

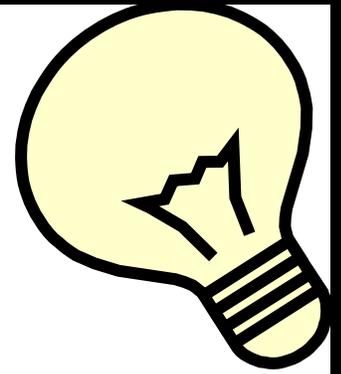
The

Illuminator

Shedding Light on the HR World

6-2011

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

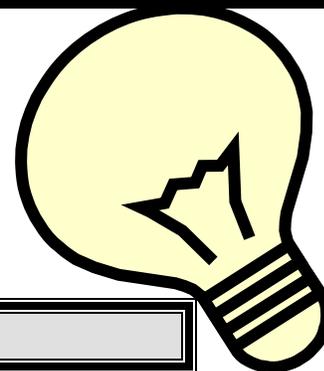
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Retirement, Life/Health Insurance, TSP, Social Security and Such

Ways to Supplement your Federal Retirement Income. When you work for the Federal Government you may be eligible to receive a generous pension plan when you retire. However, that may not always be enough to allow you to live the lifestyle that you have become accustomed to so you may need to get creative and come up with some ways in which you can supplement your Federal retirement income.

This should all start while you are still working as the sooner you plan, the better. However, even if you retire and then find that you need to supplement your income, you can still do something about it, though that may require you to go back to work in some capacity.

Social Security

Hopefully, along with your Federal pension plan, such as the FERS plan, you will also qualify for Social Security. If so, then that will represent a nice bit of extra money that you will be able to rely on each and every month. However, not all Federal employees will be able to qualify for both FERS and Social Security, so you should check and see if you are eligible to know for sure. Of course, if you have been getting the standard Social Security deduction taken out of your paycheck over the years, then that is usually a good indication that you will receive it when you are retired.

TSP

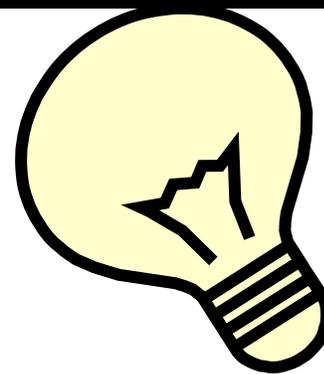
Another feature with your FERS pension plan that you will hopefully be taking advantage of is your Thrift Savings Plan, or TSP. Your TSP acts almost exactly like a civilian 401k and allows you to invest a certain percentage of your income in your choice of special funds that are all designed to invest in different things like bonds and stocks.

It is imperative that you take control of your TSP as you may be currently invested in a fund that is not as aggressive or conservative as you would like. There are many options available to you with your TSP so you should really look into all of them and invest according to your own personal risk tolerance.

If you do not already have a handle on your TSP, find out what is going on. This is one of the easiest ways in which you can assure you supplement your retirement income that you receive from your pension.

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Roth IRA

While there is a great deal that you can do for retirement with your Federal employer, there is a move that you can and should make independent of your employer as it will help you save even more money for retirement. A Roth IRA does allow for Federal employees to invest in almost anything they want including stocks, bonds, and mutual funds provided they are eligible.

To be eligible you have to make under a certain amount of money each year. Currently, a single person who makes under \$107,000 can contribute up to \$5,000 per year to a Roth IRA and \$6,000 if they are over the age of 50. A married couple can contribute the same as long as they make a total combined income of under \$169,000 per year.

So, while you can't include a Roth IRA in your TSP, you can have one on your own. This is due to the fact that Roth IRAs are funded with after-tax dollars. So, you already pay the taxes on them. While this does not allow you to take a tax deduction on your contributions at year's end, it does allow your money to grow tax free.

Once you are age 59 ½, you can take out as much or as little from your Roth IRA and whatever you take out, you do so tax-free. So, all of your contributions and anything earned on those contributions are yours to spend as you see fit.

Because you can sock away an additional \$5,000 per year in a Roth IRA, it is a great way to be sure there is extra money for you to rely on and it makes the perfect supplement for your Federal retirement income.

Get a Part-Time Job

If you are already retired and find that you need more than your Federal retirement income provides, you can always consider going back to work on a part-time basis. There may be limits in how much you can work and still keep all of your benefits, so that should be the first issue you address.

