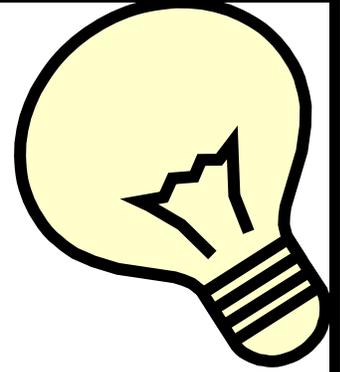


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Shedding Light on the HR World

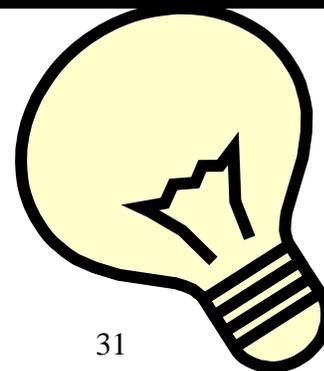
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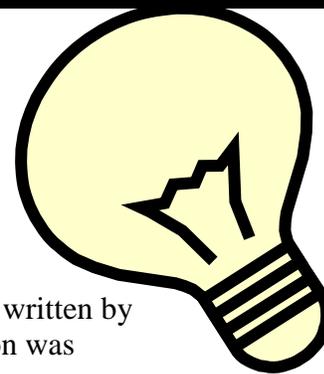
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This publication is issued to ensure the Fort Benning commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Monthly issuances will contain updated information on specific employment topics (i.e., compensation, 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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House to Federal Employees: Write in “Plain” English. This article was written by Ralph Smith and posted in FEDSmith. It is copyrighted; however, permission was sought and granted to reproduce it in its entirety.

Some problems never go away.

A case in point: The use of easy-to-understand language in government documents.

The problem of poor writing in government documents does not always start with the writer. Oftentimes the problem is that everyone reviewing the document wants to make a difference. Trying to please everyone on a document takes time and leads to complex documents--sometimes with little attention to the original purpose of the document.

Rep. Bruce Braley (D-Iowa) is the latest to jump on a bandwagon extolling the virtues of using plain language in federal documents. A news article from the Associated Press states "The U.S. House passed a bill Monday that would prohibit the federal government from writing confusing language on its letters, forms and other publications."

No doubt, this legislation should solve the problem and we can get on with business. Congressman Braley's quote generated a déjà vu moment.

When working for OPM during the Carter Administration, I recalled a directive on the same topic—directing agencies to write in plain English. [Executive Order 12044](#) was issued on March 23, 1978 and its purpose was "improving government regulations." The order was written to require that "Regulations shall be as simple and clear as possible."

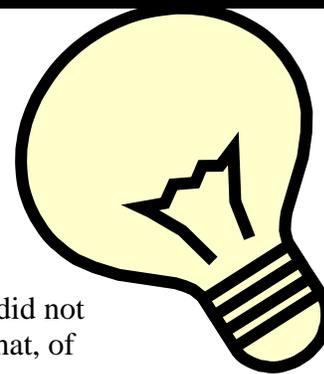
No doubt, the authors did not see the irony in setting up a strict set of procedures to be followed in the quest for writing simple, clear regulations. Oddly enough, the requirement to write clearly did not even apply to all agencies as it exempted "regulations issued by the independent regulatory agencies" or "matters related to agency management or personnel." Perhaps due to an unwarranted confidence in the ultimate outcome, the executive order automatically expired in June 1980.

I took the issue to heart and volunteered for the job of writing a new version of "The Supervisor's Guide to Federal Labor Relations." The agency sold about 500,000 copies to other agencies in a short time. The intent was to explain a complex program in simple, easy-to-understand language that would be easy for a federal supervisor to use.

After the book was out and the money safely within the agency's budget, a senior executive informally advised me the book had created a serious problem and I should avoid creating these problems in the future. The General Counsel had reviewed the book after publication. He apparently communicated to the agency head that the book did not

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contain legal citations referencing the labor relations statute or case law and did not explain numerous exceptions that could arise in a labor relations situation. That, of course, was a problem with the original document as it was not intelligible to many supervisors. The real problem, I suspect, was that the success of the book was perceived as a threat within the organization.

This example is hardly unique in government; the content of written documents reflects power and influence of individuals or organizations in an agency. Power struggles and a desire for influence always take precedence.

Not surprisingly, President Carter's executive order did not change the culture of government. President Bill Clinton tried again in 1998. While not referencing the earlier executive order, he [issued a memo](#) on the subject of "Plain Language in Government Writing" which told agencies to use short sentences, the active voice and common, everyday words and to start using "you" and "other pronouns" in government writing.

To make sure this happened, President Clinton told agencies to do this by October 1, 1998. And, for even greater effect, agencies had to start using "plain language" in proposed regulations appearing in the *Federal Register* by January 1, 1999.

Congressman Braley may be unaware of these earlier efforts or has concluded that President Clinton's memo did not change the culture of government any more than President Carter's effort. If [Braley's bill](#) becomes law (a similar bill will be debated in the Senate), perhaps it will do what previous efforts have failed to do and change the culture of the federal government with future documents being written in clear, understandable English to comply with a new law.

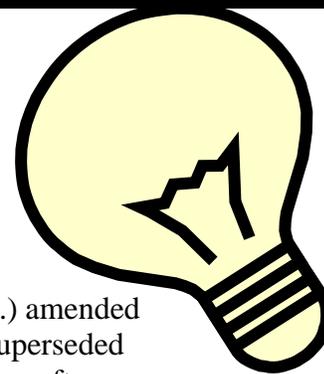
Based on the lack of success of these earlier efforts, I doubt the bill will make a substantial difference. But even if this noble effort fails, he has identified a topic that has bipartisan support. The bill passed the house 376-1 so apparently most Congressmen are unhappy with the writing skills of the executive branch.

While Congress may not get around to many other items of importance, such as passing a budget for fiscal year 2009, our elected representatives will probably be able to tell their constituents they had a role in improving the culture of government by requiring "plain language" in government documents.

Reemployed Annuitants and Federal Employment. A reemployed annuitant is a former Federal employee, receiving a retirement annuity under the Disability Fund, the Civil Service Retirement System (CSRS), or the Federal Employee Retirement System (FERS), who subsequently becomes reemployed with the Federal Government. Annuitants hired prior to November 24, 2003 were subject to a salary offset based on

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their annuity; however, Section 9902(j) of Title 5 United States Code (U.S.C.) amended the original guidance to provide annuitants with full pay and annuity. This superseded guidance applies to annuitants employed in an appropriated fund position on or after November 24, 2003

Reemployed annuitants may be hired against time-limited or permanent positions. Accordingly, the rationale for hiring should be a factor in determining the type of appointment. For example, a time-limited appointment would be most appropriate to fill a position resulting from an unforeseen circumstance of a short duration.

Reemployed annuitants may be selected subject to the following criteria:

- In positions that are hard-to-fill as evidenced by historically high turnover; a severe shortage of candidates or other significant recruiting difficulty; or positions that are critical to the accomplishment of the organization's mission; or to complete a specific project or initiative;
- Who have unique or specialized skills, or unusual qualifications not generally available; or
- For not more than 2087 hours (e.g., one year full time, or two years part time) to mentor less experienced employees and/or to provide continuity during critical organizational transitions. Extensions beyond 2087 hours are not authorized.

Reemployed annuitants may be selected competitively or non-competitively; however, in either instance, Management must clearly substantiate the selection of annuitants based on the criteria. This documentation, along with the referral list and any other selection rationale or chronicles, should be returned to the Operations Center. Individual activities/organizations should also maintain a file containing this documentation for no less than two years after the annuitant has been terminated.

The provisions of the Priority Placement Program (PPP), Interagency Career Transition Assistance Plan (ICTAP), and the DoD Reemployment Priority List (RPL) also apply. Unlike the appointment of other applicants, in the case of annuitant selections against permanent positions, PPP requisitions must remain "open" indefinitely. That is to say, for the duration of an annuitants' appointment, when/if a PPP candidate is matched against that position, the annuitant is displaced with no alternative placement attempts to be rendered by the Agency.

Annuitants who separated under the Voluntary Separation Incentive Pay (VSIP) Program are prohibited from reemployment within the Department for 12 months after separation unless the Secretary of Defense (SECDEF) or his designee approves a waiver.

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Additionally, these potential rehires/reinstatements may not be reemployed within five years unless they repay the separation incentive. The repayment of the incentive is not prorated over the duration of retirement. Instead it must be repaid in its entirety. Additional information on these restrictions can be found in 5 U.S.C. 9902(i) of NSPS and implementing DoD VSIP guidance and procedures.

The hire of reemployed annuitants greatly assists Management in maintaining a quality workforce with the in-depth, comprehensive knowledge and experience necessary for the Army to meet its mission. It is a flexibility well worth the effort and time consumed to execute the placement of an annuitant. Please contact your servicing HR Specialist with your questions or for additional information.

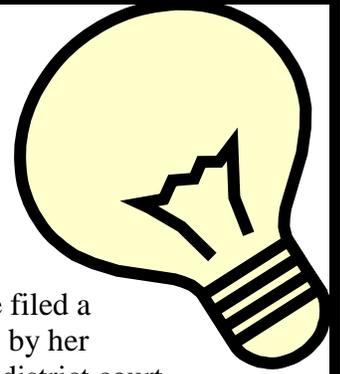
Federal Legal Corner: Burden of Proof. In *DeCaire v. Mukasey*, 07-1539 (1st Cir. 2008), the U.S. First Circuit Court of Appeals reversed a district court's decision which ruled against a plaintiff by, among other things, making various errors in law, and using the Judge's own opinion as to management's reasons for the adverse actions. This case provides an excellent review of the governing burden of proof in discrimination and retaliation cases.

DeCaire, a Deputy U.S. Marshal, brought suit alleging that the U.S. Marshal for Massachusetts discriminated against her on the basis of gender and also retaliated against her after she filed EEO complaints. The district court ruled against the plaintiff, holding that although the Marshal did discriminate against DeCaire, that she was treated adversely after she complained, that the government's explanations of neutral reasons were not persuasive, the Marshal's hostility was motivated by his perception that DeCaire was disloyal to him personally, and not by gender animus or retaliation.

Once the district court found that DeCaire had established a presumption of discrimination, it shifted the burden to the government to articulate a "legitimate, non-discriminatory reason for its adverse employment action." The district court noted that the government articulated a number of reasons to **justify the U.S. Marshal's treatment** of DeCaire, including the nature of the work to be performed, seniority, locality, and fairness. The district court then noted that the "burden to demonstrate discrimination rests on the plaintiff." It also stated that it was insufficient that DeCaire offer evidence that the government's explanations for her treatment were pretext, which it found she had done. She needed additional evidence beyond pretext to enable "a factfinder rationally to conclude that the stated reason behind the adverse employment decision is not only a sham, but a sham intended to cover up the proscribed type of discrimination." In other words, DeCaire needed to provide direct or circumstantial evidence of a "discriminatory animus on the part of the employer."

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In analyzing DeCaire's retaliation claim, the district court found that DeCaire filed a formal grievance and complaint with the EEO office, which was well-known by her supervisors, and she was disadvantaged by several employment actions. The district court stated that DeCaire could satisfy the third requirement -- showing a causal connection between her EEO complaint and the adverse employment actions -- by providing direct evidence of retaliation, which normally contemplates "those statements by a decision maker that directly reflect the alleged animus and bear squarely on the contested employment action."

With respect to the plaintiff's claims of retaliation, the district court concluded that this was "because he considered her disloyal and hostile to his management decision, and he could." The defense had never posed any such theory of motivation, and neither the U.S. Marshal nor any witness testified to this motivation. The district court concluded that these later events "would have come out much the same had DeCaire been a male deputy." Therefore, although the government had failed to persuade the district court that its actions were neutral, on-the-merits decisions, a verdict for DeCaire would not be appropriate.

With respect to her gender discrimination claim, the court found that to the extent the district court's finding in a mixed motive discrimination case was that there was gender discrimination, such a finding required it to find liability on the part of the government on any timely claim; in such a case, it is plaintiff's remedies, not the employer's liability, that are limited. In such a case the court could, in its discretion, grant declaratory relief, injunctive relief, and attorneys' fees and costs, but could not award damages or issue an order requiring a reinstatement, hiring, promotion, or payment. The district court was also incorrect in its determination that evidence relating to DeCaire's initial transfer could be used only with respect to her retaliation claim. A discriminatory action for which a claim was not timely filed cannot be used as a basis to award relief but can be used as background in support of later claims of gender discrimination.

