

*The*

# *Illuminator*

*Shedding Light on the HR World*

*4-2012*

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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, updates on USA Staffing, the newly deployed recruitment tool, etc ).

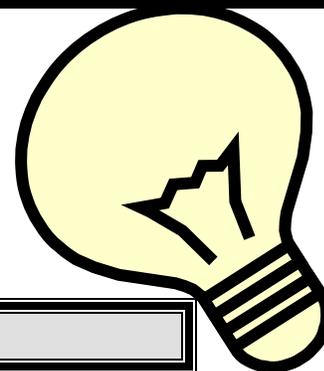
This newsletter is an apercu of articles written by CPAC staff [members] as well as information excerpted from various sources of personnel-related documents. While it is readily acknowledged that this information may be available through other media, this compilation is an attempt to provide a readily available source of information and to preclude our stakeholders from having to personally plunder through numerous personnel articles

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

**FEHBP to Add 10 New Health Insurance Plans.** Employees and retirees will have 10 additional health insurance plans to choose from during this fall's Federal Employees Health Benefits Program open season, the Office of Personnel Management recently advised.

"This is more new plans that have entered the FEHBP than the last five years combined," John O'Brien, OPM's director of health care and insurance, told a conference of FEHBP carriers in Arlington, Va. "This is a significant development, which I hope to see more of in the next year. It says to me that private insurers recognize that this is a marketplace where the rules allow high-quality plans to compete."

O'Brien said that the 10 new plans either have already been approved or are about to be approved. He did not name the new plans, or say whether any other plans will drop out. There are more than 200 plans in FEHBP.

O'Brien also said OPM is starting to open up FEHBP to employees of Native American tribes and tribal organizations for the first time, as required by the 2010 Affordable Care Act health reform bill. OPM launched its enrollment system last week, and has enrolled about 2,800 people from 16 tribes. Those enrollees will be covered beginning May 1, he said.

"We expect these numbers to increase throughout the year, as more tribes sign up," O'Brien said. "This program, long requested by tribal representatives, is an example of the power of the FEHBP model. We provide a choice of price-competitive, quality plans to small groups, many in very remote areas. Since we've been doing just that for federal employees all these years, we are in a perfect position to do this for the tribes."

He asked carriers to help OPM educate tribal benefit administrators about the program, and to help transfer new enrollees from their old plans to FEHBP as soon as possible.

**Phased Retirement: How Would It Impact Your Federal Annuity?** This article was written by Robert F. Benson. It is copyrighted; therefore, permission for its use was sought and granted. Further reproduction will require additional permission from the author. Any references to "I", "me", or "my" pertain to Mr. Benson as an author.

The Senate has passed a bill (S. 1813) providing for what the bill refers to as "phased retirement." So far, details are lacking, but for comparison, let's take a look at what is

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already available for federal employees; specifically, for employees late in their careers who would like to work fewer hours while still contributing to their pension, and Social Security, and Thrift Savings account. What is this existing program? How does it work?

It's called part-time. To enroll – at any age – just ask your supervisor. Once your new hours are approved, your hourly rate will be multiplied by the actual hours you work, to arrive at your new gross pay.

## **Proration**

This is the arithmetic process that corrects for reduced contributions to the pension fund, in calculating your annuity.

Here is a simplified example: An employee wants to work part-time his last year and then retire. For the first six months he works 32 hours weekly and for the final six months he works 24 per week, then he retires. Divide the hours he actually worked in his career by the number of hours he could have worked, if he had been full-time all the way.

$$61,776 (62,400 - 624 \text{ hours "missed" in final year}) / 62,400 (30 * 2,080) = 0.99$$

The 0.99 is the proration factor.

Now calculate the annuity the usual way, then multiply by the proration factor to get the corrected annuity. Example: He has 30 years service (30%) and a high-three salary of \$70,000.

This yields an annuity of \$21,000.

Multiply the 21,000 by 0.99 and the annuity becomes \$20,790. The annuity decrease in this case is \$210 annually, or \$17.50 per month.

The new phased retirement will allow older employees to work part-time, paying into the retirement fund in the usual way, and **simultaneously** provide a pension for the years already worked. That's right – put money into the pension fund every two weeks for working and take money out of the pension fund once each month, for retiring (part-time)! Sort of like a piggy bank. But pension funds do not usually operate this way!

## **Details are lacking**

How will they figure the part-time pension? How will the pension be affected when the person retires? Will this replace the current proration provision? How much additional

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time & effort will this take for payroll offices and OPM? OPM in particular, as we all know, is already struggling to catch up with a crushing backlog of retirement cases. All they need is one more complication!

Will this be a net benefit for employees? Hard to say, but we already have a pretty good clue. According to the *Federal Times* article:

The amendment, sponsored by Sen. Max Baucus, D-Mont., would use the estimated \$465 million saved by allowing semi-retirements to pay for public roads, schools and forest-related economic development projects in rural areas.

How long will it take to “save” the \$465 million? Where is the \$465 million coming from? I think you know. (Hint: federal employees.)

This is just my opinion, but it seems the current part-time program is comparatively clear and equitable.

It is uncertain at this point, but I hope that if the detailed reality of “phased transition” is as complexly bleak as it seems so far, older employees will stay away from this initiative!

Note: all the above applies to FERS employees, not to CSRS. Reference: Chapter 55, CSRS and FERS Handbook.

**Phased Retirements and CSRS Employees.** This is part II of the preceding article and is also written by Robert F. Benson. It, too, is copyrighted. Again, permission for its use was sought and granted. Further reproduction will require additional permission from the author. Any references to “I”, “me”, or “my” pertain to Mr. Benson as an author.

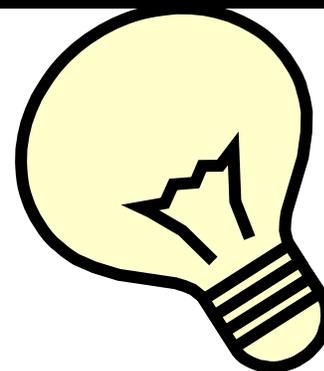
Part I on this topic was about calculating the annuity proration factor for part-time work under FERS. The procedure for CSRS employees was not covered.

Unfortunately, for CSRS the calculation is significantly lengthier and more intricate, involving separate computations for pre and post April 7, 1986 service. The detailed steps can be found on pp. 5-13 of Chapter 55 of the CSRS & FERS Handbook. Summarizing these steps is beyond the scope of this article.

An alert reader pointed out that the standard work year for the FERS calculation is 2,087 hours, not 2,080 as used in my article. Correcting for this, the proration factor in the example given becomes 0.9900335 rather than 0.99. This factor results in an adjusted annuity (see previous article) of \$20,790.70, or 70¢ more annually, or 6¢ per month, compared to the previous numbers.

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## **Savings**

The Senate estimate of savings through passage of this bill is \$465 million over 10 years, as calculated (?) by the Congressional Budget Office. The White House estimate for an identical proposal was determined by the Office of Management & Budget to be \$720 million.

I would like to see the actual numbers and assumptions used for these estimates! Since nobody has any idea how many employees will opt for phased retirement, I cannot imagine how they did it.

Pension plans are set up by actuaries. Actuaries have years of sophisticated training and must pass a series of difficult exams to order become certified as an actuary. By law, the Office of Personnel Management is supposed to have a "Board of Actuaries." Really? When has anybody heard from them (the Board)?

I'll bet no actuaries were harmed in the formulation of this "piggy bank" plan. Probably the only actuary involvement was when he/she left the room, saying "this is nonsense!"

The existing part-time program is not, strictly speaking, a benefit, nor is the proposed phased retirement a benefit. But for a small minority of older employees the existing program is, in my opinion, an attractive option. So far, the same cannot be said for phased retirement.

