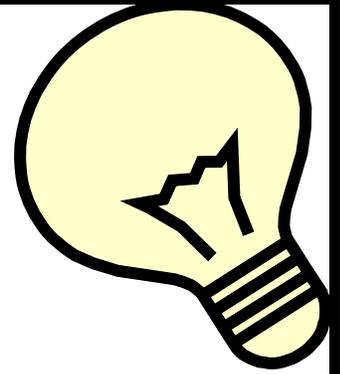


The

Illuminator

Shedding Light on the HR World

12-2008



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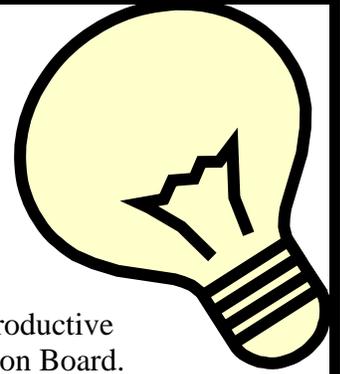
This publication is issued to ensure the Fort Benning commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Monthly issuances will contain updated information on specific employment topics (i.e., compensation, recruiting procedures, travel entitlements, classification issues, NSPS implementation information, 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, and the ABC-C Newsletter .

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Engage Employees for Better Productivity. An engaged work force is a productive work force, according to an upcoming study from the Merit Systems Protection Board.

MSPB measured employee engagement by surveying 37,000 employees at 24 agencies in 2005 about how much pride they take in their jobs and agencies, how much they trust their leadership, whether they have opportunities to improve their skills and do their jobs well, and whether they believe they are respected and their achievements recognized.

MSPB defines employee engagement as heightened connection to one's job, organization, co-workers or superiors.

High scores for employee engagement track closely with high scores on the Office of Management and Budget's Program Assessment Rating Tool (PART), said Doug Nierle, a senior research analyst at MSPB, during a Nov. 4 conference in Arlington, Va.

NASA, the Secret Service and the State Department had the highest levels of employee engagement, Nierle said.

And agencies that reported low levels of employee engagement — such as the Federal Deposit Insurance Corp., and the Homeland Security Department components of Customs and Border Protection, Immigration and Customs Enforcement and Transportation Security Administration — had higher average rates of sick-leave use, equal employment opportunity complaints and lost time due to workplace injuries, Nierle said.

Employee engagement is “a better predictor [of which organizations will perform well] than employee satisfaction alone,” Nierle said.

A report detailing the findings of the study will be released later this month, Nierle said. MSPB conducted another survey in 2007 and is still analyzing those results, he said.

Officials at NASA and the Secret Service told *Federal Times* that a key to their high engagement scores is frequent communication among senior agency leaders, managers and front-line employees.

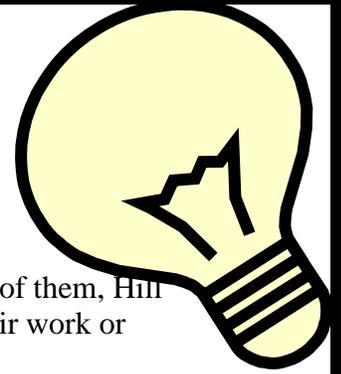
“People are happy if you listen to them, and you try to do something about their concerns,” said Lelia Vann, director of the NASA Langley Research Center's science directorate. “You can't do everything, but you can try.”

Langley and other NASA centers regularly survey employees to find inefficient administrative processes, and they use a Lean Six Sigma evaluation to figure out how to cut out needless steps. Vann said that 80 percent of the directorate's 336 employees and contractors replied to an online survey this spring.

Regular praise from senior Secret Service officials helped keep agents and support staff engaged during the lengthy and high-pressure presidential election season, said Keith Hill, the agency's deputy assistant director for human resources.

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But it's also important for employees to clearly understand what is expected of them, Hill said. Without clearly defined objectives, employees could lose interest in their work or could be surprised with new responsibilities.

The Secret Service has its own performance management system — which is separate from any bonus or pay raise program — that sets an employee's goals at the beginning of the year. There are numerous follow-up interviews and opportunities for dialogue between an employee and supervisor as the year progresses, Hill said.

"We want to have constant communication, and make sure people's goals are linked to the mission of the Secret Service," said human resources specialist Delisa Walker.

Employees also need to understand how they fit into the big picture, Vann said. She discovered last fall, almost by accident, that some of her employees didn't understand how they contributed to the Langley science directorate's broader mission.

Finally, frequent training keeps employees from feeling they are stagnating or getting rusty. The Secret Service offers several management training programs every few months, Walker said.

Did I Fail to Mention Those Prior Disciplinary Actions? A Transportation Security Administration employee, fired in connection with his omission of material information on his SF-86 (Questionnaire for National Security Positions), has failed to persuade first the Merit Systems Protection Board and now the appeals court to overturn his removal. ([*Nance v. Department of Homeland Security*](#), C.A.F.C. No. 2008-3126 (nonprecedential), 11/5/08) According to the court's decision, the key facts in the case were pretty much undisputed at the MSPB hearing.

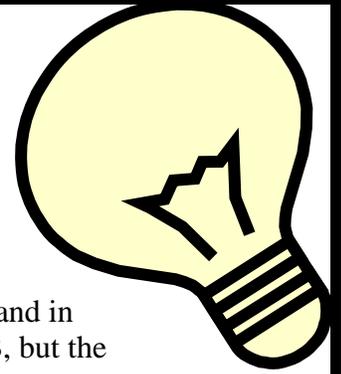
When Nance was employed in 2002, he filled out the required SF-86. He failed to list a previous 8-plus-years of employment with a county sheriff's office. And, when the background investigator asked him about his form, Nance apparently opted not to mention this previous employment. (Opinion pp. 1-2)

A few years later, Nance applied for a promotion and on his resume he revealed the sheriff's office position to the agency in his resume. The agency checked this information against his previous SF-86 and found the discrepancy. An investigator confronted Nance with it, and he admitted that he had failed to reveal the prior position "due to an oversight on my part." He further admitted he had been reassigned in this previous job, and "while not technically a disciplinary action, it has negative career implications. No other disciplinary actions." (p. 3)

But, when the TSA investigated further it found that in this prior job Nance had received 2 letters of counseling, a reprimand, a temporary pay reduction, a second reprimand, two separate suspensions, and finally placement in a one-year probationary status with close supervision. (p. 3)

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The agency fired Nance for being "less than candid" in filling out the SF-86 and in responding to the agency background investigator. He appealed to the MSPB, but the Administrative Judge affirmed Nance's removal. (p. 3)

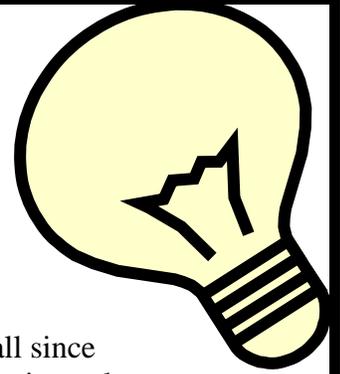
Nance took his case to the Federal Circuit Court of Appeals, but he had no luck there either. He remains fired.