Once you find out what, if any, your restrictions are, you then need to figure out a place to work. While there are many jobs that allow for seniors to re-enter the workplace, you might also want to consider using the many skills and knowledge that you gained as a Federal employee and start your own consulting business.

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You can also look to the internet to help you with your part-time work quest. You can sell things online, become an affiliate marketer online, or even [create your own website](#) and try to sell your own ideas and products online.

Reverse Mortgage

Another way to supplement your Federal retirement income if you are already retired is with a reverse mortgage. Reverse mortgages are for seniors who have equity in their homes. Basically how it works is that you get a loan on the equity for your home and you can choose to get that in one lump sum or in monthly installment and use the money to supplement your Federal retirement income. You don't have to pay back the loan as long as you are alive and living in your home. Once you pass on, the sale of the home will pay off the loan amount and any excess will go to your heirs. Restrictions do apply, so you will first need to figure out if you do qualify for a reverse mortgage.

The Sooner the Better

It is better if you can plan ahead of time so you can be sure that your federal retirement income will be able to be adequately supplemented. However, even if you don't pre-plan, you still have a couple of options available to you. Just remember, the sooner you address the issue, the better.

How to Calculate the SRS Benefit. With agencies already taking budget hits and expecting even harder ones to come, employees have been hurriedly doing the math to find out what their annuities would be if they are given either an opportunity to retire early or are shoved out the door by a reduction in force.

Figuring out the basic annuity is easy enough. But some employees covered by the Federal Employees Retirement System are scratching their heads trying to calculate a unique feature of FERS: the special retirement supplement (SRS).

The SRS approximates the Social Security benefit you earned while covered by FERS. It's intended to supplement the FERS annuity and bridge the gap between retirement and age 62, when you'll be eligible to receive a Social Security benefit. It ends at age 62, whether or not you apply for a Social Security benefit.

The SRS is based solely on your years of FERS service. It doesn't include any other Social Security-covered employment, such as work in the private sector. Nor does it include periods of active-duty service in the armed forces, even if you made a deposit to the retirement fund to get credit for that time in determining your eligibility to retire and in your annuity computation.

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To receive the SRS, you must be under age 62 and eligible for an immediate annuity, and you must retire in one of the following ways:

- At your minimum retirement age (MRA) with at least 30 years of service.
- At age 60 with at least 20 years of service.
- Under special provisions for law enforcement officers, firefighters, air traffic controllers or military reserve technicians.
- At your MRA under one of the early retirement or buyout provisions, whether the retirement is voluntary or involuntary.

If you meet the eligibility criteria, the SRS is automatically added to your FERS annuity.

Ineligible for the SRS are: disability retirees; anyone retiring under the FERS provision allowing retirement at minimum retirement age with 10 years of service; anyone who is only eligible for a deferred annuity; and anyone retiring at age 62 or later.

The SRS calculation begins with your earnings from which Social Security taxes were deducted. It doesn't include untaxed earnings. The maximum earnings from which those taxes can be taken in 2011 is \$106,800.

Once your earnings history has been created, each year's earnings are updated to account for inflation. Because the value of the dollar changes over time, it's important that your earnings be expressed in constant dollars.

Your SRS is computed using the same formula the Social Security Administration uses to determine what your Social Security benefit will be when you reach age 62. The result is then multiplied by a fraction that approximates the portion of your Social Security benefit that was earned while you were employed under FERS.

To estimate what your SRS would be, use this formula developed by the Office of Personnel Management:

Take your estimated Social Security benefit at age 62, which is sent to you each year by the Social Security Administration, divide that number by 40 and multiply the result by the number of years you've been employed under FERS, rounded up to the next full year.

For example, if your estimated annual Social Security benefit at age 62 is \$12,000 and you have 20 years of FERS service, your SRS would be \$6,000 — \$12,000 divided by 40 is 300; 300 multiplied by 20 is \$6,000. The SRS would be \$500 per month.

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Two more facts about the SRS: First, it isn't increased by cost-of-living adjustments (COLAs). Second, with one exception, if you have earnings from wages or self-employment that exceed the Social Security annual earnings limit, your SRS will be reduced or stopped until your earnings fall below the limit. This year, the limit is \$14,160. If you exceed the limit, your SRS would be reduced by \$1 for every \$2 you earn above that figure.

Here's the exception: The earnings limit doesn't apply to special category employees, such as law enforcement officers, firefighters and air traffic controllers, or to those who take early voluntary or involuntary retirement, before they reach their MRA.