Please remember: the phased retirement option is only for those who already qualify for retirement.

How many employees want to keep working after they are eligible to retire? If the annuity is not enough for them to afford retirement, then they will probably keep working full time, not part time, in order to build it up. Or they might just retire and find work in the private sector. Of course, if they want to help "pay for public roads, (and) schools and forest-related economic development projects in rural areas," they can opt for phased retirement! It's the patriotic thing to do.

There is just one purely attractive feature in phased retirement. It is voluntary!

**How to Catch Up on Retirement Savings (if You're Starting Late).** More than 40% of baby boomers are at risk of not being able to pay for basic retirement expenses such as housing and out-of-pocket health care costs, according to a 2010 study by the Employee Benefit Research Institute. But it's not a lost cause: Even if you're in your 50s or older, you can still aim for a comfortable retirement. From cutting spending to taking advantage of higher 401(k) contribution limits, here's how to start making up for lost time.

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**Max out your retirement accounts.** Basic advice, to be sure, but lots of people don't.

- **Know your limits.** If you're 50 or older, you can contribute an additional \$5,500 to a 401(k) (for an annual total of \$22,000), and for IRAs, an additional \$1,000 (for an annual total of \$6,000).
- **Set your savings goal.** Aim to save at least 20% of your income each year, more if you're way behind. If that puts you over your limit for the tax-advantaged options, put the rest into a taxable brokerage account.
- **Additional resources:** Find extra money in your budget with a tool like Mint.com; figure out how much you need to save to meet your goal with the SmartMoney Retirement Planner.

**Check your investment mix.** Many people are overly conservative, experts say, especially if they think they're nearing retirement.

- **A rule of thumb:** You should have a percentage of stock market exposure equal to about 120 minus your age. So if you're 55, then at least 65% of your portfolio should be in stocks.
- **Talk to an adviser.** Even savvy investors can use another opinion on their retirement moves to make sure they're saving enough and choosing the right investments.
- **Additional resources:** Test whether your asset allocation is in line with your goals with this SmartMoney Asset Allocation System. Find a financial advisor using NAPFA.org.

**Earn more money.** Easier said than done but it may also be easier than squeezing more savings out of an already tight budget. And it needn't be drudgery.

- **Look for professional work-at-home gigs.** There are lots of jobs for people with bookkeeping, design and communications skills. You can work at night or on the weekends.
- **Ask for a raise.** Put together a list of your measurable accomplishments and set up a meeting with your boss. Come prepared with the amount of the raise you want.
- **Additional resources:** Use a site like Elance.com or oDesk.com to find extra work. Check out these helpful tips for landing a raise.

**What not to do.** If the situation feels desperate, it's easy to make one of these common mistakes.

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- **Don't carry too much debt.** Having debt after you retire raises your monthly expenses in a hurry, and that cuts into the amount of income you'll have to spend each month. Experts recommend that soon-to-be retirees pay off their mortgage, credit card bills and other debts and loans before they retire.
- **Don't over- or undermanage your investments.** Whether you're laissez-faire or overly meddling, these behaviors can deprive your retirement fund of thousands. A [study by T Rowe Price](#) found that investors who rebalanced an initial \$100,000 portfolio once a year ended up with roughly \$31,000 more over a 20-year period than those who didn't re-balance and nearly \$20,000 more than those who rebalanced monthly.
- **Not having enough diversification.** People can put their portfolios in danger because their investments are too concentrated. The solution: Make sure your holdings are diversified. Financial advisors recommend your portfolio contain a range of index funds, mutual funds, and fixed income investments like bonds.

**Best Date to Retire Tips.** This article is written by Tammy Flanagan. Any references to “I”, “me”, or “my” refer to her as an author.

How would you like your claim to fame to be that you help federal employees choose the best date to retire? Well, that's mine — thanks to my good friend who helped me claim that title in the early 1990s. I can think of worse things to be known for.

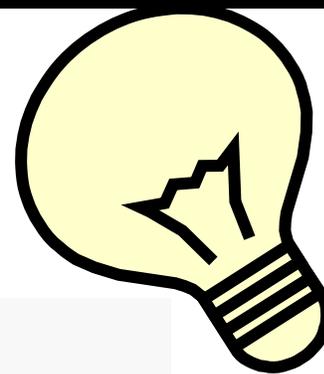
The retirement date is a significant date for every federal employee — both emotionally and financially. Here are some general guidelines for picking the right one. Later this year, I'll write another column on the specific best dates to retire in 2013.

## **The Last Day of the Month**

Under both the Civil Service Retirement System and the Federal Employees Retirement System, if you retire on the last day of the month and are eligible for an immediate retirement (meaning you meet the age and service requirements for an immediate optional retirement, as opposed to a deferred retirement or involuntary retirement), you will be paid your salary for your last month of service and will receive a retirement payment for the following full month of retirement. For example, federal employees who retire on Dec. 31, 2012, will be paid their salary for the entire month of December and will be entitled to receive a retirement payment for January 2013. Sometimes this is referred to as “continuous compensation.” The end of the month is traditionally considered the best date for a FERS employee to retire. But that may not always be the case for every employee.

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## **The First Three Days (CSRS and CSRS Offset Only)**

Under CSRS and CSRS Offset, there is a three-day grace period, meaning if you choose the first, second or third day of the month as your retirement date, you will be eligible for an annuity for the remainder of that month. For example, if a CSRS employee retires on Jan. 3, 2013, he or she will be paid their salary through that date and will receive a retirement benefit for the remainder of January. This is a better date than the end of December 2012 for CSRS employees because they will be paid their salary for Jan. 1 to Jan. 3 and will have to come to work only two of those three days, since Jan. 1 is a federal holiday.

Choosing this date also adds three more days of service to your career, which could add another month to the computation of your retirement benefit if you have 27 to 29 days left over in your “years-months-days” of federal service (with sick leave added in).

But if you’re under FERS, remember: If you retire in the first few days of a month, you’ll receive your salary for the days you worked, but you won’t get a retirement benefit for the remainder of the month.

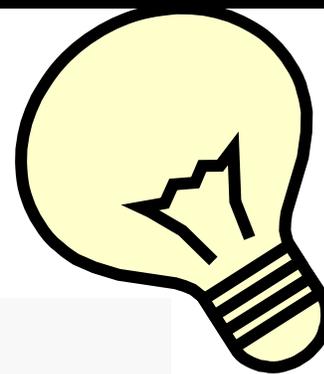
## **Middle of the Month (Maybe)**

Would retiring on Jan. 12, 2013, be better than Dec. 31, 2012? Possibly, because you would earn a full paycheck for those two weeks of work and another accrual of annual leave for completing another 80 hours of work. You also would be credited with another 12 days of creditable service. As noted above, this could add another month to the computation of your retirement benefit.

The trade-off for retiring in the middle of the month is you won’t receive a partial retirement check for the rest of that month. For some employees, especially those with less than 20 years of service, a paycheck could be worth just as much as a month’s retirement benefit. A few other benefits of working into the new year are you would continue to be able to contribute to the Thrift Savings Plan, add some Social Security-covered wages to the new year (if you are covered by Social Security) and be able to use your flexible spending account for that year.

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## **End of the Leave Year**

Many employees like to retire before the end of the leave year so they can receive the maximum lump-sum annual leave payment. At the end of 2011, according to OPM, approximately 22,000 employees retired from federal service.

The strategy involves saving up your annual leave accruals throughout the year leading up to your retirement so you have a balance that will be converted to a lump-sum payment when you leave. It is not uncommon for federal employees to carry over 240 hours of annual leave into the year they plan to retire and then work all 26 leave periods (27 in some years). At an hourly rate of \$31.15, the payment for the total of 448 hours of annual leave would be \$13,955.20 (before taxes).