Deciding on Appropriate Employee Discipline: The Douglas Factors. When disciplining an employee for misconduct, it's important that the penalty is justified based on the situation. The keys to determining whether a penalty is reasonable are the 12 Douglas factors outlined by the Merit Systems Protection Board in *Douglas v Veterans Affairs* 5 MSPR 280 (1981), 81 FMSR 7037. While agencies have some discretion when addressing misconduct, the general concepts outlined in *Douglas* call for "like penalties for like offenses." The idea is not to punish employees but to correct the misconduct and maintain an effective management environment. It is important to remember that there is no requirement to consider every one of the 12 factors by a preordained formula, and that no specific weight is given to any one factor. With that in mind, the 12 factors are:

1. Seriousness of the offense. The board will look at include the specific misconduct, how quickly the agency responded and whether the act was intentional or just poor judgment.
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position. The board will generally hold supervisors, law enforcement officers, employees with prominent jobs and those with fiduciary responsibilities to higher standards.
3. The employee's past discipline record. An agency may consider the employee's past record if the employee was notified in writing, given a chance to have a higher level review, and the action is a matter of record. Actions involved in a pending grievance or equal employment opportunity complaint can also be used. Stale discipline -- or actions based on agency regulations or collective bargaining agreements that have expired -- can be used to show progressive discipline and cited as an aggravating factor to show the employee knew the behavior was unacceptable.
4. The employee's past work record, including length of service, job performance, etc. If the misconduct is serious enough, length of service is irrelevant. It is important to watch out for inconsistencies between the employee's appraisals and the Douglas analysis.
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties. This should not be argued, for example, if the employee was left in the same position after the misconduct occurred.

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6. The consistency of penalty with those imposed on other employees for the same/similar offenses in like or similar circumstances. It's not one-size-fits-all since every situation is different. However, usually the board will look at similarly situated employees and penalties in similar cases.

7. The consistency of the penalty with the DA Table of Penalties pertaining to various offenses.

8. Notoriety of the offense or its impact upon the reputation of the Department of Army. The board will consider any publicity or potential publicity that resulted from the employee's misconduct and how it affected the public's perception of the agency.

9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question. The key here is to show that the employee should have known better, based on agency policies, common sense, length of service or training.

10. The potential for the employee's rehabilitation. This depends on when the employee shows remorse, and carries a lot of weight. It carries greater weight if shown before an investigation, but little or no weight after the investigation.

11. Mitigating circumstances. The board will consider the mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, physical and mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter.

12. Alternative sanctions. A deciding official has a duty to consider whether lesser penalties would be effective to deter the employee or others from committing similar misconduct in the future.

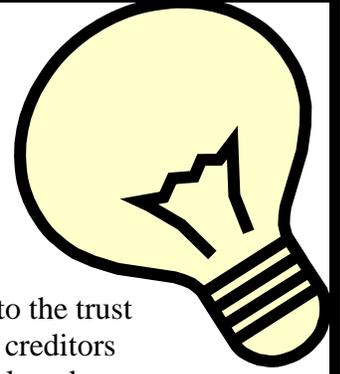
Penalties that are designed to make an example of an employee will generally not be upheld and zero tolerance policies do not always mean removal. Even zero tolerance policies cannot preclude consideration of mitigating factors. In removal cases, the deciding official will have to testify as to why an alternative sanction would not do the trick.

While all these factors will be considered, the MSPB is not a super personnel department and will not generally overturn a penalty unless it is so harsh and unconscionably disproportionate to the offense as to amount to an abuse of good judgment.

Trust Types. When you create a trust during your lifetime, it will be in one of two categories:

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* Irrevocable trusts. This is a permanent arrangement so assets transferred into the trust generally are out of your reach. Trust assets also may be beyond the reach of creditors and estate tax collection. Typically, irrevocable trusts are designed to protect loved ones, who are the trust beneficiaries.

* Revocable trusts. With these trusts, you can retain control over trust assets and collect investment income from those assets. If you change your mind, you can reclaim the trust assets so they're held in your own name again.

Revocable trusts provide protection against possible incompetency. A successor trustee or co-trustee can take over the management of trust assets, if you can't manage your finances. Also, revocable trust assets can pass to designated recipients without going through probate.

In order to obtain these advantages, you will incur costs to create and maintain a revocable trust. Moreover, you will have to take the time and effort to retitle assets so that they're legally held by the trust.

For questions contact your personal financial advisor, an attorney, or an investment counselor. While we strive to provide the latest information, the expertise of the HR staff does not extend to financial planning.

Lose Your Losers. With the stock market down, this year is a good time to convert a traditional IRA to a Roth IRA. All withdrawals from a Roth IRA are tax-free, after five years and after you reach age 59 1/2.

The catch is that you must pay income tax on the amount you convert from a traditional IRA to a Roth IRA. However, if your IRA is invested heavily in stocks or stock funds, you will pay less tax now that values are depressed. Then any rebound in stock prices eventually can lead to tax-free withdrawals from your Roth IRA.

If you are considering a Roth IRA conversion, divide your holdings into multiple accounts. You might set up a Roth IRA for domestic stock funds, a Roth IRA for foreign stock funds, a Roth IRA to hold a specialized gold fund, etc.

Up to October 15, 2009, you can recharacterize (undo) the 2008 Roth IRA conversion for any Roth IRA where the value has dropped.

You'll get back the tax you paid and have a chance to eventually re-convert to a Roth IRA at a lower value, and a lower tax cost.

In the meantime, any Roth IRA where the value has gone up can remain in place.

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On The Margin. Most brokerage firms extend margin loans to clients.

"Purpose" loans are used to purchase other securities. Typically, you can borrow up to 50 percent of the value of your collateral.

With \$100,000 worth of stocks, bonds, and funds in your portfolio, for example, you might borrow \$100,000 to buy other securities. You now hold \$200,000 worth of securities, securing your \$100,000 loan.

"Non-purpose" loans can be used for anything else, other than buying securities. With a \$100,000 portfolio, you might get a non-purpose loan of \$80,000 or even \$90,000.