If you fit into one of these categories, you can earn as much as you want until you reach your minimum retirement age without reducing your SRS. However, once you reach your MRA, the earnings limit will apply and you'll be treated the same as any other FERS retiree.

Ten Bargain Retirement Spots. Declining home values can be devastating for homeowners. But falling home prices can create bargains for newcomers to the area. Retirees may now be able to afford homes in places they were priced out of only a year ago.

U.S. News used our best places to retire search tool, powered by data from Onboard Informatics, to find the places where home prices are falling fast. Average home sale prices have declined by at least 45 percent between 2009 and 2010 in every city on our list. To add geographic diversity, we restricted the list to one city per state.

Housing prices are declining fastest in Portland, Ore. (-92 percent), Tallahassee, Fla. (-91 percent), and Tucson, Ariz. (-88 percent). These big cities also offer plenty of affordable entertainment options for seniors. Free things to do in Portland include hiking in the nearly 5,000-acre Forest Park and strolling among the 7,000 rose bushes at the International Rose Test Garden.

Seniors in Tallahassee can stargaze at the Challenger Learning Center Planetarium, explore the 68,000-acre St. Marks National Wildlife Refuge, or visit the reconstructed Spanish colonial Mission San Luis, all for \$5 or less. "There's a nice focus on cultural things and the standard of living is very high," says Charlton Prather, 82, a retired physician and former director of the Florida state health department about Tallahassee. He now volunteers at the Mission San Luis, sometimes posing as a blacksmith in a reenactment of the year 1692, and enjoys fishing. "There are lots of lakes within an easy distance of here and we find them a great source of entertainment and food," Prather says.

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There are even bigger bargains to be found in some smaller cities. The average home price in Weatherford, Texas, a suburb of Fort Worth, was just \$131,586 in 2010. And in Delaware's state capital city, Dover, home prices have fallen 66 percent since 2009 to an average price of \$168,805 in 2010. "I wanted to be near Dover because there is less congestion and everything is more easygoing," says Peggy Urso-Savarese, 64, who moved from Rutherford, N.J., to the suburbs of Dover, Del., when she retired for her marketing manager position in 2009. "There's also a lot of things to do. Everything is in very close proximity." Urso-Savarese now volunteers at the Biggs Museum of American Art twice a week.

A few of these affordable retirement spots are located just outside of more expensive cities. Cathedral City, Calif., where average home prices have fallen 85 percent since 2009, to \$182,076, is located just 15 minutes from Palm Springs. This city named for its majestic canyons is surrounded by golf courses and boasts year-round warm weather.

Likewise, the planned community of St. Charles, Md., is an affordable suburb of Washington, D.C. While Washington home sale prices climbed 110 percent to an average of \$940,992 in 2010, housing prices in St. Charles declined 46 percent to an average of \$245,191 during the same time period. "Being a military retiree, I like the closeness to the military bases and the military hospitals here," says Fred Scott, 62, who retired from the air force in 1989 and then spent 20 years working for the postal service. "I really don't like the traffic and parking garages in D.C., but in St. Charles it's much easier to get around because there is plenty of free parking everywhere right outside the door."

Not every place on this list will feel affordable to all newcomers. In the most expensive place on this list, Wahiawa, Hawaii, the average home sale price was an expensive \$331,498 in 2010. But that's 82 percent less than homes sold for in this Oahu island city in 2009. Each of these places also offers recreation facilities and amenities for seniors that provide a good value for your housing dollars.

Check out these 10 places where average home sale prices are falling fast:

Portland, Ore.

Average home sale price in 2010: \$270,418

Average home sale appreciation between 2009 and 2010: -91.5 percent

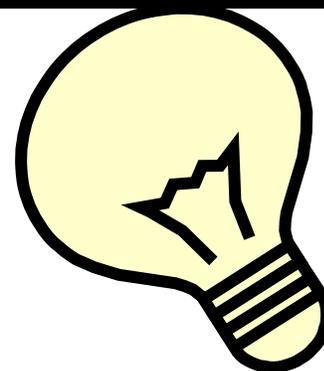
Tallahassee, Fla.

Average home sale price in 2010: \$220,135

Average home sale appreciation between 2009 and 2010: -91.48 percent

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Tucson, Ariz.

Average home sale price in 2010: \$147,731

Average home sale appreciation between 2009 and 2010: -88.06

Wake Forest, N.C.

Average home sale price in 2010: \$240,801

Average home sale appreciation between 2009 and 2010: -87.53 percent

Cathedral City, Calif.