You will be subject to income taxes on this payment, but you won't pay retirement contributions, insurance premiums or TSP contributions. Additionally, the payroll office will deliver your annual leave lump-sum payment two to eight weeks following your retirement, and it will be taxable in the year it is received, not in the year you earned the leave. If Congress approves an annual pay adjustment, then the leave payment would reflect the increased pay rate since the lump sum is paid at the salary the employee would have received if allowed to expire the leave by using it.

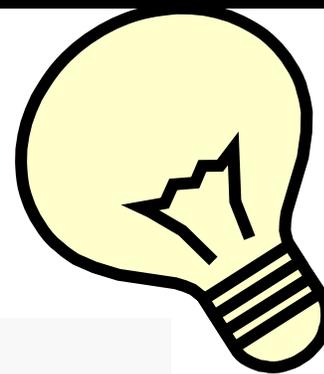
## **COLA to Locality**

Over three years, starting in 2010, annual cost-of-living adjustments for federal employees in Alaska, Hawaii, and U.S. territories and possessions are being phased out and replaced by locality pay. The COLAs had been in effect before locality pay was implemented in the 1990s. The problem is COLAs were not considered basic pay and did not count toward the computation of a retirement benefit in the high-three average salary computation. (Locality pay does.)

There is a special rule in the COLA-locality pay legislation, however, that allows federal employees who retire on or before Dec. 31, 2012, to "buy back" some of their COLA to count as if it were locality pay for their retirement. If you retire after that date, then you will not have the opportunity to pay this deposit and therefore some of your salary rates used to compute your high-three will not have the full locality rate phased in. This will affect the amount of your retirement. Here's an [excellent resource](#) for more information.

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## **FERS Sick Leave Credit**

Currently, FERS employees receive credit for 50 percent of their sick leave balance, which is added to their length of service to compute their basic retirement benefit. For example, a balance of 1,800 hours of unused sick leave would be reduced to 900 hours. Those 900 hours would be worth an additional five months and six days of service added to the actual years, months and days of federal service performed.

If you were going to retire on Dec. 31, 2013, I might suggest you wait until the end of the leave year (Jan. 11, 2014) to retire instead. This way, you would receive full credit for your sick leave and you would still be retiring within the 2013 leave year, so you would be paid for all your accumulated and accrued annual leave.

## **Inflationary Adjustments**

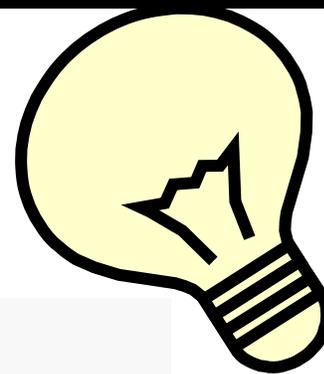
Retirees are granted annual cost-of-living adjustments to their benefits to offset the effects of inflation. CSRS retirees get immediate and full COLAs based on the rise of the Consumer Price Index. The 2011 COLA for CSRS retirees, Social Security recipients and military retirees was 3.6 percent. CSRS retirees saw the full increase in their Jan. 1, 2012, benefit check if they were retired for the entire 2011 rating period, which was from December 2010 to November 2011. Those who retired partway through the year received a pro-rated COLA.

Most FERS retirees receive a COLA when they are retired and older than age 62. FERS employees don't receive a COLA if they retire before age 62 unless they retired under special provisions for law enforcement, firefighters or air traffic controllers, or if they retired under disability retirement. The FERS COLA is a "diet" COLA, meaning that in years when the CPI increase is 3 percent or higher, they receive 1 percent less than that.

Since you can't know the COLA for the next year at the time you plan to retire and since it is pro-rated for the first year (or not payable at all in the case of most FERS retirees who are younger than 62), it is not a major factor in choosing your retirement date. If only you knew what it would be ahead of time, then it would make a difference. For example, if a CSRS employee retired on Nov. 30, 2010, instead of Nov. 30, 2011, he or she would have received the full 3.6 percent COLA on Jan. 1, 2012. That would have been more than the increase in their high-three salary, since a pay freeze was in effect and they would only receive a 2 percent increase in their retirement computation for working the additional year.

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## **How to Decide**

Start by looking at the calendar for the year you plan to retire. Check out the end of each month. Do any of the months end at the end of a leave period, when you can get one last accrual of annual leave and sick leave? Then think about what else you're trying to accomplish. Do you want to maximize your Thrift Savings Plan contributions and take advantage of flexible spending account benefits before you retire? If so, be sure to allow yourself enough time to make the full annual contribution to your TSP and plan foreseeable medical expenses such as dental appointments and eye exams before your retirement date.

If, on the other hand, you're looking for a big lump-sum annual leave payment, look at the end of the leave year. Of course, you might have other unrelated issues to consider, too. I helped a mail carrier pick his retirement date one year, and one of his concerns was making sure

## ***Employment-Related News***

**Senior Executive Service due for a Shakeup, Lawmaker Says.** The federal government's cadre of senior executives could use some shaking up to "bring in people who are looking for new challenges," a senior lawmaker recently said.

"We've got too many people, even in managerial positions, who are protecting their comfort zone," said Rep. Jim Moran, D-Va.

"The federal government needs to have its 'A' team on the field," he added. "Unfortunately, I don't think we do."

Moran's remarks came during an event sponsored by the Partnership for Public Service in which a group of federal officials discussed a [new report](#) by the Partnership and consulting firm McKinsey & Company on mobility within the Senior Executive Service.

The report found that 48 percent of senior executives have never changed positions, and only 8 percent have switched agencies. It also determined that only 7 percent of SES members were hired from outside government.

"This is an absolute disgrace that so few senior executives are coming from outside the agency," Moran said. "We've got to get people with a greater breadth of experience." An infusion of private sector talent also would serve to make business leaders more aware of how the federal government actually works, he said.

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Moran and panelists at the event said the lack of mobility within the SES undermined what they characterized as a key goal of the 1978 Civil Service Reform Act: creating a corps of senior managers who would move from position to position and agency to agency, using their skills to improve a variety of federal operations.

Carol A. Bonosaro, president of the Senior Executives Association, which represents SES members, challenged that interpretation. Citing testimony by Alan K. Campbell, the first director of the Office of Personnel Management after it was created under the Civil Service Reform Act, Bonosaro said mobility goals centered on the ability to move executives around within agencies. Mobility across agencies, she added, “was not the big premise of the SES.”

Mobility, Bonosaro said, “has to be managed intelligently, so it benefits both the agency and the executive. So it has to be an option, not a requirement.”

“I don’t think it’s ever going to be the norm” for executives to routinely move across agencies, she said, because of the “very diverse missions” of federal organizations.

Bonosaro also said the figures on SES members who have never changed positions within the executive corps could be skewed by the fact that OPM statistics show the average SES member has been in his or her job for only 3.4 years.

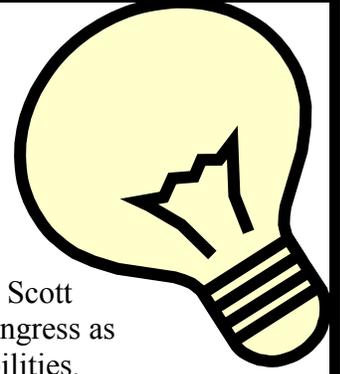
Of Moran’s remarks, Bonosaro said, “members of Congress have a lot on their plates, and with all due respect, Rep. Moran was not as well-informed as he thought he was.” Many SES members, she said, routinely work from 6 a.m. to 9 p.m: “I don’t know who’s sitting in a comfort zone.”