You'll pay less for a margin loan than you would for credit card debt or a personal loan from a bank. For margin loans, your brokerage firm might charge one full point over the prime lending rate. If the prime rate is 4 percent, you'd pay 5 percent on margin loans.

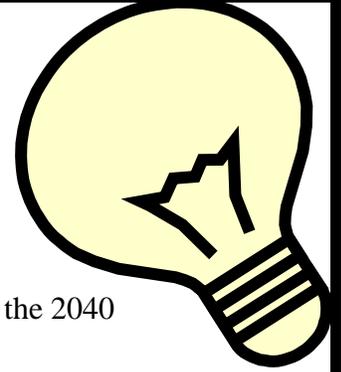
Purpose loans produce investment interest, which is deductible up to the amount of your net investment income. Non-purpose loans generally produce non-deductible personal interest.

For questions contact your personal financial advisor, an attorney, or an investment counselor. While we strive to provide the latest information, the expertise of the HR staff does not extend to financial planning.

L Fund Returns Show Diversification's Effect. Troubling as recent returns in the stock market have been, TSP officials said at a recent board meeting that the lifecycle funds have performed as they were designed to do, which is to manage the risk/reward exposure of participants according to their investment time frame. TSP officials have been outing L fund investment since those funds were created three years ago, partly in reaction to the relatively poor record that TSP investors had shown in maintaining investment profiles suitable to their ages. There are five L funds, an income fund for those already making withdrawals or who expect to do so soon, and target date withdrawal funds for 2010, 2020, 2030 and 2040, whose investment profiles become more aggressive the farther out the target date gets. For example, the large company stock C fund is down 32.84 percent this calendar year through October, the small company stock S fund is down 33.69 percent and the international stock I fund is down 42.67 percent. So far this year, in contrast, the L fund is down 5.43 percent, the 2010 fund

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10.57 percent, the 2020 fund 21.83 percent, the 2030 fund 26.11 percent and the 2040 fund 29.82 percent.

Returns Reflect Investment Approaches. Currently, the income fund is invested 74 percent in the no-risk government securities G fund and 6 percent in the relatively low risk bond F fund, with the other 20 percent spread across the three stock funds. In contrast, the 2020 fund has about 40 percent in the G and F funds and about 60 percent in stocks, and the 2040 fund has about 18 percent in the G and F funds and about 82 percent in stocks. The investment mixes of L funds other than the income fund change quarterly to become slightly more conservative with the passage of time. In 2010, the 2010 fund will have the same profile as the income fund and the two will be merged, and a new 2050 fund will be launched.

Reviving a Dispirited Workforce. When [President Obama](#) takes over in January as manager in chief of nearly 2 million federal employees, he will need a plan to reinvigorate a frustrated and demoralized workforce, career employees warn.

In numerous federal agencies, civil servants complain that they have been thwarted for months or even years from doing the jobs for which they were hired. Federal workers have told leaders of the presidential transition team that they feel rudderless, their morale affected by the Bush administration's opposition to industry regulation, by steep budget cuts or by the departures many months ago of Bush political appointees in high-level positions. Although they fear publicly identifying themselves, numerous federal workers said in interviews that they are down but also excited about new leadership.

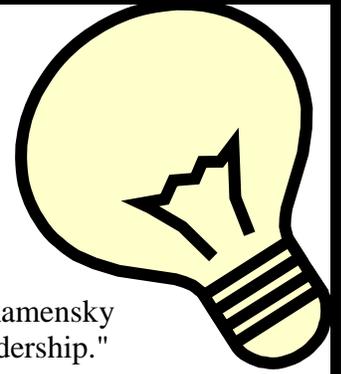
"Many we talk to are wary but cautiously optimistic that with this change in administrations they will get to do their job again," said Jeff Ruch, executive director of the nonprofit Public Employees for Environmental Responsibility. "In the environmental agencies we deal with, they weren't allowed to do their jobs because the Bush [White House](#) operated on a very centralized basis. The rule was: That which the White House doesn't want to hear shall not be said."

Federal employees said they are not a passionately partisan group, but some are hopeful about an Obama presidency, assuming that their lot will improve. Several took heart from Obama's statements on the campaign trail that he wanted to make federal government work "cool again."

John Kamensky, a senior fellow and transition expert at the [IBM Center for the Business of Government](#), said that in tracking the Bush administration's recent work and searching for any new initiatives, his center noticed that the business of government had slowed to a near crawl over the past year.

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"We've been saying that for a year: The administration checked out early," Kamensky said. "I am hearing [civil servants] are demoralized and waiting for some leadership."

White House spokesman [Tony Fratto](#) said that regulatory agencies have a bias in favor of more regulation, and that he suspects workers voicing frustrations with the Bush administration's opposition to excessive regulation are those clamoring for new leadership. "There's no support in the surveys for a demoralized workforce," he said, citing a 2006 government-wide survey on workplace satisfaction by the [U.S. Office of Personnel Management](#) in which 58 percent reported being satisfied with their agencies and 68 percent with their jobs overall.

Regulatory agencies -- including the Interior and Labor departments, the [Environmental Protection Agency](#), the [Food and Drug Administration](#), and the [Consumer Product Safety Commission](#) -- have been hit the hardest by morale issues, mainly because of Bush's anti-regulatory posture, workers and union officials said. Hundreds of federally employed scientists, researchers and agency attorneys have drafted, studied and restudied regulations that went nowhere.

At EPA, a regional staffer who works on wetlands protection said the agency's political appointees have erected roadblocks and stalled on work to clean air, water and soil. He said the headquarters waited a year to advise staff members on how to handle a Supreme Court decision that threw wetlands rules into doubt, then issued vague, "useless" guidance.

"There's been an inability for people to do their jobs and do it well," said the staffer, who spoke on the condition of anonymity. "The administration's purpose has been to do nothing."

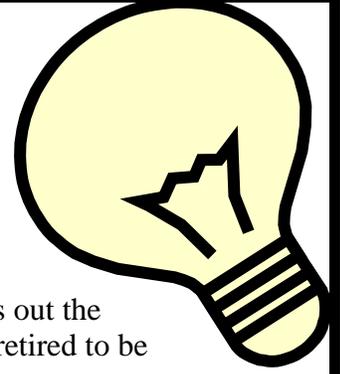
At Labor's Occupational Safety and Health Administration, career scientists were told in 2001 by arriving Bush appointees to stop work on nearly completed regulations to reduce exposure to four well-documented workplace poisons. The new leadership wanted the office to focus on other workplace poisons, but even those efforts dragged on for years.

"It was discouraging for many employees to sit for so long," said Charles Gordon, a recently retired Labor Department career attorney who oversaw [OSHA](#) matters for three decades. "They felt they weren't fully utilized."