The court also found that the district court had enunciated principles at variance with retaliation law. The anti-retaliation provision seeks to prevent harm to individuals based on what they do, i.e., their conduct. It does not matter for retaliation purposes whether management would have treated a male deputy the same way it treated plaintiff. The court also found that the district court's interpretation of the temporal proximity requirement was incorrect. The existence of allegedly discriminatory employment actions prior to the filing of a complaint does not immunize an employer from a retaliation claim following the complaint. The court also noted that to the extent the district court created a "disloyalty defense," by discussing a "fine line" between showing a causal connection demonstrating retaliation and a requirement of loyalty to U.S. Marshal and the Marshals Service, the court held that as a matter of law, the filing of an EEO complaint cannot be an act of disloyalty which would justify taking adverse actions. Finally, the district court

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improperly imposed a heightened burden by requiring that plaintiff provide evidence in addition to evidence establishing that the government's explanations were pretext.

Against this backdrop of legal error, the plaintiff made a final argument on appeal that the record did not support the district court's factual conclusions. DeCaire objected to the district court's "sua sponte finding" that disloyalty was the "principal driver" behind management's decisions. The court noted its "great concern" over the district court's utilization of a theory not advanced by either party to the case. Fairness alone requires that the parties have notice of the theories so that the parties can gear their evidence toward what is at stake. The court found that both sides to this litigation were prejudiced by the district court's spontaneous introduction of a new theory of justification and remanded the case.

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

Estate Planning: If You Relocate to Another State. Many Federal employees will move to another state upon retirement. A commonly-asked question is: Are my estate planning documents good in my new state?

The answer to that question brings into focus the issue of which laws apply to the various estate planning documents.

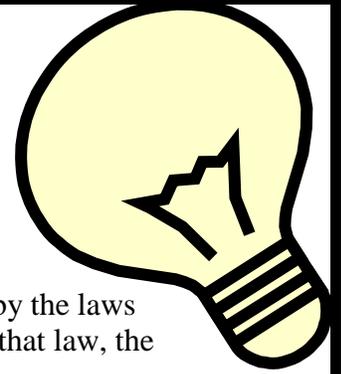
The following are the answers to this question:

(1) Health Care Directives - Following the Nancy Cruzan case decided by the U.S. Supreme Court, every state has enacted a statutory Health Care Directive authorizing the person(s) of your choice to make health care decisions for you if you should become unable to do so for yourself. Because they are all written in conformity with Federal law, these documents are good anywhere in the country, regardless of which state's form you have. Nevertheless, if you relocate to another state, you should get your new state's statutory document; this is especially true since you can get them at no cost.

(2) Powers of Attorney - Your General Power of Attorney should be written in compliance with the laws of the state where you live, so if you relocate to another state, you should get a new one. [Note, however, that in regard to real property (your home, vacation or rental properties, etc.), the law of where the land is located controls, so you should have a specific power of attorney for that property, written in compliance with the laws of that jurisdiction.] Unlike Health Care Directives, not all states have statutory powers of attorney, so if your new state does not have one, you should have one prepared by a local attorney so that it will be in compliance with local law.

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(3) Wills and Livings Trusts - The validity of these documents is controlled by the laws of the jurisdiction where they were signed, so if they are in compliance with that law, the state to which you relocate will generally accept them as valid. However, the interpretation of the language in the document is controlled by the laws of where you live at the time of your death, so you should have a local lawyer review these documents, not necessarily to re-write them but, if necessary, to amend them for any local issues that might differ from the state where the documents were drafted.

(4) Beneficiary Designations - Your Federal benefits are controlled by Federal law, so they continue in force, regardless of where you are living. Nevertheless, it would be smart to review them at the time of your relocating, to be certain that they still designate the individual(s) or entities that you want to receive these benefits.

(5) Federal Estate Tax - This tax is charged against the estate and is based on Federal law; therefore it is not relevant where you are living at the time of your death.

(6) State Estate Taxes - Many states have their own estate tax, in addition to the Federal estate tax. This tax is also charged against the estate, and is assessed by the state where you are living at the time of your death, on all of your assets except for real property located in a different state, which other state will assess its tax on that real property. Therefore, you should be certain that you understand your new state's estate tax.

(7) State Inheritance Taxes - A few states still have an inheritance tax, charged against the recipient of an inheritance (except if the Will or Living Trust shifts the payment of that tax back to the estate). Remember, the appropriate law is not where the beneficiary lives but where you live (except for real property located in a different state).

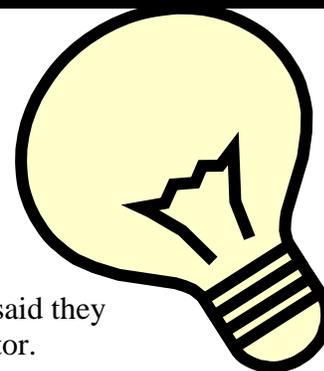
(8) Probate - Again, the general rule is probate is controlled by the state where you are living at the time of your death (except for real property located in a different state, which is controlled by that state).

The bottom line is you should consult with a local estate planning attorney in your new state to be certain that you understand the implications of local law as it applies to your estate plan.

IT Security Concerns Slow Telework Adoption. Federal employees are working remotely in greater proportions than their private sector counterparts, but companies are adopting telework policies and moving to overcome information technology barriers more quickly, according to a [report](#) recently by technology company CDW-G and management consulting firm O'Keeffe and Co.

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Seventeen percent of the 550 federal employees O'Keeffe and Co. surveyed said they teleworked compared with 14 percent of the 273 contacted in the private sector.

Companies raced ahead of the federal government in technical support for their teleworking employees in 2008, with 76 percent providing such support, up 27 percent from 2007. Fifty-six percent of federal IT officials said their agencies provided technical support to teleworkers, down 2 percent from 2007.

"Private sector IT support for telework has jumped because private companies are putting the pedal to the metal," said Dawn Hall, director of business development at CDW-G. "I don't think that the federal government is not adopting its support for layered security, it's just that private industry is adopting it more quickly."

Technical support could be key not only to making telework feasible, but to providing assurances that information will be secure when employees access networks and information from remote locations.

Forty-two percent of federal IT officials said information security was their top concern about telework, compared with 27 percent in the private-sector. Forty-nine percent of companies required employees to use a user name and password to log in to their network, though only 45 percent of federal agencies do. And 44 percent of companies required workers to change their user name or password at least monthly, compared with 25 percent of agencies.

"More stringent IT security requirements are controlling remote network access, contributing at least temporarily to the decline in employees who can continue their work offsite during a business disruption," the survey's authors wrote.

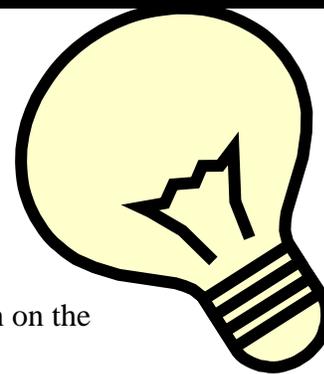
But CDW-G's Hall said increased attention to information security was a good thing, even if it slowed telework adoption.

"I think the managers in the federal government are taking the workers that are eligible and they're vetting them more closely," she said. "They're better educated in conjunction with their IT professionals. ... The managers are really taking it seriously, and that's a positive."

The public and private sectors are moving in different directions on the role of telework in continuity of operations plans, the survey found. In 2008, 59 percent of federal employees said they could telework if an emergency closed their office, down 16 percent from 2007. Forty-six percent of private sector employees said they could do their jobs from home in case of a disaster, up 13 percent from 2007.

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OMB Gets Tough on Misuse of Government Credit Cards. A crackdown on the misuse of government credit cards is underway.

The Office of Management and Budget said that it would welcome Congress's help in disciplining federal employees who misuse their cards, pointing to a Senate bill that would authorize agencies to fire employees for egregious abuse of government credit cards. Employees suspected of fraud would have their cases referred to federal prosecutors.

"The vast majority of civilian employees, government employees, use the cards responsibly. At the same time, I would say there is abuse, and the goal is zero, and we need to make it zero," said *Clay Johnson III*, deputy director for federal management issues at the OMB.

An investigative report released by senators Tuesday showed that government employees used their credit cards in 2005 and 2006 to buy cameras, laptop computers, iPods, high-end suits, lingerie, and steak and booze dinners.

The inquiry by the Government Accountability Office was not the first to discover abuse in federal credit card and travel programs. Previous reports by the GAO and inspectors general have documented federal employees using their government cards to buy baseball tickets, jewelry, cellphones, escort services and, in one instance, breast enhancement surgery for a girlfriend.

"Here We Go Again," was the headline yesterday on a news release from the Project on Government Oversight, a nonprofit group that investigates corruption in government. It noted that the group uncovered similar problems in 2002.

The GAO findings sparked a flurry of comments on Federal Diary Live at washingtonpost.com. "As a current fed I just wanted to say that this misuse of government credit cards is exactly the sort of thing that gives working for the federal government a bad reputation," one person wrote.

Johnson and *Danny Werfel*, the OMB's deputy controller, said the president's budget director, *Jim Nussle*, will issue a memo reminding agencies of rules prohibiting the abuse and fraudulent use of government credit cards by federal employees.

The OMB issued a memo in 2005 directing agencies to tighten internal accounting controls to monitor credit-card use by their employees. Werfel said the OMB is working with Sen. *Charles E. Grassley* (R-Iowa) on legislation that would put "the force of law" behind the 2005 requirements. Congress can also institute penalties that are tougher than what the OMB can impose on employees, Werfel said.

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In general, the "purchase card" programs were set up to permit employees to buy as much as \$2,500 worth of goods and services that are necessary and reasonable for the operation of their agencies. The government contracts with five banks for credit cards in exchange for favorable interest rates and rebates. In fiscal 2007, the banks provided the government with more than \$170 million in refunds, the GAO said.

There are several types of government credit cards, but the GAO report focused on "purchase cards." Bills for charges on these cards are sent to the agencies for payment, although the cards are assigned to employees and carry their names, the OMB said.

In theory, having an employee's name on a card permits an agency to track the account and spot improper purchases. Although the agencies pay the credit-card bills, the employees are required to reimburse the agencies for any improper purchase.

But the GAO report suggested that government-wide policies on how agencies should monitor credit-card use need to be improved. It cited numerous instances in which employees and their bosses were not held accountable for questionable purchases.

The GAO estimated that 41 percent of purchase-card transactions were not properly authorized, for example. Agencies also could not account for about \$1.8 million worth of goods identified in the audit, such as cameras and computers, that employees may have diverted to personal use.

As an example of the weak controls at some agencies, the GAO cited a Navy employee who purchased more than \$900 of general office supplies on a government credit card. As part of the purchase, the employee bought a digital camera for \$400 and an iPod for \$200.

The employee, the official who ordered the office supplies and the official who approved the purchase "had no recollection of requesting or receiving" the iPod, the GAO said.

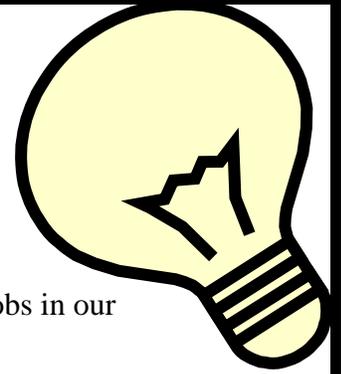
Asked to determine whether the camera and the iPod had been converted to personal use or stolen, the Navy told the GAO that the items "were not reported on a property tracking system and therefore could not be located."

The Shortage of People for Jobs. This copyrighted article was written by James O. Armstrong and posted in FEDSmith. Permission was sought and granted to use the article in its entirety. Any references to "I" pertain to Mr. Armstrong as author.

There is a tremendous disconnect between what the professionals in the economic development community and the human resources community know about the job

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situation versus what the typical man or woman in America believes about jobs in our country.

The most common misperception, in the United States, is there is an abundance of people for the jobs. In fact, there is a shortage of men and women for jobs. Even more significant, there is a skills shortage. It is fairly acute in certain areas and it is going to become worse. This is particularly true as baby boomers begin to drop out of the work force, either in whole or in part, in the coming years. This is going to become quite serious in our nation.

Today, many of the major television networks and big city daily newspapers focus their coverage almost exclusively on the loss of jobs at major corporations. In the process, they have taken a shortcut in evaluating what is really taking place in our society, which has been and continues to be that smaller companies in the U.S. have become the real job growth engines in our society. In addition, the healthcare sector and hospitals in particular, plus the government at all levels, are hiring.

Bear in mind, for example, in the recent past, we have had a 4.4 percent unemployment rate, which is the equivalent of a full employment economy. And, that is with the 11 or 12 million illegal immigrants in our society. This situation does not exist without them. In the future, we will be 800,000 RN nurses short of what we need. We are already 20,000 or 30,000 truck drivers short of what we currently require. We also have a shortage of IT workers, engineers, school teachers and government workers at all levels of government. By the way, these trends are becoming more acute all the time.