Average home sale price in 2010: \$182,076

Average home sale appreciation between 2009 and 2010: -85.16 percent

Wahiawa, Hawaii

Average home sale price in 2010: \$331,498

Average home sale appreciation between 2009 and 2010: -82.13 percent

Weatherford, Texas

Average home sale price in 2010: \$131,586

Average home sale appreciation between 2009 and 2010: -77.83 percent

Dover, Del.

Average home sale price in 2010: \$168,805

Average home sale appreciation between 2009 and 2010: -66.26 percent

Sycamore, Ill.

Average home sale price in 2010: \$168,053

Average home sale appreciation between 2009 and 2010: -48.49 percent

St. Charles, Md.

Average home sale price in 2010: \$245,191

Average home sale appreciation between 2009 and 2010: -45.66 percent

Employment-Related News

USA Staffing (USAS) – New Arrival in the Hiring Reform Initiative. As part of the Department of Defense (DoD) hiring reform initiative, all DoD components will transition to web-based software owned by the Office of Personnel Management to fill position vacancies. During FY 11 Department of the Army began deployment of this automated system called USA Staffing (USAS) and will continue through FY 12.

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USAS is a single, integrated software solution used to staff federal jobs and is fully integrated with USAJOBS to support internal and external recruitment.

The deployment of USAS will bring about the following differences in our business processes:

- All Army announcements will be available on <http://www.armycivilianservice.com> and www.usajobs.gov.
- Applicants must apply through USA Staffing, Application Manager module.
- USA Staffing uses assessments, cooperatively chosen between HR and the hiring official, to determine the best qualified candidates.
- Applicants must answer assessment questions each time they apply against a vacancy.
- Applicants must provide supporting documentation (i.e., DD 214, SF 50, etc., *at the time of application*). Normally, these documents will be uploaded and stored in the system.
- Managers will access referral lists by logging in to a module called Selection Manager .

The vision of the Army Civilian Human Resource (CHRA) community is to provide a single point of entry for all recruitment and hiring activities. USAS will expedite the process for applicants, HR professionals, and selecting officials through an efficient web-based interface. It automates the recruitment and hiring process including developing position based assessments, creating and posting vacancy announcements, collecting and reviewing application materials, rating and ranking candidates, issuing referrals, making selections, and notifying applicants of their status throughout the recruitment process.

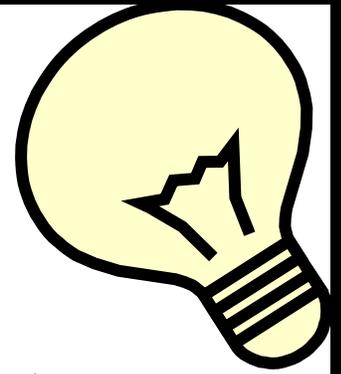
The Fort Benning Civilian Personnel Advisory Center (CPAC) is scheduled to deploy USAS in February 2012. Briefings and training sessions will be scheduled not less than 60 days prior to deployment to provide information on the new system. Stay tuned for announcements regarding dates and locations.

Religious Beliefs ≠ Automatic Days off for Fed Employees, Court Says. A recent ruling by the U.S. Court of Appeals for the 8th Circuit is providing a reminder to federal employees that protections for religious beliefs do not automatically translate into a right to skip work.

Drawing a distinct line between reasonable accommodations for religious beliefs and the undue hardships accommodations pose on federal employers, the 8th Circuit ruled in *Harrell v. Donahue* that the U.S. Postal Service (USPS) was justified in firing a Missouri letter carrier who stopped showing up for his Saturday delivery shifts. The carrier claimed such work conflicted with his beliefs as a Seventh Day Adventist.

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Case Basics

Two years after joining the Warrensburg Post Office in Missouri as a full-time letter carrier, Hosea Harrell Jr. in 2006 made a request to a supervisor for a religious accommodation to have every Saturday off. According to the post office's seniority system, its six junior full-time carriers were required to work Saturdays with exception to every sixth Saturday under their rotation.

The post office responded to this request by proposing various accommodations, such as allowing Harrell to take off part of his Saturday shifts or transferring to a different office or position. However, Harrell maintained that Saturdays off were the only reasonable accommodation he would accept. Starting in October 2007, he stopped showing up for work on Saturdays without securing a leave of absence, and he was terminated in March 2008.