At the Partnership for Public Service event, Joanne Weiss, chief of staff at the Education Department, said a lack of mobility among career executives was a constraint on department operations. When it came time for Education to distribute nearly \$100 billion in economic stimulus funding, she said, fewer than 20 senior executives, all eligible for retirement, were the “go-to people for everyone in the agency.”

“There’s not a good bench in place,” Weiss added. “It’s led to some insular thinking.” Elizabeth Kolmstetter, deputy chief human capital officer in the Office of the Director of National Intelligence, said ODNI benefited from having a formal program, mandated by Congress, requiring executives to serve in multiple agencies in order to advance in their careers. The National Geospatial-Intelligence Agency in particular, she said has a strong rotational program.

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**Legislation Would Force Ethics Probe for Tax Delinquent Feds.** Senator Scott Brown (R-MA) has introduced legislation that would require members of Congress as well as federal employees to disclose their delinquent federal or state tax liabilities. Anyone doing so would automatically trigger an ethics investigation as to the source of the problem.

When the news broke earlier this year that federal workers owe \$1.03 billion in back taxes, it got the attention of lawmakers. Jason Chaffetz said that any federal employees who don't pay their taxes should be fired.

And Senator Brown obviously noticed too since he's introducing this legislation for consideration, presumably in response to the news.

Known as the Congressional and Federal Employee Tax Accountability Act of 2012 (S. 2195), any individual who reports a delinquent tax liability would have an inquiry opened immediately to do the following:

- Determine the total amount of the taxes owed
- Determine the reason for the delinquency
- Find out if the individual has a plan to deal with it
- Ascertain whether or not the delinquency has reflected poorly on Congress or the individual's employing agency

Individuals who report delinquent taxes under this legislation would have to make arrangements with the IRS within 12 months of reporting the problem to have their wages garnished by an amount "appropriate to pay the taxes owed to the United States within a reasonable time period."

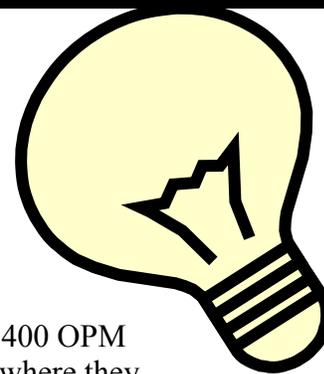
What's reasonable? The legislation as written doesn't say. Perhaps that will be up to the IRS and the agency's payroll office.

At the time of this writing, the bill had been read twice and referred to the Committee on Homeland Security and Governmental Affairs.

**OPM Ends Flexible-Schedules Experiment After Mixed Success.** Office of Personnel Management Director John Berry recently said his agency will not continue its experiment with extremely flexible work schedules because the program ended with mixed results.

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The Results-Only Work Environment (ROWE) pilot program allowed about 400 OPM employees in Washington and Boyers, Pa., to decide on their own when and where they would work, as long as their work got done. OPM launched ROWE to much fanfare in June 2010, and Berry frequently spoke that year about his hope that it would radically overhaul the federal government's workplace culture, and lead to a new way of managing employees.

But Berry has barely mentioned the program over the last year. And he told reporters Tuesday morning that ROWE "was a mixed bag."

"In some cases things went up, in some cases things went down," Berry said at the Federal Managers Association conference in Arlington, Va. "Overall the shift wasn't dramatic."

Berry said that employees' goals — which were a crucial element for ROWE to succeed — weren't set clearly enough, and the metrics used to hold employees accountable for getting their work done were also lacking. Communication between employees and managers also was not clear, he said, and OPM didn't do enough training during the beginning of the program.

"We tried it, and we gave it a good run," Berry said. "We've wrapped up the pilot, essentially, so we're not doing it anymore."

Berry said the lessons learned from ROWE will help with other initiatives, such as the new Goals-Engagement-Accountability-Results, or GEAR, performance management program. Berry said OPM is still reviewing data from the ROWE program, but was not sure when the final report will be finished and released.

## **Office of Personnel Management (OPM) Misses Nearly Half of FY2011**

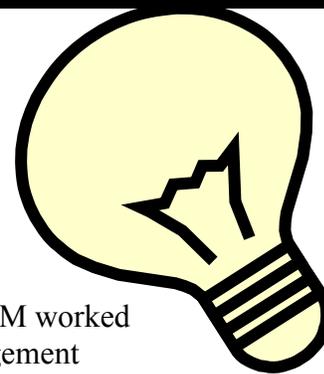
**Performance Goals.** A yearly performance report shows the Office of Personnel Management made "great strides" in increasing strategic use of telework and overhauling hiring processes, but fell short on meeting several other key performance metrics.

Of the 24 performance measures OPM tracked during FY 2011, 13 were met and three remain undetermined, according to the recently released **report**. Some of the failures were in the areas of human resources compliance, human resources solutions customer satisfaction, and retirement services:

**Human Resources Compliance:** OPM failed to meet its target of 33 percent of employees covered by certified appraisal systems meeting the agency's standards. To

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improve the SES performance management and the certification process, OPM worked with agencies, the Senior Executives Association, and the President's Management Advisory Board to launch a government-wide appraisal system that is more consistent and promotes equity in developing performance standards.

**Human Resources Solutions Customer Satisfaction:** The performance of the Human Resources Solutions organization was significantly affected by a halt to all vendor-managed work that was due to several factors, including an internal reorganization and some policy changes, the report noted.

**Retirement Services:** In FY 2011, OPM processed retirement claims at an average unit cost of \$107.62, which did not meet the target of \$101.23 set for FY 2011. Overall satisfaction with retirement services provided by OPM was 76 percent satisfied or very satisfied, falling short of the target of 88 percent.

The report also details the agency's successes meeting performance goals in areas like telework and hiring reform. During FY 2011, OPM successfully integrated telework activities with the Chief Human Capital Officer Council sessions on emergency preparedness to stress telework as a crucial policy for pandemic preparedness.

The agency also met its goal of crafting a "**Guide to Telework in the Federal Government**," which breaks down telework guidance by agency and lays out the fundamentals of remote work.

Another goal highlighted by the report was OPM's introduction of the concept of unscheduled telework in the "Washington, D.C., Area Dismissal and Closure Procedures," which promote continuity of operations and safety of government workers and other citizens.

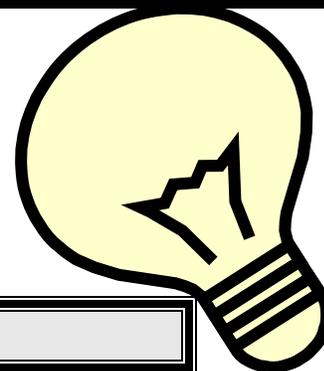
OPM's hiring reform was another success, the report noted. The agency set out to cut the hiring time by 10 percent per year and improve both manager and applicant satisfaction by 1 percent per quarter. Survey findings showed that applicant satisfaction with the hiring process improved from 69 percent in the first quarter of FY 2011 to 70 percent in the fourth quarter. And manager satisfaction with applicant quality improved from 58 percent in the first quarter of FY 2011 to 63 percent in the last quarter.

However, although progress in adopting the **President's Hiring Reform Initiative** "has exceeded expectations," work remains to be done, the report stated.

An engaged executive-level management and collaboration between HR staffs and hiring managers were cited as factors that led to faster-than-anticipated results.

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## Prohibited Personnel Practice of the Month



### Number 5

#### *Influencing Withdrawal from Competition*

*Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—*

*(5) influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment ...*

#### ***Where can I find this provision?***

It was part of the [Civil Service Reform Act of 1978](#), Pub. L. No. 95-454, 92 Stat. 1111. Like the other prohibited personnel practices discussed in this series, it is codified at [5 U.S.C. § 2302\(b\)](#).