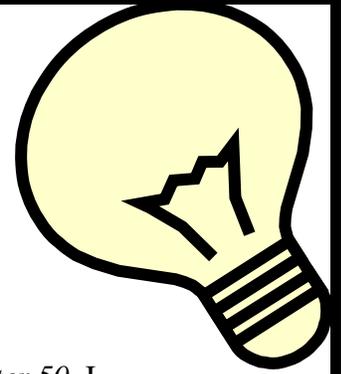
What can we do about this?

Instead of giving up, if we happen to be the victim of a downsizing, rightsizing or reorganization exercise, it's time to reinvent ourselves. It's time to look at things in a new way because it's a new day in our lives. It's time to explore all of our options. Of course, one of our options includes the possibility of moving from a higher unemployment area to an area of low unemployment in our society, such as the Rocky Mountain states. Almost every one of those states currently has 2 to 3 percent unemployment rates.

Now is also the time to consider going back to school for more education. In many instances, for example, a person may have lost a manufacturing job. The federal and state governments may be willing and able to pay for that individual to go back to school. And, it could be entirely free. In other words, the entire cost of the re-education or training effort may be paid for by the state, which is certainly an option that needs to be explored.

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Have an optimistic attitude

In my book, which is *Now What? Discovering Your New Life and Career After 50*, I profiled 19 different men and women from all over the United States, with all different jobs and education levels. They also had different ethnic and religious backgrounds. And, they ranged from high school graduates to PhDs on the top end. But, what I found was this: There are many more similarities than dissimilarities between all of the men and women that were profiled. The ones who succeeded in this transition process continued to have an optimistic attitude, in spite of changes they were experiencing.

For example, there was a college professor from Austin, Texas, who was a locally prominent man. And, he is a PhD who was teaching MBAs and PhDs about labor arbitration and mediation. Meanwhile, he was serving part-time, in that capacity, from a federal government standpoint. But, now that he is retired, he receives his full retirement benefits from the University of Texas pension system. In fact, he receives a very fine retirement benefit from that system for the rest of his life.

Now, three or four days a week, depending on how many of these assignments he accepts, he goes out all over the southwestern part of the U.S. especially to arbitrate and mediate labor disputes. My questions to you are this: "How can we possibly outsource, to China or India, a labor negotiator or mediator? And, when will there ever not be a demand for someone in his position?" He told me, often times, just the threat of binding arbitration caused people to settle on their own even without him being physically in the room. He is in his early 70s, and he is, in fact, CEO of a small company that is headquartered in his home. He travels on behalf of the federal government and the mediation organizations that he represents.

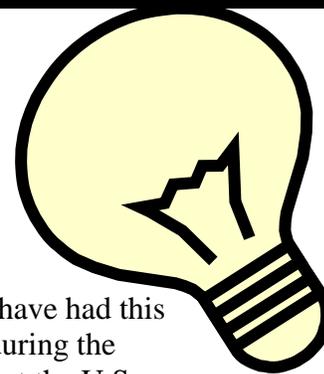
Opportunities

Let's say that you're a nurse, or you're considering a career option within the medical community. There are job openings or opportunities in virtually every kind of medical category you can imagine. There are even shortages of dental hygienists in our society. If someone goes back to school for two years and becomes a dental hygienist at 35 or 45 years old, they can have quite an excellent income. Plus, they will have a choice of dentist's offices, where the hygienist gets to choose. Of course, MORE opportunities automatically go with the more education that someone pursues.

For example, someone who has been a CPA all of his or her life and who wants to continue to work part-time after age 65 or 70, can certainly continue to do that. In fact, the former senior partner of the CPA firm I use for my family, as well as for my two small businesses, has an older partner. He comes back to work at the beginning of January and works through the end of May. In other words, he continues to work with his

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former clients each year during tax season. This is because small companies have had this partner as their CPA and they would still like to do business with him. But, during the other seven months of the year, he travels with his wife extensively throughout the U.S., including catching up with his family and friends.

That's a very common model among professionals in our society, whether it's doctors, dentists, CPAs, architects, engineers or public relations professionals. So long as they don't have the professional liability responsibility for plans, which they would have as an architect or an engineer, these valuable professionals in our society can go back and assist on projects.

The current and coming labor shortage

Over and over again, I have found this situation to be true. Specifically, there is a tremendous discrepancy between what people believe the job market to be like today and what it really is. There are wonderful opportunities, in almost every direction you can imagine in the marketplace. This situation exists because of the current and coming labor shortages plus the skills shortages that exist in our society. This analysis actually works in favor of baby boomers and not against them.

Our options are broad, as we move forward into the next chapter of our lives. Once again, they aren't narrow; they are without limit.

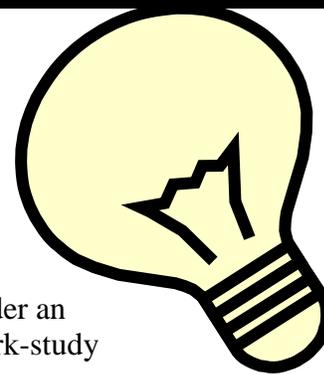
My role today is to speak hope to my generation of fellow baby boomers. Despite the bad circumstances they may be encountering at this moment, there is hope for their future. They can have a better tomorrow than they have had today.

Superior Qualifications and the Special Needs Pay Setting Authority. The pay of new appointees to General Schedule (GS) and Federal Wage System (FWS) positions are routinely set at step 1 of the grade of the position; however, when requested by Management and based on the superior qualifications of the selectee, Agencies have the authority to set pay for new appointments or reappointments of individuals to GS positions above step 1. Likewise, under the FWS, special qualification appointments also allow pay to be set at a rate above step 1 for candidates with highly specialized skills in a specific occupation. These special appointments are commonly referred to as advanced in-hire rates. For GS positions the authority for superior qualifications and special needs pay-setting is granted via 5 United States Code (U.S.C.) 5333 and 5 Code of Federal Regulations (CFR) 531.203. For FWS positions, the authority is based on guidance listed in 5 U.S.C. 5341 and 5 CFR 532.403.

Advanced in-hire rates are limited to *new* appointments and *reappointments* if there has been a break in service of at least 90 days since the employee's last period of Federal

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employment. Exceptions to the break in service rule include employment under an appointment as an expert or consultant and employment in a cooperative work-study program.

There are no minimum grade limitations for which an advanced in-hire rate may be set, no limitations on the amount above the candidate's current rate of pay that may be used to set the advanced rates, nor is there a set formula for determining advanced in-hire rates. Each request is evaluated with consideration to available high-quality candidates, legitimate and confirmed competing offers, existing compensation of the candidate, and the necessity of an incentive above existing compensation. In order to substantiate these rates, Agencies are required to formally document and maintain an audit trail for such appointments. Written approval of the advanced in-hire rate is filed permanently in the employee's official personnel folder (OPF) with all required supporting documentation retained by the approving official or activity for a period of at least three years.

The information/documentation requirements will vary from ACOM to ACOM, but at a minimum, justifications for each advanced-in-hiring rate must include:

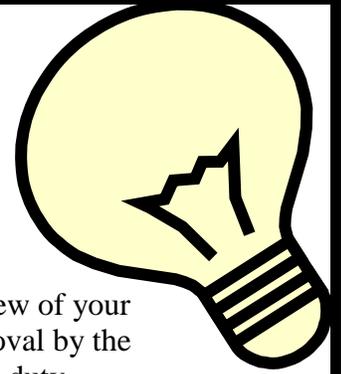
1. The superior qualifications of the individual or special need of the agency that justifies a higher minimum rate;
2. The factor(s) and supporting documentation considered in determining the individual's existing pay and the reason for setting pay at a rate higher than that needed to match existing pay; and
3. The reason(s) for authorizing an advanced rate instead of or in addition to a recruitment bonus.

It is also a good idea to keep copies of the official position description, vacancy announcement; official Referral List; the process used to select the candidate (e.g., panel, personal interview, etc); certification and/or licenses attesting to the candidate's level, type or quality of skills or competencies; verification of the candidate's existing salary, recent salary history, the salary documented in a competing job offer; and, statements attesting to local labor market conditions.

As always, pay flexibilities and authorities should be exercised prudently and should specifically address the superior qualifications of the selected candidate, the highly specialized occupational skill of the selected candidate, or the special/specific needs of the hiring agency. A careful review of your ACOM-specific policy is recommended prior to initiating actions of this nature.

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Please contact your servicing HR Specialist with your questions and for review of your advanced in-hire requests to ensure compliance with related policies as approval by the designated delegated authority must occur **prior** to the employee entering on duty.

Mentoring and Getting Mentored. This article, posted in Headhunters, was written by Nick Corcodilos. Any references to “I” pertain to him as an author.

One of the fashionable things nowadays is to be a mentor. You know: a wise old coot who can spout wisdom to naïve young upstarts. Mentoring is such a popular human resources concept that employees in lots of companies are required to take on protégés whether they like it or not. Most mentoring programs I've seen, though born of good intentions, result in little more than awkward lunch meetings, because you can't really dictate how or whether two people will get along. (Don't get me wrong: there are also some very successful programs out there, but they're few and far between.) The problem, I believe, is that too many of these programs are institutionally controlled rather than freewheeling.

Mentoring is a subversive activity

I see mentoring in a different way. To me, it's like the underground railroad. It's a way for people to free themselves from the systems and structures that their company (or industry, or profession) imposes on their growth and development. In fact, the more subversive it is, the better I like it. There's something special about someone from the inner circle feeding me advice – almost on the sly – without my employer's knowledge.

Face it: the social and organizational systems we build may create a better world, but ultimately it's our knowledge of how to work around those systems that allows us to create new, better systems. We accomplish that by sharing our insights and work-arounds with one another. Some of the most important mentoring we do helps others navigate past obstacles “the system” puts in our way. So, I don't want my company managing how I get mentored, or by whom. I mean, if big brother is involved, how good could it be? Sorry, but this capitalist grew up in the Sixties.

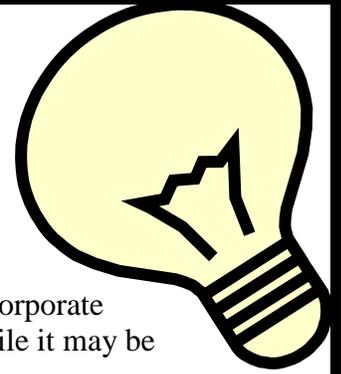
In the larger scheme of things, mentoring is a way to enable a new, energetic generation to amplify your insider knowledge and to propagate its consequences through new domains. It's a way to influence the future. But no matter how you do it, keeping it simple is the key.

Do-it-yourself mentoring works best

I think the simplest, most effective form of mentoring involves freely-given advice and assistance that's provided to people who want it, and those who ask for it are free to turn

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to the sources they trust most. (Do you really want to be assigned to Joe in Corporate Finance?) There are no rules or regulations about “what” or “how.” And, while it may be helpful to have a mentor for life, I think it helps to have many mentors.

The only thing you need to be a mentor is someone who would like your help. Of course, it also helps if you have useful assistance to share. To be mentored, you need someone who will take the time to share what he or she knows to help you along your path.

How's that for one guy's definition of mentoring? Kind of fits the notion of “no rules,” huh? Well, that's how I got mentored, and it worked, so I figure it's the only method I can recommend with enthusiasm.

My great mentor

People often don't realize who their mentors are. I think that's most true when the mentor is a great one. You don't realize what's happening until it has an impact. Unfortunately, in some circles mentoring has become the kind of cold-blooded system for success that “networking” turned into after the great self-help authors got their hands on it. In that career development scheme, the upwardly mobile employee makes it a do-or-die task to find and seduce a mentor. But, the best mentors are those you run into, not the ones you seek out. Because like falling in love, mentoring creeps up on you. You suddenly realize that a casual discussion has turned into a profound relationship.

My mentor was a guy named Gene Webb. When Gene took me under his wing, I thought he was just my buddy: older, wiser and a great conversationalist, but just a buddy. Maybe he viewed me as just a buddy, too. But as the years have gone by and I've looked back at the time we spent together in person, on the phone and in letters (yes, we used snail mail), I realize that Gene truly was my mentor. How do I know? Because although he passed away a few years ago, I still hear Gene's voice when I'm trying to work through a difficult situation. When he was alive, I always trusted Gene to point me; to help me see the world (or whatever I was working on) in a different light. When I listen to that voice in my head, it's Gene and he still does that for me. But here's what made Gene a great mentor: he never imposed his ideas on me. Instead, he gave me the self-confidence to trust myself to pursue things on my own.