One veteran OSHA staffer who asked not to be named said her agency has worked for 15 years on the same draft regulation, most recently on management-ordered revisions, without completion.

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"Even though we can show bodies on the floor from this danger, nothing gets out the door," said the staffer, who ticked off a list of PhD-carrying colleagues who retired to be more productive elsewhere.

Some agencies are also suffering from double-digit percentage cuts in staff and resources, and the strain on federal workers has been noted in several independent reports. The staff of the [Small Business Administration](#), for example, has dropped from 2,975 to 2,166 since Bush took office. The volume of federal contracting has nearly doubled during that period, from \$207 billion in 2000 to \$400 billion last year, while the number of staff members monitoring contracts has declined.

Also, some agencies have gone through much of this year without senior leaders. In May, eight months before Bush was to leave the White House, half the administration's top 250 political positions were vacant or filled by temporary appointees.

The jobs left in limbo at that early stage included five of the seven senior [Justice Department](#) positions, two deputy secretary jobs at [HUD](#) overseeing public housing and community development, and a position of senior adviser to the Treasury secretary on economic policy.

With this being the first election in 50 years in which neither the president nor his vice president ran for office, Kamensky surmised that many appointees may have expected to be replaced and felt no need to await election results.

Frank Buono, a retired [National Park Service](#) employee, said that the administration did a poor job of hiding "a fundamental hostility" toward his agency's job of conserving national parks. Obama's challenge, he said, would be getting the workforce to trust its leadership again.

"The atmosphere in the agencies, even among career people, is pretty negative," he said. "They have been completely browbeaten."

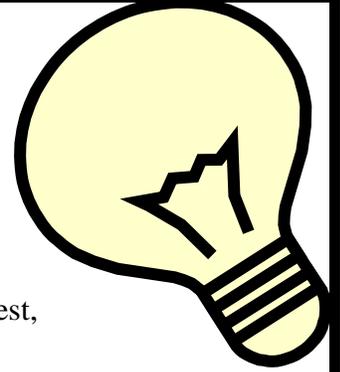
But there are rays of hope, Kamensky noted.

Paid Holidays Coming Under Scrutiny with Budget Crunch. California's generous offering of holidays for state workers — the equivalent of nearly three work weeks — is among the items Gov. Arnold Schwarzenegger is looking to trim to help counter a mounting budget deficit.

Lincoln's Birthday and Columbus Day would get the ax under a proposal the governor's administration estimates will save \$114 million during this fiscal year and the next one starting in July.

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"We think it's not so painful to give up a couple of holidays," said Mike Genest, Schwarzenegger's finance director.

Union leaders are resisting the move, but California isn't the only state looking to save money by cutting back on paid days off.

New Jersey passed a benefit-cutting bill in September that included eliminating Lincoln's Birthday as a state paid holiday amid a budget deficit projected to reach \$1.2 billion in the current fiscal year. Gov. Jon Corzine also stopped the tradition of giving employees the day after Thanksgiving as a paid day off.

Utah, which is experimenting with a four-day work week, eliminated Columbus Day as a paid holiday.

Scott Pattison, executive director of the National Association of State Budget Officers, said California and New Jersey are rare because they offer so many paid holidays to government workers: 14 in California, which includes a "personal holiday," and 13 in New Jersey.

According to the U.S. Bureau of Labor Statistics, the average number of paid holidays for state and local government employees nationwide is 11 days a year. The average private-sector employee receives eight paid holidays.

California is one of only a few states that has not merged Lincoln's and Washington's birthdays. It also gives workers a day off each spring to honor labor leader Cesar Chavez.

Groups representing state workers criticized the plan to eliminate two holidays because it does not solve the state's massive deficit.

Dave Hart, president of the California State Employees Association, said state workers already are facing a double hit. Schwarzenegger also proposes making most state workers take one day off a month without pay, and Hart said they will be further squeezed by the governor's plan for a three-year, 1 1/2-cent increase in the state sales tax.

"The governor says he values state employees, but it sure doesn't feel like it," Hart said.

Schwarzenegger is trying to address a state budget deficit expected to grow to \$28 billion by June 2010.

Hart said most bargaining units are in contract negotiations and would fight the proposals to furlough workers and eliminate paid holidays if they emerge from the special legislative session Schwarzenegger has called to deal with the budget deficit.

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Debbie Berman, a single mother of four who has worked for the California Employment Development Department for 10 years, said the state simply could stop paying overtime on holidays to save money. Berman, 38, said she relies on paid days off to bond with her children.

"It would be a day that I would normally have off to do something special with my kids," she said. "As it is, you work 9-hour days and then your kids are in school and you don't have as much time to spend with them, so you look forward to having those holidays."

Ron Shelton, who has been in the trucking industry for 26 years, said he receives six paid holidays a year and supports the governor's proposal to reduce the number given to the 230,000 state government workers.

"I think it's perfectly fair given the situation the state's in right now," Shelton, 54, said as he unloaded boxes from his truck in downtown Sacramento. "I mean, everybody's got to give."

Report Shows Slight Increase in Veteran's Employment. Veterans' representation in the federal work force went up only slightly in 2007, but the growth in the numbers of veterans among new hires was more promising, according to a new report.

In fiscal 2007, 22.9 percent of the government's new hires were veterans. That is an increase of 0.8 percentage points from fiscal 2006, and is the highest since at least fiscal 1998, according to an Office of Personnel Management report, ["The Employment of Veterans in the Federal Government, Fiscal Year 2007,"](#) released mid November.

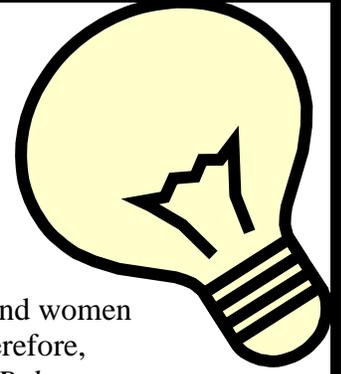
The government employed 462,744 veterans, who made up 25.5 percent of the federal work force, in fiscal 2007. That is an increase from 25.4 percent in fiscal 2006, and 25.0 percent in fiscal 2003.

The growth in the veteran work force at the Defense and Homeland Security departments is largely carrying the rest of the federal government. Of the Cabinet agencies, only Defense and Homeland Security showed growth in veteran representation.

Eleven of 18 departments listed hired a greater percentage of veterans in fiscal 2007 than in the year before. The Defense Department is not counted by OMP as a single department, but rather as four departments: Army, Air Force, Navy and Defense activities.