#### ***What is the purpose of this provision?***

It eliminates one way that individuals might otherwise try to subvert the competitive process. The civil service system is based on the idea that employees should be selected through fair and open competition. [5 U.S.C. § 2301\(b\)\(1\)](#). When filing vacancies in the competitive service through examination, selecting officials generally must select one of the top three ranked candidates on a certificate. [5 C.F.R. § 332.404](#). If not for this prohibited personnel practice, they might try to ensure that their preferred candidates

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were among the top three, and thus eligible to be selected, by pressuring higher-ranked candidates to withdraw their applications.

## ***What must be shown to establish a violation of this provision?***

There are two elements that both must be present for a person to violate this provision. First, the individual must have influenced or attempted to influence a person to withdraw from competition. Attempting to influence is enough even if the attempt does not succeed. Second, the person must have done so with the intent to improve or injure someone's employment prospects. [\*Special Counsel v. Brown\*](#), 61 M.S.P.R. 559, 565 (1994).

## ***In what kinds of situations does this practice typically arise?***

Violations often involve situations where an agency passed over applicants who were entitled to priority—for example, veterans—without following the proper procedures for doing so. After the agency hired its preferred candidate, it realized that there were other applicants who had priority. In an effort to avoid having to terminate the candidate who was hired, an individual may try to convince the applicants who have priority to withdraw their applications. This is a prohibited personnel practice. See, e.g., [\*Filiberti v. Merit Systems Protection Board\*](#), 804 F.2d 1504 (9th Cir. 1986) (veterans preference); [\*Brown\*](#), 61 M.S.P.R. at 563 (priority under displaced-employee program).

## ***How do I pursue a claim that someone violated this provision?***

The [\*Office of Special Counsel\*](#) (OSC) receives and investigates claims of prohibited personnel practices, including this provision. [5 U.S.C. § 1214\(a\)\(1\)\(A\)](#). If OSC concludes that there has been a violation, it may request the Merit Systems Protection Board (MSPB) to impose discipline against the violator. *Id.* [§ 1215](#). The case will be heard by an administrative law judge, who will make an initial decision that can be appealed to the Board. [5 C.F.R. § 1201.125](#).

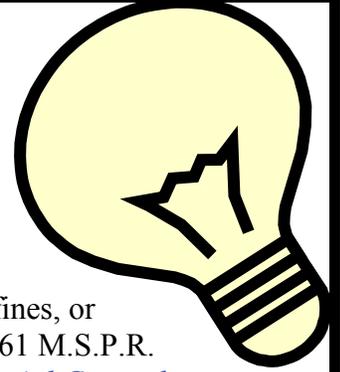
An individual employee also could, in theory, raise this provision as an affirmative defense to an adverse action by an agency that is within MSPB's jurisdiction, such as a removal, but it is difficult to imagine in practice how such a defense would arise. [5 U.S.C. § 7701\(c\)\(2\)\(B\)](#). Absent an otherwise appealable matter, MSPB does not have jurisdiction to hear a claim by an individual (as opposed to OSC) that this provision has been violated. See [\*Gaugh v. Social Security Administration\*](#), 87 M.S.P.R. 245, ¶ 7 (2000); [\*Wren v. Department of the Army\*](#), 2 M.S.P.R. 1, 2 (1980), *aff'd*, 681 F.2d 867, 871-73 (D.C. Cir. 1982).

## ***What penalties may the Board impose for violations of this provision?***

The penalties the Board may impose include reprimanding, suspending, demoting, or removing the offender from Federal employment; prohibiting the offender from working for the Federal Government for up to 5 years; and imposing a fine of up to \$1000.

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5 U.S.C. § 1215(a)(3). Most reported decisions have involved suspensions, fines, or both. See, e.g., *Filiberti*, 804 F.2d at 1510-11 (60-day suspensions); *Brown*, 61 M.S.P.R. at 574 (90-day suspension for one offender and \$1000 fine for the other); *Special Counsel v. Judson*, 43 M.S.P.R. 61 (1989) (30-day suspension); *Special Counsel v. Heyel*, 35 M.S.P.R. 402 (1987) (\$1000 fine); *Special Counsel v. Ross*, 34 M.S.P.R. 197 (1987) (one- and two-grade demotions); *Special Counsel v. Waddams*, 34 M.S.P.R. 84 (1987) (debarment from Federal employment for three years plus fines of \$750 and \$500; for a third respondent, fine of \$350); *Special Counsel v. Evans-Hamilton*, 29 M.S.P.R. 516 (1984) (30-day suspension); *Special Counsel v. Verrot*, 18 M.S.P.R. 714 (1984) (60-day suspension plus \$1000 fine). Note that some of these cases also involved other charges beyond influencing an applicant to withdraw.

## ***Has MSPB studied this practice?***

Yes. In its report *Prohibited Personnel Practices: Employee Perceptions*, the Board reported that perceived violations of this provision have decreased steadily in the last 15 years. In 2010, only 2.2% of Federal employees who responded to MSPB's survey reported that they had been influenced to withdraw from competition in the preceding two years, less than half as often as such violations had been reported in 1996. *Id.* at 30.

## ***Does this provision prohibit someone from honestly advising an applicant that a job might not be the best fit for her?***

No. The provision does not bar a person from counseling an applicant to withdraw for legitimate reasons, because that counseling is not intended to injure the applicant's employment prospects (or improve another applicant's prospects). The provision is violated only when the person acts with the *purpose* of injuring the applicant's prospects or improving another applicant's prospects. *Filiberti*, 804 F.2d at 1510.

## ***Are individuals safe from discipline if they give only true information?***

Not necessarily. Even giving an applicant true information about the position may violate this provision if it is done with the intent to improve or injure someone's employment prospects. In *Filiberti*, for example, agency officials told the applicant that his moving expenses would not be paid, that the position required extensive travel at a moment's notice, that his military retirement pay might be reduced if he accepted the position, that the cost of living in the San Francisco area was high, and that it was uncertain what effect a pending merger between the agency (a division of the Navy) and the Army might have on the position. 804 F.2d at 1507. Even though all of this information may have been true, a prohibited personnel practice occurred because the officials gave information to the applicant for the purpose of dissuading him from continuing with his application so that they could hire someone else. *Id.* at 1510.

## ***Are there regulations on the same topic?***

The *Office of Personnel Management* has promulgated similar but broader regulations

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that are codified at [5 C.F.R. §§ 4.3](#) and [330.1001](#). The regulations apply to any employee or applicant, and cover not only inducing others to withdraw but also dissuading them from applying in the first place. Applicants who violate the regulations will have their applications cancelled and may be subject to other penalties. [5 C.F.R. § 330.1001](#).

## ***Management-Employee Relations***

### **EEOC Dispels Misconceptions about Federal EEO Complaint Process.**

Discrimination may occur in up to a third of federal sector equal employment opportunity (EEO) cases, according to the U.S. Equal Employment Opportunity Commission (EEOC). This is one of the “facts” offered by the federal agency in a document aimed at dispelling certain “myths” about the federal sector EEO complaint process.

As to this particular “fact,” the “myth” that the commission seeks to dispel is that bias is found in less than 2 percent of EEO complaints. That statistic tells only part of the story, according to the EEOC, because in fiscal year (FY) 2010, 29 percent of federal sector bias cases were resolved prior to formal determination. Moreover, 55 percent of potential complaints were resolved by settlement or withdrawal prior to the formal filing of a complaint.