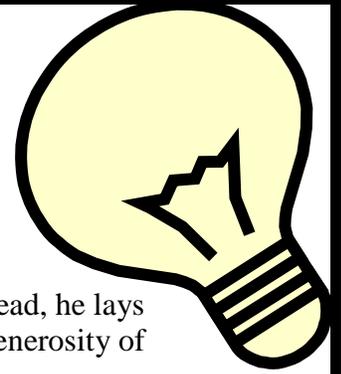
But, how's that different from just being a friend?

A mentor hones your potential.

A mentor is different from a friend because a mentor sees your potential and helps you develop it. He's aware that he knows more than you do, but he never acts like a know-it-all. He sees that you're capable of learning from him and gives you the leeway to learn at your own pace, not his. In other words, he genuinely wants to let you use his knowledge

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without acting like he's your father. He's not trying to teach you lessons. Instead, he lays out all he has to offer and lets you choose what you're ready to use. This is generosity of the highest order.

Gene never gave me instruction in anything. When I needed contacts, he introduced me to people he knew. When I wasn't sure what to do with my career, he talked about his harebrained ideas and entertained mine. He let me watch him think; his critical faculties were among the sharpest I've ever seen. When I'd experienced a failure or two and I let my goals become pedestrian, he shared stories about dining with then Secretary of State George Shultz and about attending G. Gordon Liddy's wedding. He invited me to watch the Super Bowl at his home with Tom Peters. Among his friends, legend had it that there wasn't anyone Gene didn't know, and I still believe it. He didn't introduce me to all his famous buddies, but he told me about them: stories that shaped my perception of what it means to be successful, smart, talented, productive, righteous, honest, caring and worldly. Lots of other fine people have helped me; but the voice I hear in my head when I'm grappling with a challenge is usually Gene's.

I guess the most important mentorly thing Gene did for me was to let me hang out with him – in person, on the phone or by mail. He answered my questions, and he helped me ask more.

How can I be a mentor if I've never done it before?

You've been a mentor whether you know it or not. You've been a mentor if you've ever:

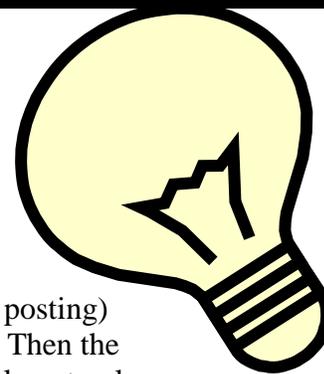
- * shown a junior staffer how to do his work more efficiently;
- * counseled him about how to ask the boss for a promotion or a raise;
- * closed your door and let a co-worker vent about his problems;
- * spent a little extra time interviewing a naive job candidate;
- * explained to your neighbor's kid what it's like to be in your line of work.

Mentoring doesn't have to be a planned, organized, structured relationship. You don't have to carry a card that says you're a mentor, and you don't have to meet every Tuesday at 3 p.m. with the person you're helping. It's nice if you can, but life doesn't often allow for that. Gene and I used to get together for lunch strictly on the spur of the moment, maybe three or four times a year. That was good. I've been mentoring people on Ask The Headhunter since January 1995, and I usually don't hear from the people I help more than once. How do I know, then, that my advice is helping anyone?

Well, I know that I don't have to be everyone's Gene Webb. If I get to be one person's Gene Webb in all my life, that'll be nice. But if I can be someone's Gene Webb for just a few minutes, I figure I've continued a fine tradition.

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At first, on Ask The Headhunter, I used to get an e-mail (or a message board posting) from a grateful reader I'd advised. This would happen perhaps once a month. Then the acknowledgments got more frequent. After a while, as readership grew, people not only dropped notes, they'd tell me in great detail exactly how my advice paid off for them. Some write to tell me I've changed their lives; made it possible to send their kids to better schools; helped them start their own businesses; enabled them to make dramatic career changes. (This is starting to sound like a multi-level-marketing pitch, isn't it?) Today, I get acknowledgments, thank you's, praise – even offers for gifts of single malt scotch (though a great temptation, I never accept) – on an almost daily basis. Most of these communications come from people I advised only once on a public message board.

I'm not telling you this to puff myself up. I'm telling you because I want you to recognize what an impact you can have on other people's lives, even if you offer just a bit of help now and then. From my own experience, I know that good mentoring need not involve anything more than a single, thoughtful reply to a person who asks for help. That's how I know you can be a good mentor if you want to be.

Send a buck to the name at the top of the list.

Now for the big secret about mentoring: it really is a multi-level-marketing scheme. I'm trying to hook you, and I want you to recruit everyone you help. When someone asks how they can repay what little help I've been able to give them, here's what I tell them:

“The next time you meet someone who needs help at a time when you have help to give, give it – and you've repaid me. Ask them to do the same. Keep it going around. It makes the world a better place, and that's a benefit to me. Besides, this way I don't need to keep accounts. Can I trust you to do that?”

Suggestions for mentors

It's up to you how you want to help others. Here are my own ideas about what makes a mentor helpful. If this list is any guidance, great. If it isn't, make up some rules of your own.

Good mentors:

- * Aren't gods. They could be you, but they're just a few years farther down the road.
- * Don't try to always have an answer. They suggest resources.
- * Don't provide solutions to your problems. They introduce you to possibilities and to people.
- * Don't have their own agendas. They focus on you.

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- * Don't expect you to “get it” immediately. They plant seeds that blossom only in good time.
- * Don't keep score. They expose you to ideas, but don't require that you accept their suggestions or that you return the favor.
- * Don't always pick up the tab for lunch. (Gene and I always tossed a coin. For three years, I lost the toss every time.)

A few cautions if you're looking for help

Because it's a relationship, mentoring doesn't always work. Don't let that frustrate you. Remember that when someone offers to help you, they're not making any promises – they're just extending a hand. A mentor may not want to advise you more than once; respect that. If a mentor offers more, you need to make a judgment about whether you want more interaction or not.

- * A mentor can't be your savior; he's just trying to lend a hand.
- * Don't expect anything from a mentor, but glean what you can.
- * A mentor has no responsibility for you. At most, he or she is responsible for being honest and caring.
- * A mentor may have a hidden agenda. Be a little wary.
- * A mentor probably doesn't have a vested interest in your career or your life. If his or her advice requires you to take a risk, stop and evaluate that advice critically.
- * A mentor can change your life.
- * The decisions you make are ultimately yours.

You must decide whether you trust and respect the person who has offered to help you. Just because someone is more senior than you or more experienced doesn't mean he's right, or that you will benefit from his suggestions. Sometimes it helps to get a second opinion. It's your life; your judgment is always required.

The Economic Stimulus Act of 2008 and You. In an effort to inject some energy into the flagging U.S. economy, in early February the Congress and the President enacted the “Economic Stimulus Act of 2008.” This legislation was the result of swift, unprecedented bipartisan cooperation in recognition of the need to turn around negative perception of current economic conditions. This Act provides a tax rebate to most U.S. households with the hope that recipients will turn their rebate checks into purchases, thus providing a boost to the U.S. economy. Consumer spending is one of the primary drivers of the economic health of our country. However, many surveys have shown that precisely because of economic uncertainty, many of us plan to add our checks to our savings accounts or to pay off already outstanding debts.

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This legislation impacts most lower and middle-income households in addition to small businesses. Individual taxpayers with adjusted gross income (AGI) of \$75,000 or less will get a rebate of \$600, and joint taxpayers with AGI of \$150,000 or less will get \$1200. Taxpayers with AGI amounts above these thresholds will be subject to a phase-out of 5% per thousand of AGI up to limits of \$87,000 and \$174,000, respectively. Taxpayers with children will receive an additional \$300 per child. The congress has also made provision for low-income individuals to benefit from the economic stimulus package. It is important to note that in order to receive a rebate, you must file a tax return – even if you owe no taxes.

In addition to boosting the economy by putting money in the pockets of individuals, the Act provides incentives for small businesses to make capital expenditures and temporarily increases loan-limit amounts for the mortgage finance companies Freddie Mac and Fannie Mae.

The Secretary of the Treasury is directed to make these funds available to taxpayers as expeditiously as possible. We can expect to see our rebates as early as May, so look for your check from Uncle Sam, and go out and spend, spend, spend!

Here's how it works:

For individuals:

Income for 2007	Amount of Rebate
Less than \$3,000	\$0
More than \$3,000 but paid no taxes	\$300
More than \$3,000 and paid taxes	\$600
If you have children	\$300 per child

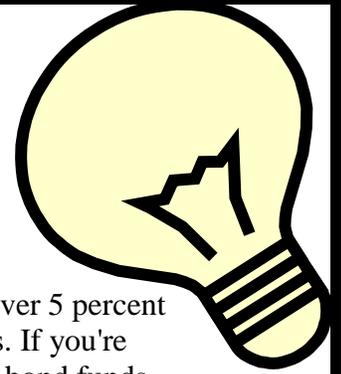
The amount of the rebate phases out at a rate of 5% of AGI above \$75,000, ending at \$87,000.

For married taxpayers filing jointly:

Income for 2007	Amount of Rebate
Less than \$3,000	\$0
More than \$3,000 but paid no taxes	\$600
More than \$3,000 and paid taxes	\$1,200
If you have children	\$300 per child

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Munificent Munis. As of this writing, the municipal bond market has lost over 5 percent in the past few weeks. Lower prices, in turn, mean higher yields for investors. If you're interested in income and you buy high-quality municipal bonds or municipal bond funds, this can be a buying opportunity.

According to the latest Morningstar report, the typical municipal bond fund now pays 3.7 percent. That interest usually will be exempt from federal income tax. Bank CDs, on the other hand, pay 3 percent-3.5 percent these days, so you'd net less than 3 percent, after-tax.

If you're concerned about rising interest rates, which can devalue bonds, stick with short-term munis, which have less interest-rate risk. Short-term muni funds now have an average yield of 3.2 percent, tax-exempt.

Among short-term munis, you might look into pre-refunded bonds ("pre-re's"), which are backed by U.S. Treasury securities. They're default-proof and offer yields around 3 percent, tax-exempt.

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

Why Have Supervisors? This article was written by Robbie Kunreuthr and posted in FEDSmith. It is copyrighted; however, permission was sought and granted to reproduce it in its entirety. This may not be reprinted without permission.

I wish I had a quarter (inflation) for every time a supervisor has told me, "I shouldn't have to tell him how to do his job." Just as common is the comment, "Telling an employee how to do her job is *micromanagement*." Then there's "He's paid enough so he shouldn't need any help from me." My response to these perspectives has become predictable over years, "So why have supervision?" or "What are we paying you to do?"

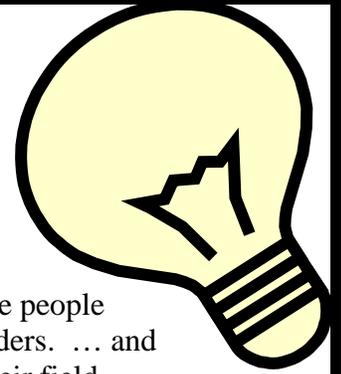
I teach supervisors and managers how to write performance standards (or "indicators" under NSPS) that focus less on results and more on work habits. I advise managers to look at what's most in need of fixing and prescribing the fix. In my experience, this comes down to basic workplace economics.

Assume the merit system works

The question in this article's title is a real one. Consider a typical Federal supervisor – whether an Engineer with the Bureau of Reclamation, an Aircraft Mechanic with the National Guard, or a Nurse in a VA Medical Center. Most of them were promoted from

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the ranks. Some got promoted by looking the part and others by flattering the people who selected them. Agencies also select those least respected to become leaders. ... and then there are those who ascended by being knowledgeable and reliable in their field.

So, let's assume there's a need for a new supervisor with the Bureau of Reclamation in Denver. Moreover, Sally, the best Engineer applying actually got selected. She was a Civil Engineer, GS-11, Step 4 at the time. Now she's beginning as a Supervisory Engineer, GS-12, Step 1. According to 2007 pay charts (and accounting for Denver locality pay), her agency is paying her an about \$5.5K (\$67,572 - \$62,017) in additional salary to be supervisor. That's probably why she applied.

What supervision costs

Now my thinking gets a bit weird but follow me for a minute. This person was the best Engineer in that part of her agency. While a GS-11, all of her work time was devoted to engineering. But as a supervisor, she may only perform as an Engineer 50% of the time. In other words, the government's paying her more money for less engineering, which is what she does best.