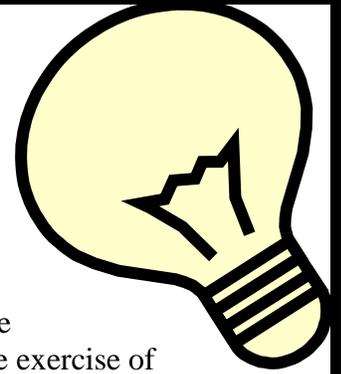
Harrell filed an Equal Employment Opportunity complain later that month, but it was denied. He subsequently sued USPS Postmaster General Patrick R. Donahue, claiming the USPS violated his rights under Title VII by discriminating against him and failing to accommodate his religious beliefs. He also claimed the USPS violated his rights under the Religious Freedom Restoration Act of 1993 by infringing on his ability to practice his religion. The district court issued summary judgments in favor of the USPS, and they were upheld by the 8th Circuit.

What federal employees need to know

- Federal employees are exclusively protected from religious discrimination under Title VII.
- Federal employers do not have to make religious accommodations that would impose an undue hardship.
- An undue hardship could be established by an accommodation that causes an employer to violate the terms of a collective bargaining agreement that prohibits changes to fixed or rotating work schedules (e.g. every sixth Saturday off).
- An undue hardship could also be established by an accommodation that causes more than a minor impact on co-workers (e.g. depriving co-workers of the seniority-based rights that grant junior carriers their sixth Saturday off).
- Federal employers do not have to stray from a seniority system to make religious accommodations, even if such system is not created by a collective bargaining agreement.

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- The Religious Freedom Restoration Act of 1993, which prohibited the government from passing laws that substantially burden a person's free exercise of religion, did not broaden the federal employment discrimination remedies provided under Title VII.

The ability to practice religion freely is one of the most important rights provided by the U.S. Constitution. Federal employees who have experienced religious discrimination or who have questions about the reasonable accommodations employers are required to make should contact a federal employment law attorney.

DoD Pipeline Program. The Pipeline Program initiative (a transitional return to work strategy) is a collaborative initiative designed to assist agencies in recognizing and capturing the contributions of skilled employees recovering from on the job injuries. Additionally, it promotes a work environment that motivates and drives commitment, resulting in a contribution of value to the organization's stakeholders.

From a cost benefit analysis perspective, the Pipeline Program initiative mitigates the impact that large contingencies of injured workers' have on an agency's fiscal budget. The Program also denotes a revolutionary commitment and investment in human capital (injured workers) by DoD agencies and installations to retain valuable education and skills that are often lost to an injured workforce.

The Pipeline Program enables DoD installations to overcome reemployment issues involving injured DoD civilian employees, such as budget and complement constraints by providing funding for salaries and benefits, and over hire authority for the first year of reemployment. Pipeline provides an installation with the ability to integrate these injured workers back to full employment while effectively reducing lost production days during the recovery period; supporting the Safety, Health, and Return-to-Employment (SHARE) Initiative established by President Bush in FY06. The program also has a positive effect on mission readiness and preparedness, while allowing injured workers to contribute to that mission and improve their quality of life.

Funds are reallocated from DoD Component budgets to a specific fund in the Civilian Personnel Management Services (CPMS) budget. The Deputy Under Secretary for Civilian Personnel Policy (CPP) monitors and oversees the program to ensure compliance and results. CPMS Injury & Unemployment Compensation Division (ICUC) manages the program to ensure appropriate return-to-work processes are performed.

The hiring installation is responsible for Full Time Equivalent (FTE) allocation and funding after one year from the date the employee begins an approved Pipeline position. Normal attrition allows Installations to use vacated FTE positions, and associated funds to cover expenses of Pipeline employees after Pipeline funding is expended.

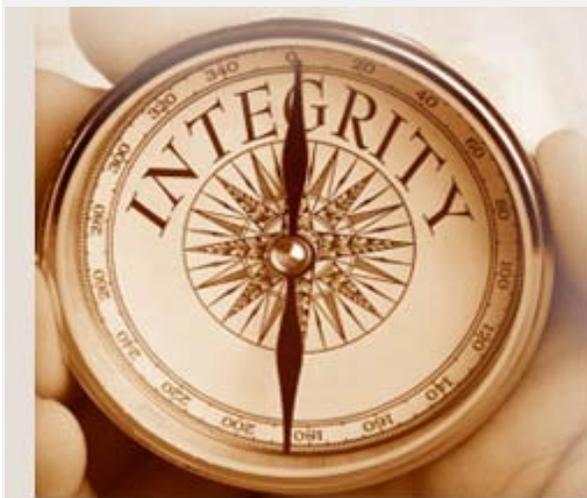
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Since December 2004, more than 130 DoD installations have tapped into Pipeline funding offering more than 640 injured workers the opportunity to return to work, realizing a potential lifetime cost avoidance (LCA) of more than \$420 million. Program specific potential cost avoidance metrics are based upon the insurance company life expectancy index of 75 years. Achieving the goal of reemploying approximately 200 injured employees each fiscal year to productive duty may equate to a 1357% Return-on-Investment.