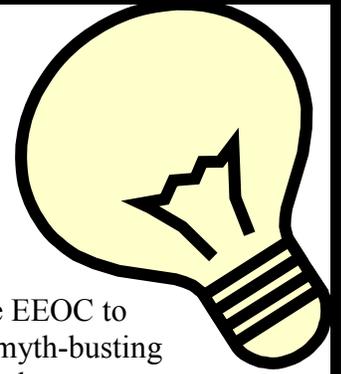
In an effort to shed light on the contention that EEO complaints are on the rise because more employees are harassed at work, the EEOC counters that harassment allegations were absent in more than 60 percent of the federal sector EEO complaints filed in FY 2010. Noting that some allegations are based on worker misperceptions and misunderstandings, the commission points out that “gender, ethnic, racial and cultural differences can leave employees feeling isolated, ignored and abandoned, leading to claims of hostile work environments, whether real or perceived.”

The commission also responded to the suggestion that agencies are expending too many resources in processing frivolous bias complaints. Most are not frivolous and “EEO resources pay dividends,” according to the EEOC. Less than half of one percent of the three million federal workers filed an EEO complaint in FY 2010, and the EEO process, which encourages early resolution, saves taxpayers’ money via those early settlements and by avoiding complaints. The commission also points to the “immeasurable benefits” of a discrimination-free workplace.

Finally, the commission clarified that, contrary to claims otherwise, federal agencies are not “hamstrung” when workers who have filed a complaint refuse to cooperate. In FY 2010, 30 percent of the EEO complaint closures resulted in dismissal for administrative reasons, including a complaining worker’s refusal to communicate or cooperate.

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“Agencies can avoid the EEO process altogether by working closely with the EEOC to ensure equality, diversity and inclusion for all employees,” according to the myth-busting document that was posted on the EEOC’s website on March 7, 2012. “Like a doctor treating a patient, proactive prevention is still the best medicine to ensure a healthy, discrimination-free workplace.”

**Bullying: Tips for Taming Disruptive Behavior at Work.** Bullying does not disappear with age. People don’t grow out of bullying. Bullies, in fact, can be very intelligent, get good grades and get hired by companies based upon their knowledge and skills. They often are quite skilled at hiding any signs of bullying during the interview process and for months after they’re hired. Once they complete the probation period and become a permanent member of the work force often is the time when the bully comes out of the closet seeking a victim, or pairs up with another bully at work to seek victims.

Some facts about workplace bullying:

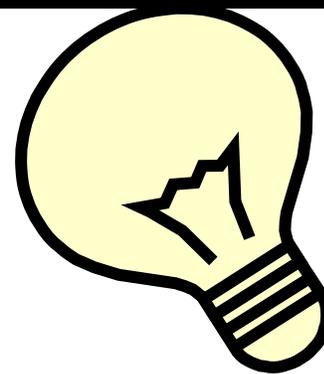
- According to a 2010 Workplace Bullying Institute Survey, slightly more than one out of three (35 percent) of U.S. workers have been bullied at work.
- Victims of workplace bullying suffer from psychological and physical symptoms resulting from bullying such as sleep disturbances and stress.
- Victims of workplace bullying are more likely to skip work, decrease their performance and seek employment at a psychologically and physically safer place.
- Victims of workplace bullying will file lawsuits against their employers and managers for discrimination under Title VII and violations of the Occupational Safety and Health Act.

Can you, as a manager, afford to expose yourself or your company to increases in health care utilization at a time with double-digit health care premium increases? Can you fully achieve the strategies and goals of your company knowing that your employees are not fully focusing on their jobs because of a negative work environment caused in part by bullying? Can you allow your company to be exposed to preventable lawsuits and other legal actions? Can you permit, condone, allow, ignore or minimize behavior that is harmful and hurtful toward any employee under your management and leadership? Clearly, the answer is no.

Thus, as a manager and steward of organizational assets, including your employees, you must do something. But what? As a manager, there are five concrete actions that you must take to prevent workplace bullying when it occurs.

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## **Adopt a workplace bullying policy.**

The purpose of a workplace bullying policy is to formally establish the “rules of the road” regarding inappropriate, and in some cases, appropriate behavior at work. Other HR policies such as harassment and safety policies do not usually address workplace bullying.

The contents of a workplace bullying policy should spell out which behaviors will not be tolerated (e.g. physical abuse, verbal abuse, email stalking, etc.) and then identify how incidents are to be reported and how they will be handled by the organization. It is critical that the workplace bullying policy aligns with existing policies so that workers are not confused or do not play one policy against the other.

An attorney must review the policy before it is finalized to be sure that it comports with federal, state and local laws and regulations. Do not minimize the unnecessary legal, regulatory and public relations risk of failing to attend to workplace bullying in a serious fashion.

## **Communicate and educate the work force about the policy.**

It is crucial that the policy effectively is communicated. Once the workplace bullying policy is approved, a communication plan must be developed that focuses on the key messages, different audiences and communication channels used to disseminate the policy. Simply slapping the policy on an intranet site or Web site is not sufficient in terms of communicating the policy. Policies of this type should be presented in person with senior leaders, direct supervisors and HR so that a discussion can be facilitated about the policy and to signal its importance.

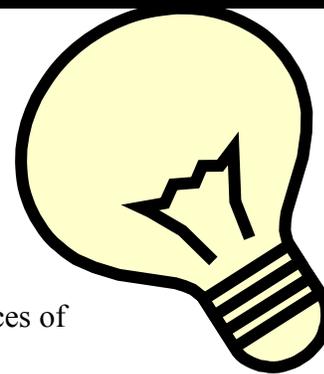
Beyond making people aware of the policy, which is the aim of communication, the policy should be incorporated into all orientation sessions. Classes on preventing and addressing workplace bullying should be designed with the policy as the centerpiece to the training. Nothing beats face-to-face interactions, even in the age of the Internet. Effectiveness and efficiency are not the same.

## **Set expectations that the policy will be followed without exception.**

A policy without consequences, whether positive or negative, is like a dog without teeth. You are familiar with the saying, “All bark and no bite?” Be sure to put “teeth” into the policy to create and sustain a bully-free workplace. Examples include aligning the bullying policy with the organizations’ progressive discipline policy and even having

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awards for the organization or certain departments if there are zero occurrences of workplace bullying in a specified time period.

## **Establish an anonymous hotline and investigation process to field complaints.**

Do not make targets of workplace bullying twice-over victims, first for being the victims of such behavior and second for reporting the behavior. It is important that employees are able to report incidents of workplace bullying to a neutral third-party outside their chain of command to minimize retaliation and discomfort. Many organizations have a hotline or an ombudsperson that can be used to report bullying incidents. Whatever mechanism you use for reporting, it must meet these three criteria:

- Accessible 24/7 particularly if you are a 24-hour operation.
- Confidential.
- Trusted by both the individual making the claim and by those who are part of the claim.

## **5. Record the results of the policy to keep it up-to-date.**

Report on an annual basis the effectiveness of the policy, the enforcement of the policy and the resolution of workplace bullying complaints. Do not disclose individual information but focus on organization-wide results.

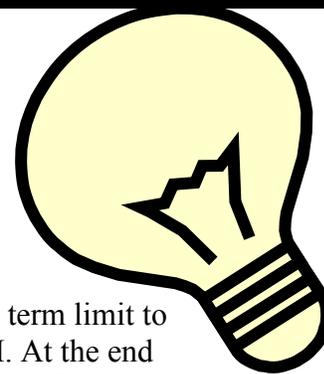
These five concrete actions to prevent workplace bullying make good business sense. In this era of fiscal austerity, lean processes and quests for higher productivity, there is no place at any organization to waste time, talent and resources by having to spend precious organizational and managerial resources on anything unrelated to achieving the mission and strategies of the organization. These steps also represent ways to make your workplace psychologically and physically safer for all employees.

Beyond workplace safety, a work environment free of harassment, intimidation, threats, and harm is a workplace that allows workers to focus on work, rather than worrying about distracters.

