for any of the following: training requests, training authorization, continued service agreement, certification for reimbursable or cost-shared expenses, certification of authorized expenditures, record of training, and training evaluation.

Employees considering tuition assistance are responsible for:

(1) Registering as a student with an accredited college/university and sign up for the course, and follow school cancellation policies to avoid cancellation fees. Cancellation fees are not covered by this program and are an employee responsibility.

(2) Obtaining management approval for each college course desired. Each course request requires a course description and a specific justification of how the course will enhance their current skills and abilities while executing job responsibilities. Failure to complete the request in its entirety may eliminate the request from further consideration.

(3) Submitting course requests to the approving management official PRIOR TO course enrollment/start date. Tuition assistance requests will not be approved for courses that have already started. AR 690-400, Chapter 410, paragraph 5-1a ***prohibits*** retroactive approval. Employees who enroll in training without prior written approval will be held personally responsible for the total cost of the training.

(4) Signing a Tuition Service Agreement. The agreement must be completed and forwarded to the approving management official.

(5) Successfully completing each course and forwarding a copy of the final grade report to the approving management official and/or training official. If an employee does not earn the minimum expected grade, repayment of the entire

tuition assistance amount is due by the end of the fiscal year. Repayment is an employee responsibility.

(6) Notifying the approving official PRIOR to changing courses that are approved for tuition assistance. Changing a course after receiving tuition assistance approval is not authorized without prior approval. Course changes do not guarantee retention of tuition assistance funding. Funding may be withdrawn based on the requested course change.

While tuition assistance is a ***possibility*** for all full time employees, training approval is based on Management's decision and the availability of funds. It is highly recommended that Managers who have approval authority be trained in the legal requirements before committing to binding decisions.

For additional information please contact your servicing CPAC HR Specialist.

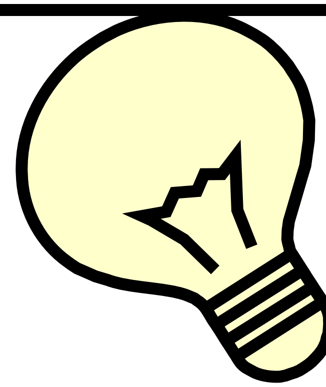
Human Resources (HR) for Supervisors Course. The HR for Supervisors Course encompasses instruction applicable to the Legacy (i.e. GS) System. The course is 4.5 days long, includes lecture, class discussion, exercises; and, is designed to teach new civilian and military supervisors of appropriated fund civilian employees about their responsibilities for Civilian Human Resource Management. This instruction does ***not*** cover supervision of non-appropriated fund (NAF) or contract employees.

Instruction includes the following modules:

- Introduction of Army CHR which includes coverage of Merit System Principles and Prohibited Personnel Practices, CHRM Life Cycle Functions, Operation Center and CPAC Responsibilities
- Planning
- Structuring – Position Classification
- Acquiring – Staffing and Pay Administration
- Developing – Human Resources Development
- Sustaining – Performance Management, Management Employee Relations, Labor Relations

Training dates for the next iterations of this course are below. Registration information will be disseminated electronically three weeks before each class start date.

6-10 Dec 10
14-18 Mar 11
13-17 Jun 11



The Illuminator
10-2010

19-22 Sep 11
5-9 Dec 11

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 HR liaisons, managers/supervisors, and new DCPDS account holders with accessing and using DCPDS, ART, initiating RPAs, 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.

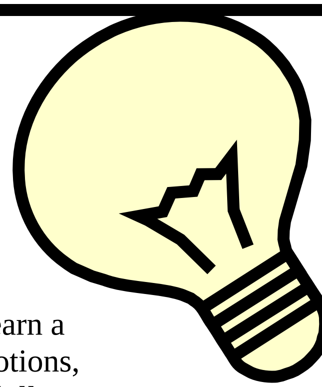
Ten Ways to Move up the Career Ladder. Aside from the obvious — work hard — here are 10 get-ahead tips:

1. **Follow the money, power and controversy.** Unfair though it may be, employees who work in front offices with senior executives and political appointees almost always climb the career ladder faster than comparably productive employees who work almost anonymously in back offices. Why? Because front offices usually have the power and funding to promote worthy employees. Pick projects that involve interacting with or working in front offices.
2. **Be proactive.** Don't wait to be assigned ho-hum projects. Instead, design and ask to complete projects that would advance your office's goals and offer you the experience you need to get ahead.

3. **Use all channels to gain experience.** If your current job does not offer you career-boosting management and supervisory experience, consider gaining it by taking leadership roles in volunteer positions with nonprofits, professional organizations, community organizations, volunteer organizations, the PTA or condo boards. Also, publish articles in professional and popular magazines.

4. **Start spreading the news.** Keep a running list of your achievements. Track all positive feedback drawn by your projects, such as awards; verbal and written praise from supervisors, clients, contractors and other colleagues; and positive evaluations from speaking gigs and training you give. Tell your boss about such successes when you achieve them and before annual reviews, and quote associated praise in your résumé.

5. **Request promotions.** Most employers don't feel compelled to pay employees any more than they show they are willing to accept. So if you have excelled or are managing added or higher responsibilities, apply for a promotion in the office, ask to be temporarily promoted, or ask if your position might be accreted. Ask to be rewarded accordingly.



If your request is denied, ask your supervisor what you would have to do to earn a promotion. If you are averse to initiating conversations about deserved promotions, remember: A few minutes of discomfort may be worth tens of thousands of dollars, or even more, to you over the course of your career. If your boss' words or actions indicate rewards are not forthcoming, consider moving on.

6. **Consider the Senior Executive Service.** The SES is open to GS-14s and -15s, but it's never too early to start accumulating relevant credentials. Why? Because SES requirements are demanding, and require considerable time to acquire.
Start determining whether you are SES material and how to gain experience by discussing your prospects with SES members. Also, review these documents on the Office of Personnel Management website: Guide To Senior Executive Service Qualifications and Welcome to the Senior Executive Service.

7. **Seek the spotlight.** Demonstrate your skills for them by, for example, giving presentations, contributing to meetings and volunteering for projects that will generate interoffice collaboration.

8. **Make your boss' life easier — not harder.** Make your boss' goals for your office your goals.

9. **Supervise.** Supervisory experience is a prerequisite for management positions. Seize opportunities to mentor anyone you can without exceeding the limits of your position. Start doing so by, if appropriate, volunteering to supervise interns, orienting new employees, leading teams and taking supervisory acting positions.
10. **Immediately pounce on opportunities.** Even if you are not searching for a job, keep your résumé current so that you can quickly respond to requests for it from hiring managers. You never know when opportunity will knock.

<u>Job Aids Available on the Web</u>. 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 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.

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