Merit System Principle of the Month



THE MERIT
SYSTEM
PRINCIPLE
OF THE
MONTH

This month: High Standards

MERIT SYSTEM PRINCIPLE OF THE MONTH

NUMBER 4 HIGH STANDARDS

"All employees should maintain high standards of integrity, conduct, and concern for the public interest."

What does this mean and why is it important?

This merit system principle serves as the foundation for the standards of ethical conduct applied to all Federal employees. It recognizes that public service is a public trust and that employees are obligated to honor that trust by respect for and adherence to the

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Constitution, laws, and ethical principles of Government service. In order for an agency to accomplish its mission, its employees' conduct must command the respect and confidence of the public.

What role does it play in the Merit Systems Protection Board's decision-making process?

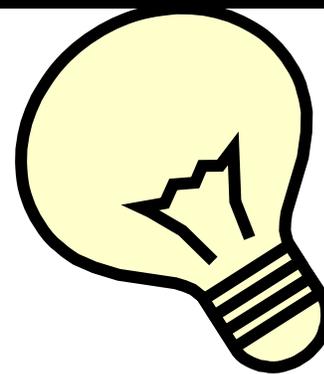
One of the Merit Systems Protection Board's (MSPB) primary roles is to adjudicate appeals from individuals against whom certain disciplinary actions have been taken by their agency. Some employees are disciplined specifically for a violation of the agency's standards of conduct or for conduct unbecoming a Federal employee. Some examples are found in *Todd v. Department of Justice*, 71 M.S.P.R. 326 (1996), and *Sullivan v. U.S. Postal Service*, 56 M.S.P.R. 196 (1993). Others may be charged with specific misconduct, such as absence without leave, falsification of documents, criminal activity, and misuse of Government resources. A charge of unacceptable conduct of any nature will generally implicate this merit system principle.

The MSPB's consideration of any disciplinary action that is being appealed requires a determination of whether the action promotes the efficiency of the service and the penalty is within the tolerable bounds of reasonableness. One of the Board's seminal cases, *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981), sets out a list of factors that, when applicable to the particular case, should be considered by the agency in assessing the penalty. Among those factors that specifically recognize the import of the fourth merit system principle are: (1) the seriousness of the offense; (2) the effect of the offense on the employee's ability to perform at a satisfactory level and its effect upon the supervisors' confidence in the employee's ability to perform assigned duties; (3) the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position; (4) the notoriety of the offense or its impact upon the reputation of the agency; (5) whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated; and (6) the clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.

Through its decisions, the Board has held that all Federal employees are expected to be trustworthy and to maintain high standards of integrity, *Parsons v. Department of the Air Force*, 21 M.S.P.R. 438 (1984), but that certain employees, because of the nature of their position, may be held to an even higher standard of conduct. For example, law enforcement officers and supervisory personnel, who set an example for the type of conduct expected not only for Federal employees, but the public as well, are held to a higher standard of conduct. See *Martin v. Department of Transportation*, 103 M.S.P.R. 153 (2006); *Merino v. Department of Justice*, 94 M.S.P.R. 632 (2003).

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Does the fourth merit system principle implicate any other MSPB role?

The MSPB has been charged with conducting special studies relating to merit systems in the executive branch. That function resides in MSPB's Office of Policy and Evaluation (OPE). Several of the reports issued through OPE address specifically the conduct of Federal employees and the general expectation that they should maintain high standards of integrity, conduct, and concern for the public interest. Examples of the studies conducted by OPE, and which may be accessed from this website, include "Whistleblower Protections for Federal Employees," "Prohibited Personnel Practices," and "Reference Checking in Federal Hiring: Making the Call."

How is this principle communicated to Federal employees?

The standards of ethical conduct applicable to all public employees may be found at 5 C.F.R. Part 2635. This Part of 5 C.F.R. identifies the basic obligations of public service, their applicability, and any exceptions. In addition, most Federal agencies have published supplemental standards of conduct for their employees which are generally disseminated to them during initial orientation sessions. They are also often posted on agency bulletin boards and printed in agency orders, directives, and newsletters. Some agencies have established a table of penalties to put employees on notice of offenses they deem particularly worthy of discipline.