Look at it this way, if her salary as an Engineer, GS-11 was about \$62K, then spending only 50% of her time doing that kind of work realizes the agency about \$31K of productive work in her field. Given the higher salary, that leaves an annual investment of that same amount, \$36.5K, in "supervision".

For those of you versed in accounting, that \$36,563.50 looks like "overhead". There's the office space, the electric bill, the furniture... and supervision/management. We pay for all of them even though they don't produce the work that accomplishes the mission. The belief is that we couldn't get along without 'em.

Why let the cream rise to the top?

The example above is more typical than not. It's similar for the nurse and aircraft mechanic. In the latter's case, a former mechanic is usually advised to close his toolbox and spend 100% of his day "supervising". While white-collar employees may advance to "working supervisors", in the blue collar world, a supervisor (WS) is usually a full-time leader and no longer turning wrenches.

Regardless of where you work, the model remains the same. We take our best employees and pay them more money to do less of what made them the best. Moreover, we put them in leadership positions when their leadership skills are often untested and unknown.

Why would the government (and private sector too) do this? It seems illogical. Surely,

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it's not an investment in accurately completing time and attendance records. That's GS-4 work. If the supervisory job is to compile data for his group's activity reports (weekly, monthly, quarterly, etc.), an Administrative Assistant (GS-7 or GS-9) might do a better job than someone trained to do engineering. ...and as for attending the inevitable meetings, why have your best engineer sit in a room full of managers discussing matters (most of which don't even concern her) when she could be working in her profession.

Looking for payback

None of that is worth \$36,563.50 per year. In fact, I've found only one way to account for the difference in time/money the government invests in supervision. The knowledge, skill, and ability of the selectee should be directed back toward the people they supervise. It's integral to leadership and management.

No doubt, this article will generate comments regarding callous, ignorant, arbitrary, brown-nosing, meddlesome, and/or self-absorbed bosses. They're out there. Some readers will wonder if I'm Pollyanna's lost brother. By the same token, I had 6 supervisors in my 13+ years as a Fed. Most of them were good people, trying to do a good job. I'm guessing that a most had never been asked to read a book on leadership or supervision.

"Why have supervisors?" Simple economics dictate that managers earn their keep by positively influencing the work of their subordinates. It's the only sensible way to account for paying more money to our best people at the very moment they are removed from the workforce. Their job is to have super vision – not to be tied up in meetings and be buried in administrative paperwork. Looking often and deeply in the direction of those they supervise should be valued, not avoided.

Interim Security Clearances – What Every Manager Should Know. When hiring a new or transferring employee for a position that requires a security clearance, an interim clearance should be obtained if those employees do not already hold the appropriate designation. An “interim” precludes the interruption between the time an employee may begin performing the duties of the position and the grant of the final secret or top secret clearance. [The grants of final clearances normally take a minimum of 6 months].

Interims can normally be obtained within 2-3 days and should **always** be initiated and obtained **prior to** the employee entering on duty. The process begins via an employee completing Standard Form (SF)-86, Questionnaire for National Security Positions. The form is then forwarded thru the Civilian Personnel Advisory Center (CPAC) to the Directorate of Intelligence and Security, Security Division, for a determination as to whether an interim will be granted. The Security Division staff conducts a review based on the candidates/employees' background file, the SF-86, and local military police

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checks to determine whether an interim clearance will be granted. Employees who do not receive interim clearances will not be appointed/reassigned to positions requiring clearances.

Decisions regarding favorable eligibility take into account factors that could cause a conflict of interest and place a person in the position of having to choose between his or her commitments to the United States and any other compelling loyalty. When a person's life history shows evidence of unreliability or untrustworthiness, questions arise whether the person can be relied upon and trusted to exercise the responsibility called for in the position. Generally, interim security clearances are not granted to individuals if derogatory information is known as it pertains to allegiance to the United States; foreign influence/preference; sexual behavior; personal conduct; financial considerations; drug involvement; psychological conditions, criminal conduct; handling protected information; outside activities; and, use of information technology systems. Other factors such as the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, to include knowledgeable participation; the frequency and recency of the conduct; the individual's age and maturity at the time of the conduct; and the likelihood of continuation or recurrence are also taken into consideration. Once granted, an interim is valid until completion of the investigation and adjudication; however, it can be revoked at any time based on derogatory information identified throughout the investigation process. In virtually all cases, if the interim is approved then it is likely the full clearance will be approved [provided all responses on SF-86 are verified as true].

In those instances where the security clearance requirements for a position change after the employee has been assigned to a position, that employee should not be permitted to perform the duties of the position until such time as an interim clearance is secured. If an interim is not subsequently granted, those employees will be reassigned to other positions within the activity for which a clearance is not required. If no such position exists, the CPAC HR staff will attempt placement in other, installation activities; however, failed placement efforts could result in an employee being released from Federal service.

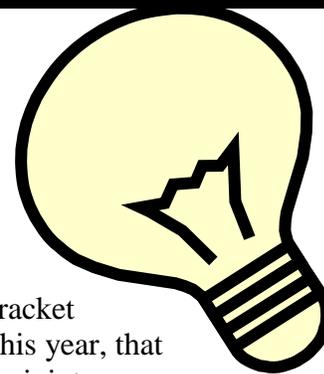
For additional information on the process required for securing interim clearances for employees please contact your servicing HR Specialist.

Stock Answers. In you're looking for investment income in a low-yield environment, consider dividend-paying stocks. They may be appealing for several reasons:

* Chance for appreciation. Successful companies have a history of raising dividends, year after year. Higher dividends not only mean more cash flow, they also may attract investors and generate higher share prices.

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* Low taxes. Most stock dividends are now taxed at only 15 percent. Low-bracket taxpayers owe no tax on stock dividends, through 2010, under current law. This year, that 0 percent rate applies to taxable income under \$32,550, or under \$65,100 on a joint return.

* Rising yields. As the stock market falls, yields rise, assuming a company maintains its dividend. Among the stocks most widely held by mutual funds, here are those with the highest yields:

Bank of America, 6.2 percent
Pfizer, 5.7 percent
Citigroup, 5.1 percent
AT&T, 4.4 percent
Altria Group, 4.1 percent
General Electric, 3.7 percent
J.P. Morgan Chase, 3.6 percent

Those dividends are by no means guaranteed, in the current economy, but the fact that these stocks are held by many mutual fund managers means that prospects are encouraging to some savvy stock pickers.

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

Collectibles For Charity. When you donate items you have collected to charity, you must clear several hurdles to get a deduction for the full market value.

- * Recipient. The item must be donated to a public charity, not to a private foundation.
- * Time. You must have owned the item for longer than one year.
- * Appraisal. You must get a valuation of the item from an unrelated, qualified appraiser at the time of the donation.
- * Related use. The item that is donated must be used for the charity's tax-exempt purpose.

For example, you can deduct the full value of a painting you donate to an art museum, which will display it, if all the other tests are met. However, if you donate that same painting to a charity for a fund-raising auction, your donation will be limited to your basis in the artwork. Generally, your basis will be the price you paid for the painting.

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No Vacation From Identity Theft. Vacation time is prime time for pickpockets, who want more than your cash these days. The information you carry in your wallet may be much more valuable. How can you protect yourself from identity theft while traveling?

* Retain your rental agreements. Some people rent cars and keep the rental agreement in the glove compartment or the slot by the front window. If someone breaks into the car, they have your name and address.

* Protect your handheld devices and laptops. Use a password to keep thieves from having easy access to the account information in your email in-box or elsewhere on your hard drive.

Most people have not password-protected their handhelds even though these devices contain all their account information, in case they need to do a transaction while on the road.

* Hold onto ATM and credit-card receipts. Those receipts may include full credit-card numbers and expiration dates. Keep them at least until your bill is settled.

* Leave your checkbook and any other unnecessary papers at home. If your wallet or purse is stolen, the thief may steal your identity, too.

Is There Life After Retirement from the Federal Government? A Retiree's Perspective. This copyrighted article was written by Steve Oppermann and posted in FEDSmith. Permission was sought and granted to use this article in its entirety. Any references to "I" pertain to Mr. Oppermann as author.

The good news was that I was retiring from the Federal government and would be free to do anything that I wanted to do, subject to some new financial constraints; that was also the bad news, since I had spent the last 26+ years working for the Federal government and was about to take a leap of faith at the end of which my parachute, whatever its color, might not open.

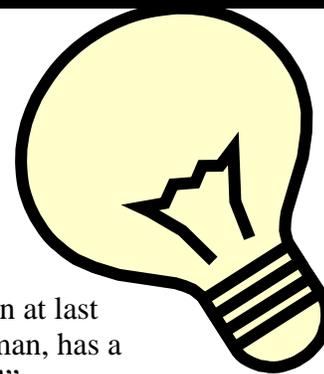
My agency was offering a buyout, with a two-year extension, and I was eligible for early retirement, though subject to a substantial age (49) penalty, so I ended my Federal career. I did so, however, with very mixed feelings. In fact, I did not sign my retirement papers until the last hour of the last day of the buyout, which I think says that I was a bit uncertain if I was really ready to leave.

Planning

Most of you are probably familiar with "Newman's Own" salad dressing and the many

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other food products the company produces, with all net profits (\$175+ million at last count) going to charity. The company's famous co-founder, actor Paul Newman, has a widely-quoted approach to planning: "If we ever have a plan, we're screwed!"

I didn't intentionally follow Mr. Newman's advice, but you could easily be excused for thinking that I had. Few if any Federal employees could have been less prepared – financially or emotionally – than I was to depart the government.

The "plan," to the extent I had one, was to do human resources (HR) and equal employment opportunity (EEO) training and consulting work with my closest friend, who was taking early retirement the same day. And I did learn before leaving that my agency was interested in bringing me back as an environmental consultant (I had been doing double duty, with both HR and natural resources responsibilities, for several years), giving me a financial and emotional "cushion" that many retirees don't have.

The advice I heard from many Federal retirees was to take at least six months after retiring before making any decisions related to going back to work in some capacity. I think that was very good advice. Not that I followed it, of course; I didn't take much more than the weekend off before beginning my "new career" as a full-time environmental consultant.

Finances

This is another area where I hope you don't follow my example. I did not even have a benefits specialist give me an estimate of my annuity, perhaps because I was afraid that the actual number would be low enough to scare me out of retiring, or perhaps just because of my natural gift for procrastination. If you are contemplating retirement, I would strongly encourage you to get a very good estimate of your annuity and to figure out, perhaps with help from a certified financial planner, how much you need to live and, if there is a gap between income and expenditures after retirement, how you plan to fill it.

Many Federal employees participate in the Thrift Savings Plan (TSP), and I was one of them. There was a fair amount of money in my account by the time I retired, but it grew at an even faster pace without my contributions, benefiting from the "go-go" stock market of the late 1990s. Some friends who were also Federal retirees had done very well by withdrawing their TSP funds and investing in the stock market on their own. I allowed myself to be convinced that I could do it, too. I was like a kid in a candy store, buying dozens of individual stocks, mostly of the high-tech variety, in late-1999.

For the first few months my new stock acquisitions were doing so well that I couldn't wait to get into my electronic accounts each morning. That lasted about three months, after which I watched in horror as the stock market crash of 2000 - 2002 decimated my

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investment portfolio; I figure that I will have to live to be at least 125 just to get back to even.

Based on my experience, I would advise anyone who retires and is considering withdrawing their funds from their TSP accounts to seek financial counseling from a carefully checked out investment advisor before doing so.

Personal Pursuits

Several of my major objectives in taking early retirement have been accomplished. For example, I have gotten to spend more time with family and friends, which has been great. I have also had the opportunity to spend lots more time traveling for pleasure; I've spent an average of at least eight weeks per year on vacation for the last 10 years. During that time, my wife and I have traveled with friends to many fascinating and beautiful parts of the world, including trips to Europe, Australia & New Zealand, French Polynesia (Tahiti), the Caribbean, Hawaii, Canada and Mexico.

I have also had plenty of time to enjoy participating in sports, from football to tennis and from running in 5K races (and the exhausting, exhilarating 10K Bolder Boulder) to mid-week skiing, when the traffic is light and the lift lines are short. I have time to work out at the "Y," typically four days a week, and all of that exercise seems to be keeping me healthy, in that I haven't missed a full day of work due to illness in the 10 years that I have been retired.