**Disparate Impact Based on Age.** In the recent case *Allard v. Department of Justice*, Civil Case No. 10-2081 (D.D.C. 01/10/12), the U.S. District Court for the District of Columbia addressed the issue of whether federal employees over the age of 40 may sue their agencies under the Age Discrimination in Employment Act (ADEA) for policies that disparately impact them as older workers. The court held no, finding that the ADEA provision applicable to federal employees does not authorize disparate-impact claims.

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In 2004, the agency announced a new policy which set a five-year maximum term limit to field positions held by grade GS-14 supervisory special agents (SSAs) at FBI. At the end of the term, the policy prohibited affected SSAs from retaining their current positions, but provided these employees with multiple career options, including applying for a promotion to a higher grade position at FBI headquarters or in the field, accepting a temporary GS-14 or GS-15 level rotation to FBI headquarters, or returning to investigative duties as a non-supervisory agent at the GS-13 level. The plaintiffs argued that data accumulated by the FBI show that the policy would have a disproportionate impact on agents over 40 years old.

The ADEA section applicable to federal employers states that "[a]ll personnel actions affecting employees or applicants for employment who are at least 40 years of age . . . shall be made free from any discrimination based on age." The court acknowledged that although this section authorizes discrimination claims, whether it also authorizes disparate-impact claims is a matter of dispute. A disparate-impact claim involves an employment decision which may seem to be free from discrimination and based on neutral factors, but adversely impacts a protected group more severely than a non-protected group.

The plaintiffs argued that the federal sector's language "broadly prohibits any discrimination" and is "substantially similar to the non-federal section's language," which supports disparate-impact claims.

However, the court found that if the federal sector intended to cover disparate-impact claims, it would indicate so. The court noted that Congress "deliberately proscribed a distinct statutory scheme applicable only to the federal sector" and that the federal sector's language included no authorization for disparate-impact claims.

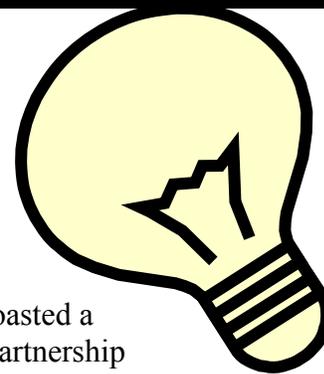
Whether the ADEA section applicable to non-federal employees supports disparate-impact claims was an issue which the Supreme Court had to resolve in *Smith v. City of Jackson*, 544 U.S. 228 (2005), when it held that ADEA does authorize such claims. Neither the Supreme Court nor the U.S. Court of Appeals for the D.C. Circuit has ruled on whether the *Smith* case applies to federal employees.

\* This information is provided by the attorneys at Passman & Kaplan, P.C., a law firm dedicated to the representation of federal employees worldwide.

**Happiness and Productivity Go Hand in Hand.** When Carol Waller Pope was designated chairwoman of the Federal Labor Relations Authority in 2009, the independent agency was struggling not only with accomplishing its mission but also with keeping its employees happy. That year, FLRA scored lowest among small agencies in employee satisfaction on a nonprofit's annual rankings.

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Just one year later, the agency had achieved a dramatic turnaround. FLRA boasted a record-breaking 250 percent jump in its employee satisfaction score on the Partnership for Public Service's 2010 Best Places to Work in the Federal Government survey. The agency's score continued to climb in 2011, and it is now ranked seventh in employee satisfaction among 35 small agencies.

Pope, the first FLRA career employee to serve as chairwoman, said Monday during the Federal Managers Association's annual National Convention and Management Training Seminar that it's important to realize that employee happiness and mission accomplishment are interrelated. After taking the lead at the agency, Pope focused dually on tackling the backlogs that plagued FLRA's adjudication of labor disputes and on making a concerted effort to "develop, manage and utilize the agency's human capital resources." Previously, she said, "we weren't actively managing human capital, and employees felt it."

The Partnership's survey supported Pope's instinct that focusing on employees would improve agency execution. "It may be tempting to shrug off efforts to ensure that federal employees are satisfied with their jobs and their organizations, but satisfaction drives employee engagement and ultimately leads to better performance," the Partnership's report stated. "Investing in the federal workforce and paying attention to employee viewpoints isn't about happiness, it's about building a more effective government and delivering results for Americans."

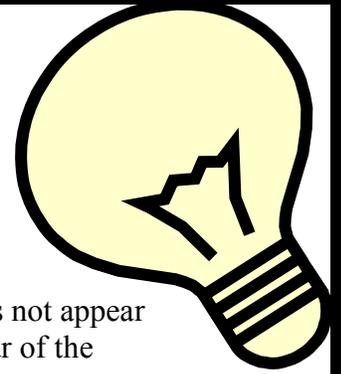
To drive home this point, FLRA leaders note the past two years have brought an almost 90 percent reduction in the overall inventory of the agency's over-age cases, or cases that are more than 90 days old from the date of filing to the date of action on the charge. FLRA also saw measurable productivity increases in the Office of the General Counsel, the Federal Service Impasses Panel and in its delivery of training to customers.

The Partnership's research showed, given Pope's commitment to employee satisfaction, the agency's marked improvements shouldn't be surprising. While many factors shape how employees view their workplace, the 2011 survey illustrated that for the sixth year in a row the primary driver of employee satisfaction in the federal workforce is effective leadership, particularly with respect to senior-level managers.

Especially encouraging for other leaders and managers hoping to emulate some of FLRA's successes, Pope said most of the agency's improvements in case management and human capital did not require budget increases. "Doing more with less doesn't necessarily mean working harder," she said. "It can mean working smarter and focusing on the things that matter most."

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While she is clearly proud of her agency and its accomplishments, Pope does not appear to be resting on her laurels. Although FLRA leaders declared 2010 “The Year of the Employee,” every year really should be that way, she said, adding the agency must stay continually focused on reinvention, reengagement and revitalization.

## *Training, Self-Development, and Personal Improvement*

**Steps to Scaling your Leadership for Results.** This article was written by Scott Eblin. Any references to “I”, “me”, or “my” pertain to him as an author.

What are you holding on to that you need to let go of? That’s a question I ask a lot when I’m working with leaders who need to get different results. These days just about every leader needs to get different results on a continuous basis. When was the last time you even heard the phrase that “someone is resting on their laurels?” It’s an anachronism. In today’s world, the idea that a leader would rest on their laurels and still expect to be the leader is just silly. There is a constant expectation for new and better results.

To do this, leaders have to learn how to scale. You can’t scale if you’re holding on to things you need to let go of. To get the new results that are expected, you have to pick up on the things that only you can do as the leader. To create the bandwidth to do those things, you have to let go of a lot of the things you’ve been holding on to.

Here’s a simple, three step way to figure out what you need to pick up and what you need to let go of. It’s based on a Coachable Moment called “The 20/80 Analysis” from my book, “The Next Level.”

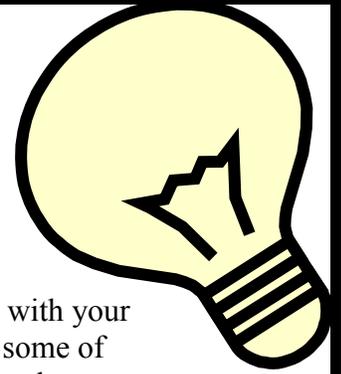
**First, get really clear on the results that are expected.** A good way to do that is to look out a year from now and ask yourself this question, “If my team and I have a totally kick-butt year, what will it look like?” Jot down the words or short phrases that describe the results in terms of such things as accomplishments, size, growth, financial metrics, customer satisfaction, the way you’re working together, etc.

**Second, make a list of the 20% of the things you should be spending 80% of your time and attention on to achieve those results.** Achieving different results requires different actions. What’s on the short list of things that you need to start spending most of your time and attention on starting now to have a reasonable shot at getting those results a year from now? Those are the things you need to pick up.