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Wanted: Healthcare Workers! There are critical shortages of these men and women all over the United States in medical practices and hospitals everywhere. Therefore, *healthcare options provide one of the fastest growing professional fields for Baby Boomers and Active Seniors.* Let's look at healthcare careers that you can pursue right now.

Healthcare administration worker

There are unlimited possibilities because the hospitals nationally are all adding "new wings," particularly for cancer and cancer research, heart surgery and other specialties, which different hospitals pursue.

Information Technology knowledge will increasingly be required in most of these positions. It's no longer someone laboriously keeping records by hand anymore, but it's an individual entering the information into a computer at a reception desk, for example. Today's medical community is increasingly moving toward a paperless trail of information. Companies such as Kansas City's Cerner, which is a New York Stock Exchange company where my son Jim works, are very much on the cutting edge of this type of development.

Nurse practitioner

This is going to be a growing field in the future. Walgreens and one of the other major pharmaceutical chains have now established urgent care facilities owned by their respective firms, which feature a nurse practitioner for more routine procedures.

In the future, a growing number of these clinics will open to treat patients, who may or may not have healthcare insurance, or whose doctor's office may not be open that day.

Geriatric care manager

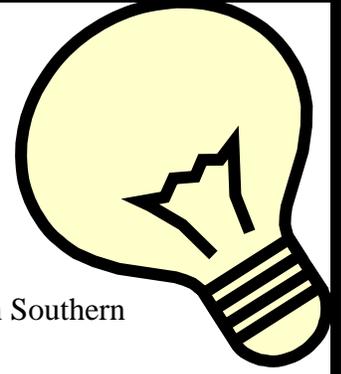
It's a growing field. Men and women have all different levels of education and experience leading into these positions. There are even temporary employment agencies that send people out on assignments, which may take place every day, a few days each week or a certain number of hours per day for three days each week, depending on a given family's needs.

Hospital worker

The good news about hospitals is this: the current AARP list of top employers for men and women over age 50 includes hospitals throughout the U.S. In fact, two of those hospitals have significant facilities in my home county of McHenry County, Illinois. One

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is Centegra Health System and the other is Mercy Medical, which is based in Southern Wisconsin, but they also have a significant presence in northwest Illinois.

Nurse and nursing assistant

My sister, Tanis Caras, who is 59 years old, has been a nurse and a nurse supervisor, principally in ICU, for many years. In the ICU ward, my sister typically worked three days each week for 12 hours per shift. However, she was literally able to take off four days each week. But, on those days when she was working, she really worked long hours. Please bear in mind that people she monitored were men and women in life and death situations in the Intensive Care Unit of her hospital.

The American Nurses Association, which is headquartered in Silver Spring, Maryland, estimates the future shortfall for Registered Nurses will be 800,000. But, there is already a shortfall of nurses all over America. This analysis also does not include the LPN category of nurses.

So the overall category of nurses in our society, especially as Baby Boomers continue to age, will exceed a one million nurse shortfall in our society in the future, which makes this a really critical issue in our society. Fortunately, there are men and women who have been previously trained as nurses, especially women who may have left the profession to raise a family, for example. The nursing profession today is reaching out to these women to encourage them to come back to their nursing career later in life.

Nurse educator

In order to address the increased demand for nurses, there is also today a crying need for nurse educators, who are willing to go back to school to earn a Master's degree or PhD so that they can be qualified to teach in a nursing school or at a college level.

Medical technologist and hospital worker

These men and women do all sorts of testing, CT scans and various things having to do with specialized practices in medicine or as workers in a hospital.

Dental hygienist

This professional also receives high pay in a dental office. Typically, this individual is a woman, who works as an independent contractor for a dental office or several dental practices.

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This high demand individual has typically pursued a two year curriculum at a local junior college. But, the sky is the limit in terms of where that woman will wind up working. Most often, she will be able to choose a dental office or offices close to her home. Finally, these women normally do not work every single day, but rather they pursue their skill three or four days each week.

Those Pesky Background Checks Can Lead to Removal. A Revenue Officer terminated by the Internal Revenue Service during her probationary period had no luck when she took her case to the Merit Systems Protection Board and then the Federal Circuit Court of Appeals. ([Alvarez v. Department of the Treasury](#), C.A.F.C. No. 2008-3264 (nonprecedential), 11/6/08)

After hiring Alvarez the agency did a routine background check. It uncovered that in prior employment as a Tax Examiner with the State of Maine, Alvarez had been disciplined for "inappropriately accessing" tax information. (Opinion p. 2) The IRS terminated Alvarez during her probationary period for "conduct unbecoming or not suitable for IRS employment." (p. 2)

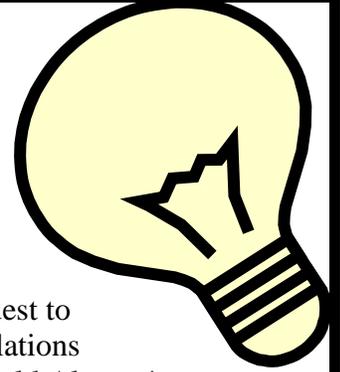
The Merit Systems Protection Board held a hearing that resulted in a finding that the Board did not have jurisdiction over her appeal. In cases involving pre-appointment conduct, the only role of the MSPB is to ensure that certain required procedural requirements were followed (advance written notice of reasons, reasonable time to respond, and notice of the final decision with appeal rights.) The Administrative Judge determined that the required procedures were followed by the agency and dismissed Alvarez' appeal. (p. 4)

One of the points argued in the case was the adequacy of the amount of time Alvarez was given to respond to the notice. The agency gave her seven days, but by the time she got a copy of the background investigation report she had four days left. The AJ did not address whether four days was enough time, but concluded that Alvarez was not prejudiced when the agency refused to grant an extension—she filed a "thorough response" and did not show that she was prejudiced by the amount of time allowed to respond. (pp. 4-5) The court deferred to the AJ's determination since Alvarez did not make a "persuasive showing" that the AJ erred in this regard. (p. 5)

Alvarez also unsuccessfully argued that her termination was actually an adverse suitability determination that is appealable to the Board, calling it a "constructive suitability determination." She pointed among other things to the reason given for her termination, which used the word "suitability." (p. 5)

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The Board and the court did not buy this argument, pointing out that the request to terminate Alvarez and the notice of proposed termination both cited the regulations governing probationary separations. (pp. 5-6) In short, the court has now upheld Alvarez' removal.

Moving Can Be a Taxing Decision. So, what motivates federal employees and others to move during retirement? While there may be other factors, this list covers a number of the considerations many of our fellow baby boomers and others consider important in making such a decision.