The concern about employee conduct is expressed through specific statutory provisions as well as the regulations of the Office of Personnel Management. An example is the "crime" provision which allows an agency to take an appropriate adverse action on shortened notice when there is cause to believe the employee has committed a crime for which imprisonment may be imposed. *See* 5 U.S.C. § 7513(b)(1) and 5 C.F.R. § 752.604(d).

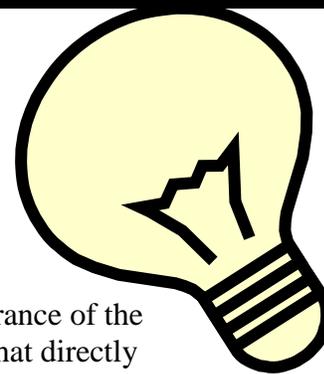
Finally, as the Board stated in *Coons v. Department of the Navy*, 15 M.S.P.R. 1 (1983), the standards of conduct is largely a matter of common sense and cover an area which employees are presumed to know. There is no legal requirement upon an agency to describe in detail all potentially proscribed employees conduct and related discipline. *See Brown v. Federal Aviation Administration*, 15 M.S.P.R. 224 (1983), *aff'd in part, rev'd in part on other grounds*, 735 F.2d 543 (Fed. Cir. 1984).

Do any other agencies provide guidance concerning the conduct of Federal employees?

The Office of Special Counsel (OSC) is an independent Federal investigative and prosecutorial agency whose primary mission is to safeguard the merit system by

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protecting Federal employees from prohibited personnel practices. In furtherance of the mission, OSC provides guidance to Federal employees concerning conduct that directly conflicts with merit system principles, such as retaliation for whistleblowing or illegal political activity. See www.osc.gov.

The Office of Government Ethics (OGE) was established to prevent conflicts of interest on the part of Government employees, and to resolve those conflicts of interest that do occur. As described on its website, “in partnership with executive branch agencies and departments, the Office of Government Ethics fosters high ethical standards for employees and strengthens the public's confidence that the Government's business is conducted with impartiality and integrity.” See <http://www.oge.gov/>

Management-Employee Relations

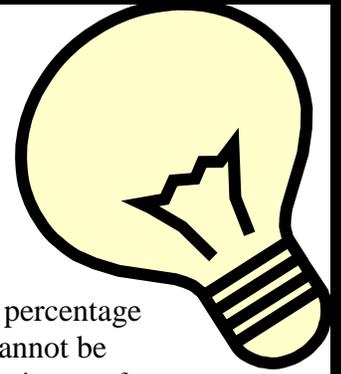
The Supervisory Probationary Period: A Missed Opportunity. As stated in the MSPB 2005 report *The Probationary Period: A Critical Assessment Opportunity*, the probationary period is a critical step in the applicant assessment process. The probationary period provides the Government an opportunity to evaluate an individual's conduct and performance on the job to determine if an appointment to the civil service should become final. In that study, the MSPB found that supervisors were not making effective use of the probationary period. In a subsequent study, *A Call to Action: Improving First-Level Supervision*, it was discovered that the supervisory probationary period is not being used any more effectively.

When initially appointed to a supervisory position, all Federal supervisors are required to serve a probationary period. Unlike the length of the non-supervisory probationary period, which is one year, the head of an agency can determine the length of the supervisory probation period, as long as it is a reasonable fixed duration, appropriate to the position, and consistently applied. If a supervisor does not perform successfully during that time, he or she should be removed from the supervisory role and returned to a position of no lower grade and pay than the previous position.

Data from the Office of Personnel Management's (OPM) Central Personnel Data File indicates that Federal managers are rarely using the probationary period to remove unsuccessful supervisors from their positions. In Fiscal Year 2007, 28,731 supervisors were hired but only 117 actions were taken by all Federal agencies due to new supervisors' failure to successfully complete the probationary period. Seventy-three of these actions were reassignment to non-supervisory positions and 44 were separation from the agency.

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Because the length of probation varies by agency, a direct comparison of the percentage of new supervisors who failed probation in that year with the number hired cannot be made. However, the number of actions taken each year can supply a rough estimate of the percentage of new supervisors who do not pass probation. For FY 2007, just four-tenths of one percent of new supervisors were either reassigned to a non-supervisory position or were separated. Low rates of unsuccessful completion of the probationary period going back to 1998 were consistently found.