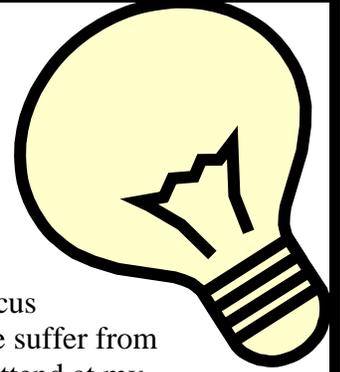
Working from Home

Most "normal" people undoubtedly have far less trouble adapting to working at home than I did. As a consultant, I was still working from an office at my former agency, although management officials were urging me to vacate. I resisted, primarily because going to an office is what I had done every day for more than 26 years; it may well have been my security blanket. After almost a full year, agency officials had despaired of me ever leaving of my own volition, so they dropped a hint that even I couldn't ignore. It was "Get out!" So, I reluctantly went home. One of my other major concerns had been that I might not have the self-discipline to work at home. As it turned out, that was no problem, and since my home-office had a computer with an Internet connection and e-mail, multi-function printer, phones and a fax line, I had the ability to work 24/7 if necessary, and on more than a few occasions I almost literally did so.

The self-discipline issue did arise, but only in terms of my inability to resist dark chocolate and other junk food, which was now readily available within steps of my study. Working at home did eliminate a number of distractions, such as chatting with co-workers (recognizing the value of such conversations, kept to a reasonable length, in

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building camaraderie at the office) and, at least in my case, allowed me to focus completely on the work at hand. Recent studies have shown that some people suffer from “social withdrawal” when working at home, but I typically had meetings to attend at my old office at least once a month and I represented the agency at numerous sites around the country, so I felt that I had all of the social contact that I needed.

While it took me far too long to appreciate the virtues of working from home, I eventually came to understand how fortunate I was. After all, how many people working in an office get to take naps in the afternoon or to watch “Days of Our Lives”? And my daily “commute” consists of climbing a dozen stairs up to my den. By now, I am so well adapted to working from home that the thought of working in an office ever again makes me a bit queasy.

In future articles, I’ll address some of the other pleasures and potential pitfalls involved in retiring from the Federal government, including such questions as whether agencies in general, and HR offices in particular, should have any responsibility in preparing employees for retirement

Taking Advantage. Medicare, the federal government's health insurance program for Americans 65 and older, is not a completely public program. About 20 percent of Medicare enrollees are in "Medicare Advantage" plans, offered by private companies under contract to the federal government. Private plans tend to be less expensive.

With original Medicare, all costs aren't covered. For example, you'll owe 20 percent of doctors' bills and the cost of prescription drugs. Therefore, many people also buy Medigap insurance and the Medicare prescription drug plan to fill out their coverage.

With a Medicare Advantage plan, you don't need to buy a Medigap policy; many Medicare Advantage plans include prescription drugs so you may not need to buy a drug plan. Moreover, per-visit or per-prescription co-pays may be modest. As a result, your total costs often will be lower with Medicare Advantage than it would be with original Medicare plus a Medigap policy plus a drug plan.

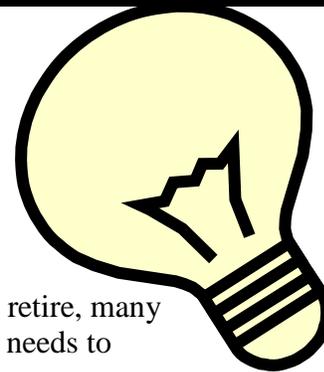
However, you may have to see certain doctors and go to certain hospitals to get the cost savings.

MSPB Examines High-Level Hiring. Following are excerpts from a recent MSPB report on the government’s hiring of high-level employees.

Each year, the Government hires tens of thousands of new employees. Traditionally, these new employees were appointed at grades GS-11 and below. However, the number of new hires at the upper level grades has trended upward since fiscal year (FY) 1990 and

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especially since FY 2000. This trend is likely to continue as more employees retire, many of whom must be replaced to ensure that the Government has the expertise it needs to achieve its missions. In addition, as the needs of the American people become more complex, new programs have to be staffed and/or expertise in a new field or specialty must be acquired.

Since most of the upper level new hires were appointed to professional and administrative positions—positions that require the exercise of a high degree of discretion, judgment, and personal responsibility—this study is limited to these categories of employees. To complete the study, MSPB examined aggregate, Government-wide personnel data for upper level new hires over the 16-year period, fiscal years 1990-2005. We also surveyed a random sample of new upper level employees hired in FY 2005 and their supervisors to learn more about their views and experiences with the Government's hiring process.

This study of the hiring process for upper level new employees focused on the following issues:

- Why did selecting supervisors choose to hire from outside the Government at upper level grades instead of selecting from within? And, why did they hire at the upper level instead of at entry-level grades?
- Who were the upper level new hires? What factors influenced their hiring?
- What attracted these new hires to Federal service? Can the Government compete for highly skilled workers in a competitive labor market? If so, how?
- What were the barriers, if any, to hiring external applicants (i.e., persons outside the Government) at upper levels?

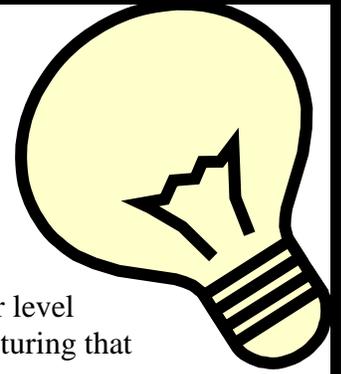
Another purpose of this study was to determine whether the hiring of new upper level employees was in accordance with the first merit system principle, which requires that (a) competition for Federal jobs be fair and open, (b) selection be based solely on merit, and (c) the Federal workforce be reflective of the public it serves. The report discusses the study findings and where appropriate, suggests steps to improve the hiring process and help ensure that the Government hires the right people for the right job.

The study's main findings include the following:

- Since FY 1990, the number of new upper level employees hired has steadily increased. In FY 2005, the Government hired more than 12,000 new upper level

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- employees. This number is 39 percent more than the 8,600 new upper level employees hired in FY 1990—the year preceding the downsizing and restructuring that occurred in the 1990s.

The Government's hiring pattern largely follows its overall priorities. Homeland security, national defense, and the need to deliver services to the American public through the use of technology were three of the many Government priorities in FY 2005. These priorities were mirrored in who was hired in the Government, the types of upper level positions filled, and the agencies that did most of the hiring.

Eighty percent of the new upper level employees were hired by 10 agencies, with the Department of Defense (DoD) and its major components (i.e., Air Force, Army, Navy and Marines) accounting for about half (47 percent) of the new hires. However, the hiring of new upper level employees did not occur equally across a department or agency. Rather, this hiring was concentrated in a few subordinate agencies of a department, or in a certain office or division of an agency, with responsibility to carry out priority programs.

- Although the new hires were appointed in 219 occupations, more than half (53 percent) were appointed in only 10 occupations. Many of the occupations support homeland security and national defense. Nevertheless, the number one occupation filled was information technology management, which is common to virtually all agencies.

- Many of the new hires had Government-related experience, which was gained either as employees of Federal contractors or members of the military service. Former employees of Federal contractors and former military members comprised almost half (48 percent) of FY 2005's upper level new hires.

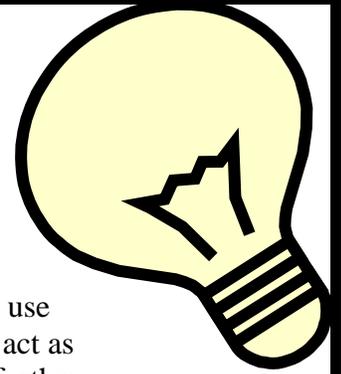
- Although agencies relied on USAJOBS to advertise job vacancies, this was not the survey respondents' primary source of job information. More new hires relied on their network of friends, their relatives, and their new Federal supervisors and co-workers to learn about job opportunities. Word of mouth is effective not only for some applicants, but also for agencies trying to find high-quality applicants. However, this approach has a limited reach and cannot be relied upon to ensure a diverse applicant pool.

The hiring processes agencies used influenced who was hired.

- Assessment methods were sometimes used that unnecessarily limited who can qualify for vacant jobs. To ensure they get the person they believe is right for the job, agencies sometimes restrict competition through the use of selective factors. Although selective factors can ensure that only those with the right qualifications are hired for the job, they can also limit the pool of applicants who can qualify and, ultimately, the number

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- of applicants referred for selection. Furthermore, agencies sometimes use selective factors inappropriately. Selective factors that are too restrictive can act as artificial barriers to open competition, eliminating qualified applicants from further consideration.

- The use of competitive examining—the traditional method of filling competitive service jobs—decreased from 64 percent in FY 1999 to 39 percent in FY 2005 for hiring new upper level employees. This decrease corresponded with the implementation of the Veterans Employment Opportunity Act of 1998. Since its implementation in FY 2000, hiring of new upper level employees under the Act increased from 6 percent of all the Government’s new upper level employees to 26 percent in FY 2005. The proportion of former military members hired under the Act has had considerable influence on the composition of the upper level new hires.

- The upper level new hires tended to be non-minority males. Overall, the percentage of women and minorities in upper level professional and administrative occupations increased over fiscal years 1990-2005. However, a vast majority of the upper level new hires were non-minority males. Various factors have affected the composition of upper level new hires. These include the types of upper level positions the Government has filled, as dictated by the Government’s priorities and missions. Many of these positions are typically male-dominated. Another factor is the hiring authorities agencies used to appoint new employees. For example, there has been a significant increase in the hiring of former military members through the Veterans Employment Opportunity Act. An overwhelming majority of upper level new hires hired under the Act were non-minority males. This is not an indictment of this special program meant to hire veterans because it serves an important purpose, but a significant factor that agencies need to address in their strategic recruitment plans.

The upper level new hires were highly educated.

Seventy-five percent of the upper level new hires had at least a bachelor’s degree. The higher the grade the larger the proportion of new hires with at least a bachelor’s degree—93 percent of the GS-15s held at least a bachelor’s degree compared with 83 percent of the GS-14s, 76 percent of the GS-13s, and 66 percent of the GS-12s.

Job security was the most common reason upper level new hires applied for their Federal jobs. Of a list of 16 possible reasons respondents were offered, by far the most common reason new hires applied for their upper level jobs was job security, selected by about half of them. The mission of the agency and the opportunity to serve the public were also popular reasons. Other frequently cited reasons included the desire to fully utilize their talents and find a better job.

Generally, upper level new hires hold favorable views of their agencies.

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When asked to compare their agency to their last employer in 17 discrete areas, the new hires rated their new agency better, not worse, in almost all areas except in dealing effectively with poor performers. For example, they viewed their agency's workplace flexibilities, such as telework and alternative work schedule, as better. They also perceived their agency as a place where people can find more challenging work and better opportunities for training and development. Agencies were also viewed as having better ethical practices and as being better at providing opportunities to make a difference.

The Office of Personnel Management's (OPM) television campaign has had some positive impact. OPM ran a television recruitment campaign in its attempt to make more people aware of USAJOBS, the Government's central repository of vacancy announcements, and of the many exciting and rewarding careers available in the Federal Government. The ads have appeared in various strategic areas across the country. The campaign appears to be a move in the right direction. OPM has noted an increase in the number of visits to its USAJOBS Web site from people in the areas where the ad appeared. However, we note that agencies must also do their part to make this campaign truly successful. In particular, agencies need to issue vacancy announcements that are engaging, concise, and clear. Potential applicants can be turned off when vacancy announcements are too lengthy or poorly written, problems that occur all too often. Supervisors and upper level new employees believed that the hiring process was too complex and took too long.

Selecting supervisors and new hires experienced challenges and barriers during the hiring process.

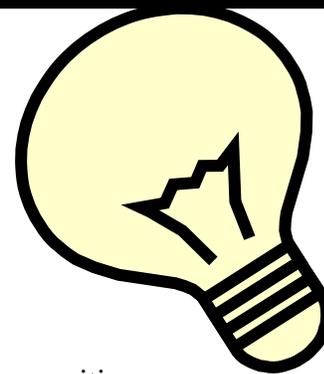
About a third of the new hires did not apply for other Federal jobs they were interested in because they would have had to write new essays or revise their existing essays describing their knowledge, skills and abilities; while about a fourth did not apply because they would have needed to rewrite or reformat their résumé.

Finding someone with the right technical experience was the number one challenge supervisors faced when hiring at the upper level grades. Even so, some human resources specialists apparently employed a passive approach to recruiting for upper level jobs, given that more than half of the upper level new hires said they were not informed of the status of their applications until being called for interviews or offered their jobs.

To improve the hiring of upper level new employees and ensure that the civil service maintains a highly qualified diverse workforce, we offer the following recommendations.

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Agencies should:

1. Develop a hiring strategy to fill upper level jobs that uses a comprehensive recruiting plan that—

Does not limit public notice to USAJOBS. Recruitment efforts should include other announcement and publicity tools to attract a diverse pool of qualified applicants with the skills and expertise agencies need.