First, we may decide to move because a specific job offer emerges from either the private or public sector. This offer to someone in greater demand could also include a future independent contractor status or registration with a speaker's bureau or talent agency, for example. Or, it may include starting your own business or even buying a franchise with an established business plan and strategy to pursue.

Second, we may decide to move because of family considerations, which range from aging parents to relocating so that we can be closer to our children and grandchildren. In fact, a number of my daughter's closest young adult friends in Greater St. Louis have talked about their parents taking precisely this step recently. By the way, this observation includes the movement of grandparents to the St. Louis area, who have never before lived in that region.

Third, men and women also choose to move to a more exciting part of the US or they may choose to live abroad, which an increasing number of Americans are now deciding to do. For example, a fellow baby boomer web entrepreneur, Ann Fry, decided to move from Austin, TX to New York City over the past year and she has never looked back on her decision. The 62 year old Fry runs a successful web site plus works as a motivational speaker and career coach. So, part of her relocation formula has included an upsurge in her speaking engagements and coaching assignments, especially since she moved to New York, despite the warnings of doom and lack of success from her Austin, Texas-based friends.

Fourth, other men and women choose to move to a different part of the US especially for tax reasons. But, of course, the question, which quickly emerges in this complex set of variables is "which taxes?" Many of us no doubt already know Texas or Florida (part-time) citizens, who have emigrated to these states because neither levies a state income tax. Of course, the winning formula is that "they" actually live in their adopted states for one-half of the year plus one day.

But, did you know that there are actually a total of seven states with no income tax as follows: (1) Alaska, (2) Florida, of course, (3) Nevada, (4) South Dakota, (5) Texas, (6)

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Washington and (7) Wyoming. In addition, New Hampshire and Tennessee only tax interest and dividends.

Likewise, it should be clearly said that a total of 26 states plus the District of Columbia do not tax Social Security benefits. **IMPORTANT:** Our [web site](#) is against any states taxing Social Security income or public sector pensions from federal, state or local governments. From our standpoint, because of the current and coming labor shortages and especially because of the current skills shortages, our society cannot afford to do anything, which has the net effect of discouraging men and women from continuing to work in America.

Finally, other men and women will factor some or all of these issues into consideration, when deciding where and when to move in our society. In the final analysis, even local sales taxes and property taxes can and should enter into this equation. For example, the City of Chicago recently passed an incredibly high local sales tax, which put this great city at or near the top of local sales taxes in the whole US among major cities. Of course, this consideration only becomes important when someone wants to buy something, whatever that may be.

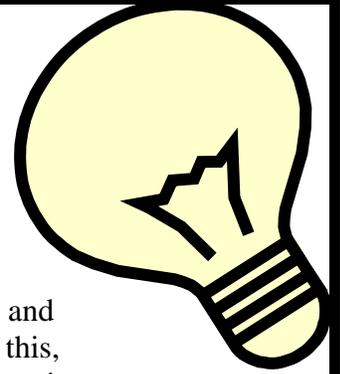
To tax or not to tax -- that will indeed be the question for state and local governments in the future in the US and elsewhere, as a wave of baby boomers begin to consider all of their relocation factors and options. "Yes," state and local governments would like the bank deposits, which provide the necessary capital needed for consumer loans and local businesses to expand and create even more jobs in that area. "Yes," state and local governments would also like men and women, who will not be adding to the local student population in our nation's public schools, but who will never the less be adding to the local property tax base. "Yes," state and local governments would also like to have men and women, who are creditworthy and who have a greater equity position in their homes move into the community.

But, what if anything are these state and local governments willing to do in order to court "our" favor, you might logically ask? This writer submits to you that the answer to this question will cause state and local governments around the US to make a whole series of different decisions, both now and in the near future, in order to demonstrate "their friendliness" to my fellow baby boomers, who are 78 million strong just in the US.

Progressive Discipline. Federal employees are expected to be honest, reliable, trustworthy, of good reputation and conduct themselves both on and off the job in a manner that reflects favorably upon the Federal Government. Furthermore, they should cooperate with and respect the authority of their supervisors, and maintain good working relationships with their fellow workers. Resoundingly civilian employees operate in that realm; however, on occasion, there are instances of misbehavior poor performance that

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warrant corrective action. The broad objective of corrective action is to train and motivate employees to maintain reasonable standards of conduct. In view of this, communication with documented instruction is the daily responsibility of supervisors, not merely an action taken when an employee deviates from acceptable conduct. Employees should exercise self-discipline so that no corrective action is needed on management's part; however, when an employee does not monitor their own behavior, supervisors may need to intervene.

In the realm of progressive discipline, corrective actions should initially be addressed as (1) informal actions consisting of counseling, verbal reprimands, and written warnings. If an employee fails to heed such caution; (2) formal disciplinary actions which include written reprimands and suspensions of 14 days or less; and, (3) adverse actions - suspensions for more than 14 days or removals/separations. This higher level consequence is appropriate when the offense is serious enough to warrant a more severe corrective action.

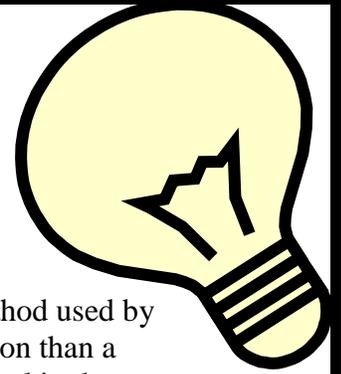
When corrective action becomes necessary, measures should be taken to correct offending employees and maintain discipline and morale among other employees. After fact-gathering, management is encouraged to consider the Douglas Factors to determine the appropriate penalty. Formal disciplinary action may not be necessary if corrective action can be accomplished through closer supervision, on-the-job training, or informal discipline. Corrective action will be most effective when taken as soon as possible following the incident/matter upon which it is based.

The Department of Army offers a Table of Penalties in AR 690-700, Chapter 751 to be used as a guide in determining the appropriate consequence for a variety of behavioral offenses for which progressive discipline is appropriate. Management should consider a range of suggested actions consistent with the seriousness of the offense and the number of formal infractions documented. The penalties are graduated in severity. If a lower level consequence is not effective, management should progress to the next level of discipline suggested in the Table for the second and third formal offense. This gradual increase in the seriousness of responses to repeat problems by employees with the intent to correct the conduct is called progressive discipline.

Verbal counseling or a written warning is the first step in corrective discipline. As a general rule, such actions are taken by the supervisor on his/her own initiative for a minor violation of a regulation, procedure, standard of conduct, safety practice, or authoritative instruction. The employee should be advised of the issue in question and should be permitted to explain his/her commission or omission. Written warnings may be offered as a courtesy to prevent the need for further action. If employees do not heed this low level of communication a higher penalty may be imposed.