**Third, make a list of the 20% of the things that you have been spending 80% of your time and attention on.** As you make this list, put a check mark beside the things that you are an expert in. Those are the things you need to let go of. It’s practically

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certain that they no longer require your level of expertise. When you're done with your list, figure out who you're going to give the check marks to. By letting go of some of your expert items, you create the opportunity for others to grow. It's also the only way you can scale your leadership to pick up the things that will lead to new results.

Here's a quick example of how this works in real life. I recently had a manager in one of my workshops who went through this process and realized he needed to let go of preparing the daily news brief for the most senior execs in his organization. He had been doing that every day for several years and realized that it no longer required his expertise. By letting go of the brief and asking members of his team to pick it up, he freed up five hours a week of his time and created opportunities for them to improve their analytical and writing skills while getting more visibility in the organization.

The only way he or any other leader can scale up for new results is if their team scales up with them. You can do that by being clear about the results that are expected and then making choices about what you need to pick up and let go of to get them.

What opportunities do you have to take a fresh look at this or get started?

**Civilian Education System (CES) Courses Available.** The Civilian Education System (CES), launched in November 2006, is a progressive, sequential, leader development program that provides enhanced leader development and education opportunities for Army civilians throughout their careers. Enrollment in the CES is mandatory for all supervisors/managers who have not completed the appropriate courses at each stage of their civilian career or have not received appropriate course/experience substitution. The CES includes five courses - the Foundation Course (FC), Basic Course (BC), Intermediate Course (IC), Advanced Course (AC), and the Continuing Education for Senior Leaders Course (CESL), all of which culminate with attendance at a Senior Service College (SSC) and the Defense Leader Development Program (DLAMP).

With the exception of the Foundation Course which is completed in its entirety via distributed learning, the remaining courses are accomplished via a combination of distributed learning and classroom training at Fort Belvoir, VA or Fort Leavenworth, KS.

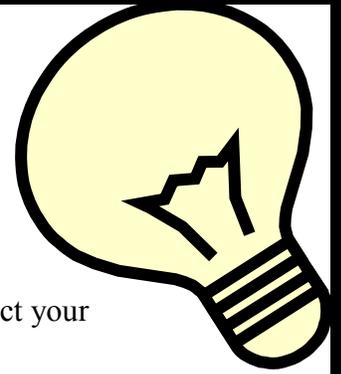
Also available under the auspices of CES are the Action Officer Development Course (AODC), Supervisory Development Course (SDC), and Management Development Course (MDC), all available on-line as correspondence courses.

For an up-to-date course schedule, please click the link immediately below:

<http://www.amsc.belvoir.army.mil/registrar/schedule/ces.jsp>

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For additional information on the CES, please click on the link below, contact your servicing HR Specialist, or refer to Tips and Tidbits 3-2007.

<http://www.amsc.belvoir.army.mil/ces/>  
<http://www.train.army.mil>. Click on the [Login] button upper right and key in your AKO

**Employment Briefings for Military Spouses.** Members of the Fort Benning CPAC staff conduct regular briefings for military spouses to outline the benefits of Executive Order (EO) 13473. Executive Order 13473 became effective September 11, 2009 and it is intended to provide military spouses an opportunity to obtain employment with the Federal government. The briefings detail spouse preference and eligibility; outline how to apply; confirm which documents should be submitted; and, provide general tips on resume completion. The briefings are conducted the third Wednesday in the month from 1000-1130 April through October, December, and February. Briefing locations vary and are disseminated through various media sources.

The next briefing will be conducted on Wednesday, 18 April from 1000-1130 in McGinnis-Wickham Hall classroom E101.

Anyone seeking additional information or interested in attending should contact Deb Quick, 706 545-3517.

**More Career Feds Would Join Senior Executive Service Under New Bill.** A new Senate bill aims to lure more career employees into the Senior Executive Service and creates more spaces for them by limiting appointees.

The 2012 Senior Executive Service Reform Act was recently introduced by Sen. Daniel Akaka, D-Hawaii, and referred to the Senate Homeland Security and Governmental Affairs Committee.

Carol A. Bonosaro, president of the Senior Executives Association, which has long supported many of the bill's provisions, has said Rep. Jim Moran, D-Va., will propose companion legislation in the House.

"We are increasingly concerned that highly qualified GS 14s and 15s are not aspiring to the SES and that current senior executives are not receiving the necessary resources to enable them to perform at the highest level of which they are capable," Bonosaro said.

"We believe the reforms contained in this legislation will make the SES more attractive to both aspiring and current senior executives," she added.

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The legislation would create additional incentives to join the SES by regulating the percentage of non-career SES appointees. It would require all Cabinet-level agencies to have at least one career SES at the principal deputy assistant secretary level for every assistant secretary of comparable positions.

Currently, non-career SES membership is capped at 25 percent of allocated positions. The bill would lower that ceiling to 15 percent of filled positions.

If an agency has 100 allotted SES positions, for example, 25 SES members can be non-career employees, Bonosaro explained. If that agency only fills 75 percent of their 100 available SES positions, the non-career employees make up a third of the SES workforce.

The bill includes pay and performance management reforms. It would increase feedback given to executives regarding their rating levels and tier placements. It also would allow SES members to count bonus awards toward their high-three salary calculation upon retirement, since SES members do not receive comparability adjustments such as cost-of-living increases and all SES pay is performance-based.

In addition, the bill includes provisions to improve recruitment of SES and diversity in the senior workforce.

A 2010 SEA [survey of GS-14 and GS-15](#) employees showed that many qualified candidates were dissuaded from aspiring to career SES positions due to a skewed risk-to-reward ratio and concerns about mobility and lack of work-life balance.

For example, in some instances, a GS-15 would earn the same as they would if they moved into the SES, Bonosaro explained.

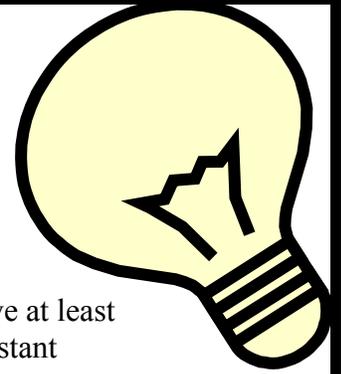
Strengthening the Senior Executive Service is important to the federal government as more and more current SES members reach retirement eligibility. The Congressional Budget Office recently estimated the number of retirees across the federal government will grow 10 percent during the next decade.

“We want to be certain that the best and the brightest will be interested, especially when we’re being hit by a lot of retirements. The retirement eligibility in the SES is very high,” Bonosaro said.

Some lawmakers have been concerned about the proliferation of political appointees. When elections turn these positions over, institutional memory and experience are lost, Bonosaro said. More career SES positions could help address that.

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The proposed legislation also would require all Cabinet-level agencies to have at least one career SES at the principal deputy assistant secretary level for every assistant secretary or comparable position.

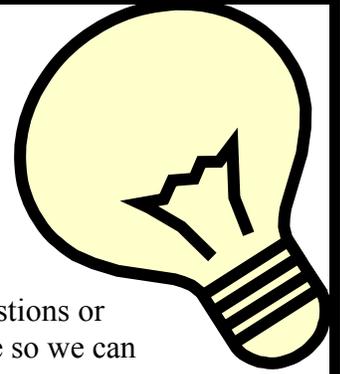
**RPA and ART Workshop.** The Fort Benning CPAC HR specialists are available to conduct RPA and ART desk-side walkthroughs and/or workshops to assist HR liaisons, managers/supervisors, and new DCPDS account holders with accessing and using DCPDS, ART, initiating RPAs, forwarding and tracking RPAs, generating 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.

**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; and, generating reports and

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printing a Notification of Personnel Action (i.e. 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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