Does more to highlight their missions in vacancy announcements and ads to appeal to potential applicants who have the passion and personal commitment to their agencies' missions.

Includes job marketing programs that emphasize positives that are important to people whom they want to attract. For example, many of the new hires indicated that they would have accepted their job offers even with a reduction in pay because of the Government's workplace flexibilities and benefits package, so these should be stressed.

Includes well written vacancy announcements.

2. Improve their assessment methods by—

Avoiding the use of restrictive selective factors that do not enhance minimum qualification requirements to screen applicants.

Ensuring that automated questionnaires are not so long that they become burdensome, defeating the purpose of "automation." Agencies should also ensure the accuracy of online assessment ratings by at least verifying the lack of qualifications of those who were rated unqualified and/or verifying the quality of the experience of those candidates who may be referred for selection before giving a certified list of candidates to the selecting supervisor.

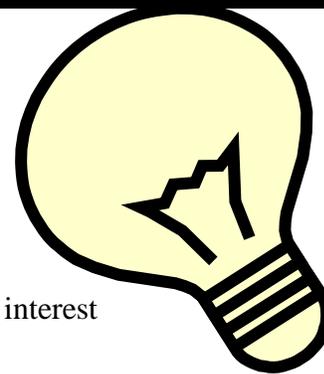
3. Involve the supervisor (or other selecting officials) in the pre-selection phases of the hiring process—determining the hiring authorities or methods to be used, recruiting, developing assessment tools, and assessing qualifications.

4. Continuously review their application process and eliminate steps that do not add value. Agencies should endeavor to review applications and assess qualifications in a timely manner to minimize the time applicants have to wait for hiring decisions.

5. Ensure that the human resources staffs responsible for recruiting applicants for upper level positions provide meaningful feedback to job applicants. Feedback, which puts

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some personal touch to an impersonal process, can help maintain applicants' interest throughout a hiring process that can be lengthy at times.

Suing Federal Co-Workers Usually A Waste of Time. This article was written by Susan Smith and posted in FEDSmith. It is copyrighted; however, permission was sought and granted to reproduce it in its' entirety.

Some aggrieved federal employees like to sue co-workers and supervisors in their individual capacity. In most cases this is basically a waste of time. In one such case, the district court has now dismissed six individual Housing and Urban Development employees from a case charging the agency and the individual employees with discrimination. ([Jenkins v. Jackson](#), D.D.C. Civil Action No. 07-1012 (RBW), 3/10/08) As always, the facts are taken from the court's opinion.

Diedra Jenkins was a Freedom of Information Act Specialist at HUD who believed her position was classified too low at the GS-11 level. She requested a desk audit, which found that her duties met the GS-12 level criteria. The agency decided to compete the GS-12 position to give other GS-11's a chance to apply through merit promotion. Ms. Jenkins claimed that this decision constituted unlawful discrimination under Title VII. (The opinion does not specify the type of discrimination she claims to have suffered.) Jenkins sued the agency as well as eight individual agency employees in their personal capacity. (Opinion p. 2)

Six of those individual co-workers moved to dismiss the case against arguing that the only proper defendant in a Title VII employment discrimination case is the agency head. The D.C. District Court agrees and has granted the motion to dismiss. Jenkins' suit "must be viewed as one against her employer" and her claims against individuals are merged with that claim. (p. 4) The court calls the naming of individuals in an employment discrimination suit "redundant and an inefficient use of judicial resources....[T]he employer ... alone is liable for a violation of 'Title VII.' " (p. 4; citation omitted)

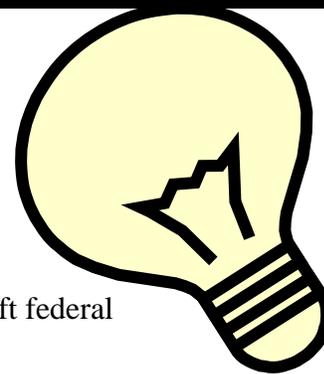
It is not clear why the other two individually named employees did not join in the motion to dismiss. In any event, the suit is still pending against the agency itself as the proper party defendant in such cases.

CSRS Employees and Redepositing Retirement Funds. This article was written by John Grobe and posted in FEDSmith. It is copyrighted; however, permission was sought and granted to reproduce it in its' entirety.

A while back we looked at the issue of deposit service for CSRS employees. Now we will consider what human resources folks refer to as 're-deposit service'. Re-deposit

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service refers to service where you withdrew your contributions when you left federal service and did not re-deposit them when you later returned.

This article is for CSRS employees and the few (very few) FERS employees (often known as FERS transferees) who had withdrawn contributions from CSRS and not re-deposited them when they returned to federal service as a FERS employee, or elected to transfer from CSRS to FERS during one of the two open seasons. The rest of you FERS readers can move on to Ralph Smith's latest article on The Value of the F Fund in Your Retirement Planning.

When deciding whether or not to re-deposit money, the most important thing to consider is when did the service for which you received a refund end? If it ended before 10/01/90, breathe a sigh of relief. If it ended 10/01/90 or after, pay it.

It is unlikely that CSRS employees would have withdrawn contributions on 10/01/90 or after, but if they did the refunded service will not count in the computation of their annuity. I guess the good news is that the service will count for their eligibility to retire.

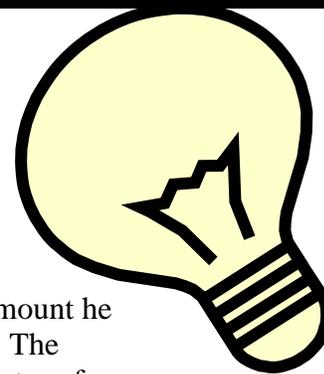
Let's look at an example. Fred withdrew ten years worth of CSRS contributions when he left on 01/01/91 to open an 8-track repair studio. Within a year he realized he had made a bad decision and returned to federal service. This allowed him to remain in CSRS. However, he had invested much of the money he withdrew in the business and was unable to re-deposit it. He will work for a total of 30 years and will retire in roughly 2010 with a high-three salary of \$65,000. If he does not deposit the withdrawn contributions (and interest), his annuity will be \$23,562.50 rather than the \$36,562.50 it would have been had he made the re-deposit. My advice to Fred – repay it, even if you have to take out a loan.

Now, let's look at the situation that most people who are facing a CSRS re-deposit find themselves in. That is, the period of service for which they received a refund of contributions ended before 10/01/90. In this case, the service counts for both their eligibility to retire and in their retirement computation. If they do not make the re-deposit, their annuity will be reduced by an amount determined by their age at retirement and the amount they owe. What they owe is the amount of money they withdrew plus interest.

Not to confuse you, but there is another date to remember. If you took your money out before 10/01/82, you are being charged interest at a flat 3% rate. If you took the money out 10/01/82 or later, the interest rate varies (in one year it was 13%). Since the amount you took out, plus interest will determine the reduction to your annuity, those who took the money out before 10/01/82 will face a smaller reduction.

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Now, let's say that Fred took his money out in 1981, and that, by 2010, the amount he will owe will be \$32,000. When he retires in 2010, Fred will be 58 years old. The "Present Value Factor" chart used by OPM gives a 58 year old a reduction factor of 197.6. That amount is divided into the \$32,000 that Fred owes to determine how much his annuity is reduced.

His monthly annuity is reduced by \$162, or \$1944 a year. That leaves Fred with \$34,618.50 per year in annuity. Disregarding opportunity cost (remember, that's what we could make by investing the money) Fred would break even when he reaches his life expectancy.

Perhaps the best thing to do if you have a redeposit is to ask your human resources office to compute how much you owe and what the effect will be on your annuity if you do not pay it back.

Rushed Resignation Not Coercive. On March 12, 2008, the U.S. Court of Appeals for the Federal Circuit issued its decision in Parrott v. Merit Systems Protection Board, Case No. 2007-3119. The Federal Circuit affirmed the Merit Systems Protection Board (MSPB) dismissal of Parrott's appeal for lack of MSPB jurisdiction over his constructive removal claims.

Parrott, the petitioner, was the assistant federal security director for the Transportation Security Administration (TSA) office at Raleigh-Durham Airport (RDU). Security breaches at RDU prompted a TSA management inquiry in early 2005, an inquiry in which Parrott participated. In April 2005, the TSA Professional Review Board (PRB) met to consider a possible adverse action against Parrott. At 10:00 a.m. on Friday, May 27, 2005, Parrott was notified by TSA officials that the PRB had decided to issue a notice of proposed removal later that day. The officials verbally described the charges to appear in that notice of proposed removal with particularity. Parrott requested to see the notice of proposed removal at that time, but the TSA officials refused.

The TSA officials told Parrott that he had three options: (a) resign immediately for "personal reasons" prior to service of the notice of proposed removal, (b) resign in lieu of termination after service the notice of proposed removal, or (c) attempt to respond to the notice of proposed removal before the deciding official. The TSA officials gave Parrott one hour to respond. Parrott unsuccessfully attempted to contact his attorney during that hour. Parrott requested additional time beyond that hour to contact his attorney, but the TSA officials denied his request. Parrott then opted to resign immediately for "personal reasons," signing a settlement agreement and resignation letter at or before 2:00 p.m. that day.

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Parrott appealed to the MSPB on the basis of constructive removal. The administrative judge (AJ) found that Parrott had made nonfrivolous allegations of constructive removal sufficient to warrant a jurisdictional hearing. After that hearing, the AJ found that Parrott had failed to prove constructive removal and dismissed his case for lack of jurisdiction. In *Parrott v. Department of Homeland Security*, 104 M.S.P.R. 171 (2006), a divided Board affirmed the dismissal. Member Sapin dissented, finding that the one-hour time period afforded Parrott was so short as to be coercive, especially in light of his inability to contact his attorney and the lack of a strong TSA rationale for denying Parrott's request for additional time to contact his counsel. Chairman McPhie wrote a concurring opinion, reasoning that Parrott had received constructive advance notice of the possible adverse action from the TSA formal investigation, that he had no right to advance notice of the proposed adverse action, and that the TSA's refusal to show Parrott the notice of proposed removal was consistent with OPM regulations requiring that the circumstances of the removal be noted in the official personnel folder if the employee had received written notice of the proposed removal.

The Federal Circuit affirmed the dismissal, finding no coercive act by TSA such as to convert the resignation into a constructive removal. The Federal Circuit found the limited time provided to Parrott to not be coercive, as under statute the TSA was not required to provide Parrott with any advance notification of the proposal to remove. Instead, the Federal Circuit reasoned that giving Parrott this advance notice actually benefited him by providing a more attractive option than those accorded by statute: the opportunity to resign for "personal reasons" instead of resigning in lieu of termination. While Parrott might have desired additional time to contemplate that option before making his decision, the Federal Circuit held that the TSA's failure to grant such additional time did not constitute coercion. Finding no coercive act, the Federal Circuit deemed the resignation voluntary, excluding the matter from MSPB jurisdiction.

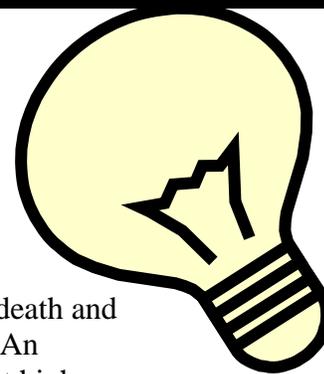
This information is provided by the attorneys at Passman & Kaplan, P.C., a law firm dedicated to the representation of federal employees worldwide.

The NAF Corner:

U.S. Army NAF Employee Group Life Insurance Plan. The U.S. Army NAF Employee Group Life Insurance Plan offers regular employees working at least 20 hours per week an opportunity to participate in the Basic Life Insurance Plan. The Group Life Insurance Plan also includes the Optional Life Insurance Plan as well as the Optional Dependent Life Insurance Plan. Employees may enroll in one or all of the life insurance plans within 31 days of their regular appointment date or during open season enrollment periods.

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The Basic Life Insurance Plan provides life insurance protection, accidental death and dismemberment (AD&D) coverage and dependent life insurance coverage. An employee may choose one or two times their basic salary, rounded to the next higher \$1,000 not to exceed \$250,000. The bi-weekly cost to the employee is 14 cents per thousand dollars of coverage. Accidental death and dismemberment coverage pays benefits to the designated beneficiary in the event of accidental death of the employee or to the employee if he/she loses their sight or a limb as a result of an accident. Employees electing to participate in the Basic Life Insurance Plan may also purchase Optional Life Insurance in increments of \$10,000 up to two times the amount of their basic life insurance coverage, not to exceed \$500,000. The bi-weekly cost is based on the employee's age and the amount of coverage chosen. Specific cost/rates may be obtained by visiting www.NAFBENEFITS.com.