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Next on the rung of discipline is the formal written reprimand which is a method used by supervisors in dealing with employee behavior that requires more severe action than a warning. In these instances circumstances normally warrant a temporary record in the employee's official personnel folder (OPF). Written reprimands are retained in the employee's official personnel folder for 1, 2, or 3 years based on the seriousness of the offense.

Suspension actions, which are always without pay, are recommended in cases of serious offenses or repeated infractions of a less serious nature. Suspensions are normally imposed after warnings or reprimands have been used without success or when the offense is so serious as to warrant a more severe corrective action.

Finally, removals are adverse actions proposed only in cases of serious or repeated offenses based upon an employee's willful action.

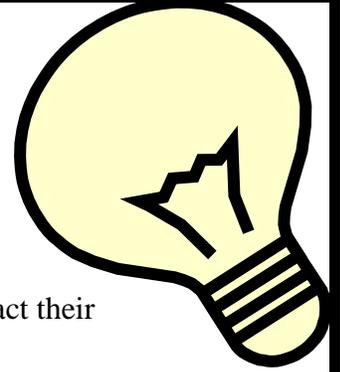
To determine what corrective action is justified, the supervisor should thoroughly investigate all facts on both sides of an issue/incident. When an action greater than a verbal reprimand or warning is believed to be warranted, the supervisor should provide documentation of supporting evidence, surrounding facts, the reason(s) why the action is believed warranted, and a detailed explanation as to how the proposed action would promote the efficiency of the service.

For all employees who have satisfied probation requirements, in instances where disciplinary action may reflect negatively upon an employee's employment status, advance notice of the action is provided to the employee in a proposal form. The purpose of such notice is to provide an explanation of the action proposed, reasons for the proposed action, and an opportunity for the employee to reply and have his/her reply considered at a higher level of supervision before the action is effected. Accordingly, an employee's oral and/or written replies shall be impartially considered by the deciding official. Upon consideration of the employee's input, a decision letter based upon reasons contained in the proposal letter, the employee's reply, and the deciding official's consideration of all evidence, will be delivered to the employee prior to the effective date of the decided action.

All levels of management within the supervisory chain are responsible for establishing employee-management relations to prevent disciplinary situations from developing. One way to accomplish this is to keep employees informed on matters relating to their employment and promote good working relationships. Management should also train their employees in proper standards of conduct, for example, customer service objectives.

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Supervisors needing assistance with discipline issues are encouraged to contact their CPAC Management Employment Relations Specialist for specific guidance.

The NAF Career Referral Program. Non-appropriated fund (NAF) Human Resources (HR) Offices Army-wide recruit and fill position vacancies at pay band levels NF-04 and above through a centralized Career Referral Program throughout the world. The program is administered by the U.S. Army Family and Morale, Welfare and Recreation (MWR) Command and the primary objective is to provide a structured and centralized process of recruitment and referral of highly qualified personnel to meet the needs and requirements of the military community. The program is designed to attract as well as retain highly qualified employees by providing greater career opportunity for promotion, transfer, and reassignment to managerial, professional, technical and administrative positions. All positions centrally managed by the program are full-time and usually cover career opportunities associated with the following occupational groups:

- *Child and Youth Services*; such positions may include CYS Coordinator, CYS Director, Training and Curriculum Specialist, School Age Services Director, etc.
- *Recreation Management*; such positions may include Community Recreation Officer, Outdoor Recreation Specialist, Recreation Specialist, Sports Specialist, Automotive Crafts Manager, etc.
- *Lodging/Hospitality Management*; such positions may include Hotel General Manager, Front Office Manager, Executive Housekeeper, Food and Beverage Manager, Executive Chef, etc.
- *Business Operations*; such positions may include Business Operations Officer, Business Manager, Business Consultant, Golf Manager, Bowling Manager, Club Manager, etc.
- *Financial Management*; such positions may include Accountant, Auditor, Budget Analyst, Financial Analyst, etc.
- *Information Management*; such positions may include Information Systems Program Manager, Information Technology Specialist, Systems Administrator, etc.
- *Installation Activities and Support*; such positions may include Human Resources Officer, Human Resources Specialist, Marketing Specialist, Contract Specialist, Support Services Manager, etc.

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- *Program Planning, Management, and Evaluation*; such positions may include Program Analyst, Management Analyst, Support Services Officer, Administrative Officer, etc.

Employees and applicants interested in applying for position vacancies through the Career Referral Program are required to apply against a specific vacancy announcement. The vacancy announcements may be viewed at www.cpol.army.mil. Applicants requesting consideration for positions at pay band levels NF-04 and above may register in the program by clicking the hyperlink listed in the bottom section of the vacancy announcement **or** through the Morale, Welfare and Recreation (MWR) Resume Builder. The online MWR Resume Builder may be accessed by visiting www.mwrjobs.army.mil. Once an applicant has accessed the website, he or she may begin the registration process. The online resume builder conveniently allows applicants to enter all required information necessary to register as well as permits those applicants the opportunity to create, edit, view, print, save, and submit a resume 24 hours a day, seven (7) days a week. Simply cut, paste or type your resume in the appropriate formatted section and upon completion, applicants may transmit their resume by selecting the “submit resume” button. In the event the prompt “submit resume” is not selected, the resume will not be transmitted. For informational purposes, please be advised that the online MWR Resume Builder is separate from the Army Resume Builder and there is no nexus between the two resume builders.

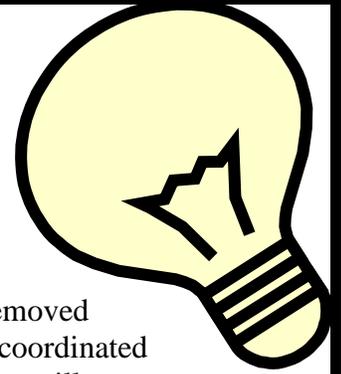
To receive specific information regarding the Career Referral Program, please contact your servicing Human Resources Specialist.

Probationary Periods. Employees initially appointed to NAF regular full-time (RFT) or regular part-time (RPT) positions are required to complete a one-year probationary period. The purpose of the probationary period is to afford a final test of the employee's ability and fitness for the position as demonstrated by actual performance on the job. In instances where an employee with prior service with NAF is reemployed in a RFT or RPT position, he/she will not be required to serve a new probationary period provided the employee does not have a break in service that exceeds three years. Employees serving in a flexible position, for which the same position is later converted to regular status, shall receive up to six months credit towards the completion of the probationary period. In instances where an appropriated fund (APF) employee ports from a DoD position to a NAF position without a break in service greater than three days, his/her APF service will be counted toward completion of the probationary period.

During the probationary period, the supervisor must observe the employee's job performance and fitness for retention in the NAF service and subsequently orient, train, and counsel employees to ensure that the probationary period or trail period is a fair test of abilities and fitness. In the event an employee does not perform satisfactory or

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displays conduct which is unacceptable to continue service, he/she may be removed during the probationary period; however, the employee's removal should be coordinated with the NAF Human Resources (HR) Office. Thereafter, the NAF HR Office will advise the supervisor of the administrative requirements needed to support the removal of an employee during their probationary period.

Employees who are placed in initial civilian supervisory or managerial positions are also required to complete a one-year probationary period. This probationary period is designed to test an employee's ability to handle the supervisory or managerial duties of the new position. As is the case with nonsupervisory positions, management shall assist the new supervisor in the same manner by providing orientation, counseling, and training, as outlined in regulatory guidance. Overall, any supervisory or managerial employee who fails to satisfactorily complete their probationary period may result in their removal or possibly returned to a non-supervisory or non-managerial position.

To ascertain specific information surrounding probationary periods, please contact your servicing NAF Human Resources Office at (706) 545-1610.

Federal Jobs Will be Plentiful but Competitive for Promotions. The competition is speeding up! Current federal employees will have to compete for promotions with excitement of the new government and the lack of jobs in private industry. And with veterans returning from the Middle East, competition is everywhere for a promotions you want to get!

Tips for 2009 for Current Feds who want to get promoted

Get your federal resume updated and jazzed up to meet and beat the competition. No more bureaucratic descriptions which don't describe what you "really do". It's time to write about your contributions to your mission, your ideas, projects and big problems you solved last year in 2009 language and keywords for your industry.

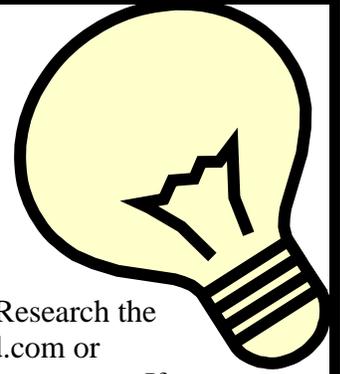
Old habits of rushed updating and submitting for positions should end. It's time to change your past practices of rushing to update your resume, last minute check off the boxes in a Questionnaire, and struggle with KSAs, which may not be your best drafts or ideas.

Writing strategies for your federal resume to Stand Out

What are your 2009 federal keywords? Find a target announcement and analyze the duties and qualifications for 10 keywords. Make a list of the 10 keywords and review them against your current resume. Are they in the resume? If not, add them to the resume now.

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What are the 2009 private industry keywords that could help you stand out? Research the outside world for new ideas and new language for your resume. Go to indeed.com or your favorite online job board and search for a similar job to yours in the private sector. If you are a Program Analyst in government, see if you can find an equivalent and check out the keywords and competencies they are writing about. Look for Duties, Basic Qualifications, Other Qualifications – any new way of describing your job! New ideas!

What have you done lately? Think about the most important contribution you made to your organization last year. Write it down. Is it impressive? Ask a friend who does not work in the government to read it. See if they think it is impressive and valuable. If not, rewrite it and ask them to read it again.

KSA and Essay Story Telling

Get ready to tell your job-related stories. I recommend that you take an improv class to practice your KSA story-telling. (KSA is a term used to refer to knowledge, skills and ability.) "Then there was that time when my customer (a \$30 million per year customer), asked me to purchase new equipment valued at \$10 million with only 20 days in the budget year. This was a product for multiple offices worldwide. I had to find the product, research vendors, discover new possibilities for this product, stay late for 3 nights, solicit bids, and negotiate an agreement in record-time and with great SUCCESS. My customer got their products on-time and the best quality they could have asked for. I received recognition for outstanding service and demonstrated my excellent customer services. This customer is growing in their mission and my acquisition services are consistently there to help them meet new initiatives."

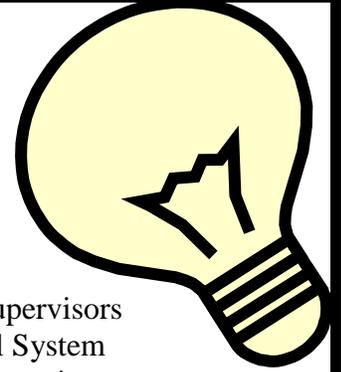
Readability. No More Big Block of Text

Federal resumes have become a "big block" or words in the USAJOBS and other online builders. With Internet and online reading smaller paragraphs and chunks of content are more readable and friendly for busy HS Specialists and Supervisors. Use ALL CAPS as headings for builders. The Federal Resume Guidebook calls this the Outline Format using ALL CAPS as Headlines with top critical skills.

Holiday Homework - Keep your resume and KSA Stories up-to-date every week or month. With this competition and the increase of jobs posted on USAJOBS in the next 3 to 6 months, it is imperative that you update your federal resume and KSAs right away – during the holidays!

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Human Resources (HR) for Supervisors Course. The updated HR for Supervisors Course incorporates instruction applicable to the National Security Personnel System (NSPS). The course is 4.5 days long; includes lecture, class discussion and exercises; and, is designed to teach new civilian and military supervisors of appropriated fund civilian employees about their responsibilities for Civilian Human Resource Management.

Course dates are highlighted below. Course registration information will be disseminated not less than 3 weeks from the course start date.

1 - 5 December 2008

2 - 6 March 2009

1 - 5 June 2009

14 – 18 September 2009

The instruction includes the following modules:

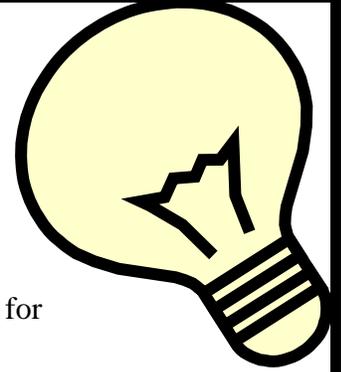
- Introduction of Army CHR which includes coverage of Merit System Principles and Prohibited Personnel Practices, CHRM Life Cycle Functions, Operation Center and CPAC Responsibilities
- Planning
- Structuring – Position Classification
- Acquiring – Staffing and Pay Administration
- Developing – Human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

This instruction does not cover supervision of non-appropriated fund (NAF) or contract employees.

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

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training of this nature, please contact your servicing HR specialist to arrange for scheduling.

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 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.

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 this publication or recommendations for information to add, please contact the undersigned.

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