Dependent life insurance is automatically provided, free of charge, to employees who participate in the Basic Life Insurance. The spouse is covered for \$5,000 and each eligible dependent child is covered for \$2,500. At a modest bi-weekly cost, an employee may also elect additional coverage for their spouse and children in increments of \$5,000/\$2,500 up to a maximum of \$25,000 for their spouse and \$12,500 for each eligible dependent child. Any such child must be single, not employed on a full-time basis and under age 19. A dependent child who has reached age 19, but less than age 25 may continue coverage providing the child is a registered full-time student at an accredited institution of higher learning.

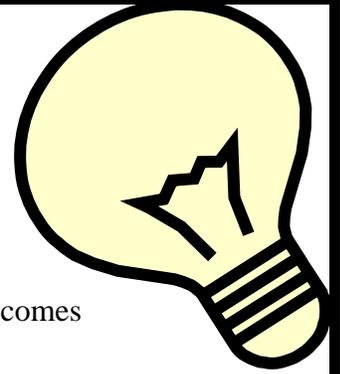
For more information related to the U.S. Army NAF Employee Group Life Insurance Plan, please contact your servicing NAF Human Resources Office at (706) 545-1610.

Employee Moves from Appropriated Fund to Nonappropriated Fund Positions Under the Uniform Funding and Management Authority. The Uniform Funding and Management (UFM) Authority, codified in Title 10, United States Code, Section 2494, is an Army-wide initiative granted to the Department of Defense (DoD) by the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2003. The UFM Authority is regulated by DoD Instruction 1015.15, Procedures for Establishment, Management, and Control of Nonappropriated Fund Instrumentalities and Financial Management of Supporting Resources, May 25, 2005.

Under UFM authority, DoD Managers in Directorate of Family, Morale, Welfare, and Recreation (DFMWR) activities may identify appropriated fund (APF) DFMWR positions to move to NAF while continuing to fund the positions with appropriated funds. Employees encumbering the identified positions may voluntarily move to NAF with their positions without a break in service greater than three (3) days. In those instances where APF employees choose not to be converted, they may remain in their positions and are

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not subject to removal based on their decision. Instead, when the position becomes vacant, it will be converted prior to subsequent recruitment.

Moves to NAF under UFM are not considered to be involuntary separations and therefore do not entitle employees to APF severance pay, back pay, or separation pay. These employees are entitled to certain portability benefit protections such as transfer of annual, sick, and home leave; credit for annual leave accrual rates; and, retirement portability. Under retirement portability provisions, eligible employees may continue to be covered by their civil service retirement plan (either the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS)) as NAF employees, or join the NAF Retirement Plan. An employee who is eligible to retire from CSRS or FERS may do so before moving to a NAF position under UFM authority.

Employees not eligible to retire and who opt to move to NAF may not continue to participate in the Federal Employees Health Benefits or Federal Employees Group Life Insurance programs. They may elect to join the DoD NAF Health Benefits Program and may enroll in the NAF employer's life insurance program.

For more information concerning APF to NAF moves under the UFM Authority, please contact your servicing NAF Human Resources Office at (706) 545-1610.

Federal Leave Policies: A Blessing or a Curse, Part I: This article was written by Bob Gilson and posted in FEDSmith. This article is copyrighted; however, permission was sought to use in its entirety. The author has provided express written permission for reproduction at Fort Benning.

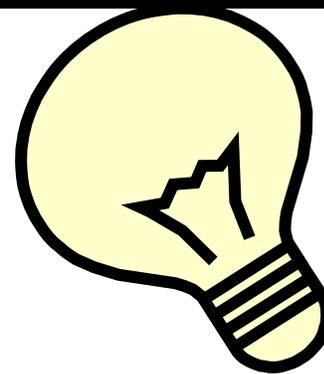
The Federal government has been operating under employee-favorable leave policies for over ten years. These policies are generally much more generous than those in the private sector. Bereavement, family care and other kinds of leave coupled with an extensive right to demand the use of leave raise serious issues among managers and supervisors.

A key question is whether the congress or political executives have hampered accountability and productivity with this approach to leave entitlements when considered side by side with other programs such as work at home, flexible and alternative work schedules and the like. Many managers worry that training, mentoring, performance management, accountability and productivity may suffer under current rules.

In this series, we'll take a look at exactly what leave entitlements employees have, the uses and abuses, and why Federal managers are concerned. First let's look at the various programs that affect attendance and leave.

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Leave Basics - Annual Leave

Annual leave is for employee's discretionary use. Annual leave must be scheduled and approved in advance. Except for Senior Executive Service personnel who earn 8 hours per pay period (PP) regardless of years of service (since 2004), full-time Federal employees earn 4 hours per PP when hired, 6 hours per PP after 3 years (10 hours in the last PP of the year) and 8 hours per PP after 15 years.

Sick Leave

Sick leave may be used for medical, dental, or optical examination or treatment; incapacitation by physical or mental illness, injury, pregnancy, or childbirth.

Federal regulations also allow sick leave if exposure to a communicable disease would jeopardize the health of others by sick person's presence on the job and for certain adoption-related activities. In addition, a limited amount of sick leave may be granted to provide care for a family member as the result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment; make arrangements necessitated by the death of a family member or attend the funeral of a family member.

A full-time employee may use up to 40 hours (5 days) of sick leave each leave year for family care and bereavement purposes. Previously, an additional 64 hours (8 days) could be used as long as balance of at least 80 hours of sick leave was maintained in the person's sick leave account. New regs were issued in August of 2006 eliminating the requirement to maintain an 80 hour balance in order to use the 104 hours of sick leave for general family care adding an additional leave benefit to Federal employees. Other than full-time employee use is pro-rated. Subsequently encoded, the family care and bereavement policies started with a Clinton era executive order calling them Family Friendly programs.

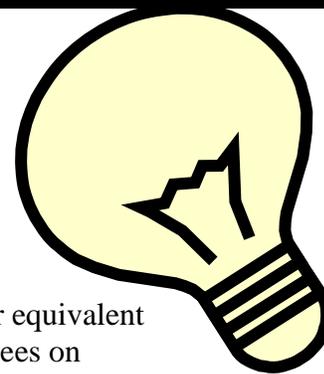
Family and Medical Leave Act of 1993 (FMLA)

Under FMLA, covered employees are entitled to a total of 12 administrative workweeks of unpaid leave (leave without pay or LWOP) during any 12-month period for:

- The birth of a son or daughter and care of the newborn
- The placement of a son or daughter with the employee for adoption or foster care
- The care of the employee's spouse, son, daughter, or parent with a serious health condition
- The employee's serious health condition that makes him/her unable to perform the duties of the job

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Upon return from FMLA leave, an employee must be returned to the same or equivalent position. While on FMLA leave, health benefits coverage continues. Employees on LWOP under the FMLA are responsible for paying the employee share of the health benefits premium. Also when employees return, they may choose to substitute annual leave for LWOP under the FMLA. Employees may also substitute sick leave in those situations in which the use of sick leave is permitted. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met. The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable." An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Leave For Bone-Marrow Or Organ Donation

Federal employees are *entitled* to use 7 days of paid leave each calendar year in addition to annual or sick leave to serve as a bone-marrow or organ donor.

Leave Sharing

Employees with a medical emergency that have exhausted their own leave may avail themselves of the leave transfer program which allows other Federal employees to donate annual leave. Agencies also may establish a leave bank program. These bank programs allow members (those who contribute a specific amount) to apply for leave from the leave bank in the event of a medical emergency.

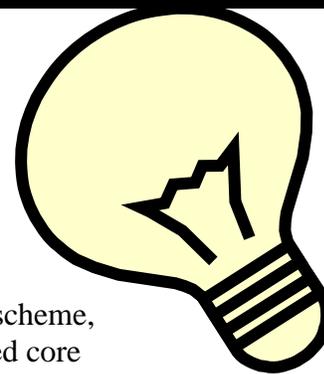
Flexible and Compressed Work Schedules

Flexitime (the common slang for a flexible work schedule) and *AWS* (common slang for a compressed work schedule) have been around for much longer than liberal leave policies but got their greatest expansion in the union friendly years of the Clinton administration.

Almost every Federal employee has the option of working a flexible or alternate work schedule. Flexitime relates to the hours to be worked in a given work day while AWS

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generally addresses the weekly tour of duty. For example, under a flexitime scheme, employees may vary their start and quit times often around fixed hours (called core hours) in the middle of the work day. Under AWS, employees may work four 10-hour days in a week (4-10s), eight 9-hour days and one 8-hour day over a pay period (called a 5-4-9 schedule), or other scheme. There is also something called *maxiflex*.

One agency's program called *magnified maxiflex* (no kidding) is detailed on the web and requires employees to be at work from 10 am until 2 pm on Tuesdays, Wednesdays and Thursdays. The constraints are that the employee is limited to working 5 am to midnight Mondays and Fridays; 5 am to 10 am and 2 pm to midnight on Tuesdays, Wednesdays and Thursdays; and 5 am to 6 pm on Saturdays. Also, the employee can work credit hours (see below) if they choose.

Some interesting developments are becoming more common. These include *gliding flexitours*, a new type of flexible schedule that includes a basic work requirement of 8 hours in each day and 40 hours in each week. The employee may, however, select an arrival time, departure and lunch each day, and may change those times daily; and *credit hours*, similar to compensatory time, except that the request to work credit hours is at the initiation of the employee.

Telecommuting

Telecommuting, otherwise known as *work at home* is increasingly popular, particularly in the Washington DC metro area. An interesting thing about telecommuting is that the program is championed primarily by congressmen in the Washington, DC suburbs but not outside the beltway regardless of party affiliation. In fact, perhaps the biggest proponent is a [Virginia Republican](#).

Some believe this support arises from the fact that employees who work at home spend their lunch (and perhaps other) money in their home congressional districts rather than in D.C., Arlington and Alexandria where most Federal agencies have their headquarters. Now there's a good human resource management reason to have a program. I have been told by unnamed very senior executives both political (both parties) and career that intense pressure has come their way to implement and then expand these programs.

Above are the basics. In the next part we'll look at some of the issues with which federal managers must wrestle as a result of agency adoption of these programs.

Random Drug Test Leads to Removal. A Navy firefighter, removed for failing a random drug test, could not convince the Merit Systems Protection Board to reverse his firing, and has now lost his bid to convince the appeals court. ([Peterson v. Department of the Navy](#), C.A.F.C. No. 2007-3273 (no precedence), 3/7/08)

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Peterson's position was designated for random testing under the agency's Drug-Free Workplace Program. He signed a document acknowledging this as well as the fact that the penalty for a first-time offense ranged from reprimand to removal. When he tested positive, he admitted that he had gone to a party, had too much to drink and smoked marijuana. It was his first offense. (Opinion, pp. 1-2)

The agency removed Peterson. The final decision letter spelled out how each of the Douglas factors was weighed and concluded that removal was the appropriate penalty. It pointed out that a firefighter's duties include providing emergency medical assistance as well as fighting fires and "that these duties require good judgment and a high level of public trust." (p. 3)

On appeal, the Merit Systems Protection Board sustained the agency's removal of Peterson. He took his case to the appeals court, but has fared no better there. The court now rules that removal "although harsh...is not grossly disproportionate to an offense of drug use by an emergency responder in the Naval Station's Department of Public Safety." (p. 3)

The court points out that its review of an agency's determination of penalty is "extremely limited...[and] left to the sound discretion of the agency." (p. 2)

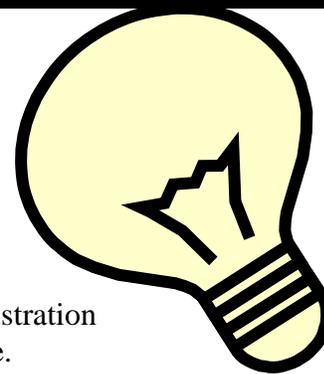
Human Resources (HR) for Supervisors Course. The HR for Supervisors Course is highly recommended for all Department of Army civilian (DAC) and military supervisors who supervise at least 3 appropriated fund DAC employees. The course is 40 hours long and is intended to help the supervisor in performing his/her HR management duties. In addition to teaching the participants about HR regulations and processes, the course introduces them to the automated HR tools. Completion of this course can enhance the supervisor's confidence and performance. The course, which incorporates lectures, class discussion, and exercise, includes the following modules:

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

There is a pre and post test administered at the beginning and end of the course. The course does not address supervision of non-appropriated fund (NAF) or contract

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employees. The course dates for FY 08 are highlighted below. Course registration information will be disseminated not less than 3 weeks from course start date.

DATE

2 – 6 June 2008

15 – 19 September 2008

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

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

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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.

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

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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