It is unlikely that such a small a percentage of new supervisors would be unsuccessful in a new leadership role. This role offers different challenges than a technical position so even the most highly skilled technicians may not perform well as supervisors. Several studies of the success of new leaders in a wide range of organizations have found that 20 percent or more fail. Managers' use of the probationary period to make decisions about the suitability of new supervisors is even less common than its use for the workforce overall. In the 2005 study on the use of the probationary period for all new employees, it was reported that somewhat less than 2 percent of competitive service employees are removed in their first year.

This low failure rate among Federal supervisors suggests that many agencies are failing to use the probationary period as intended, allowing many novice supervisors to continue in a supervisory role despite observable evidence that they will not be very successful in that role.

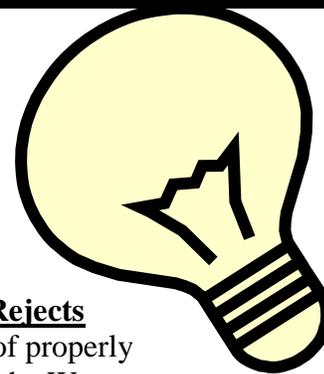
It was also found that knowledge about the supervisory probationary period was lacking. All new supervisors should clearly understand that they must successfully complete a probationary period as part of the selection process. In the 2007 Merit Principles Survey (MPS), first-level supervisors were asked if they had been informed when they first became a supervisor that they would be required to serve a probationary period. They were also asked them if their performance during their probationary period as a supervisor was actually used to decide if they should continue in a supervisory role.

Only 64 percent of supervisors affirmed that they were informed of the probation period, while fewer than half (47 percent) stated that their performance during their probationary period was used to decide if they should retain a supervisory role. These data provide additional evidence that many managers are not appropriately using the probationary period as it was intended as the final step in the selection process for supervisors.

Use of the probationary period to identify effective supervisors is critical to organizational performance because of the extensive impact supervisors have on the performance of the workforce. Therefore, agencies need to hold managers accountable for using the probationary period wisely as the final step in the selection process.

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Federal Court Judge Upholds Employer's Time Tracking Policies And Rejects Plaintiff's Claim For Alleged Unpaid Work. Reinforcing the importance of properly crafted and enforced work-time tracking policies, Judge Michael Telesca of the Western District of New York recently dismissed the balance of a plaintiff's claims in a lawsuit alleging failure to compensate non-exempt employees for all overtime hours. The Court based its decision on the employer's strong time tracking policies and protocols. *Kuebel v. Black & Decker (U.S.) Inc.*, 2010 U.S. Dist. LEXIS 46533 (W.D.N.Y. May 12, 2010).

The plaintiff in *Kuebel* was a retail specialist responsible for the stocking, pricing and display of Black & Decker products at six Home Depot stores. *Id.* at * 8-9. He alleged that his supervisors instructed him to "shave" his timesheets to reflect forty hours worked each week, regardless of how many he actually worked, in contravention of Black & Decker's written policies regarding timekeeping. *Id.* at * 22-23. Based on the Court's review of the claims and plaintiff's records of hours worked, as reflected by his timesheets, his calendar and his company-issued PDA, the Court granted summary judgment to Black & Decker. *Id.* at * 32-45.

In analyzing the Defendant's summary judgment motion, the Court considered whether Plaintiff had demonstrated the two "essential" components of his "off the clock" claim, namely "1) the amount of uncompensated work he actually performed and (2) that defendant had actual or constructive knowledge of the amount of time that plaintiff was working off-the-clock." *Id.* at * 30.

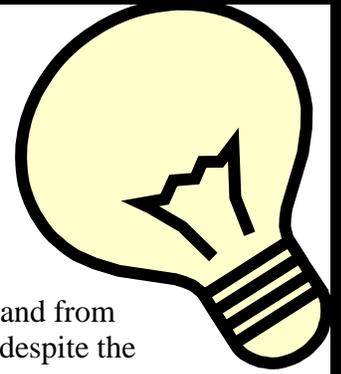
As to the first prong, evidence of the amount of uncompensated work, the Court held that plaintiff failed to demonstrate the inadequacy of Defendant's time records (which would have entitled Plaintiff to a lesser burden of proof). *Id.* at * 30-32. The time records were thus an accurate record of Plaintiff's overtime worked. And, the Court further reasoned that based on plaintiff's own contradictory statements regarding the percentage of his timesheets which were allegedly inaccurate, plaintiff could not prevail even if entitled to the lower standard, which typically is available to Plaintiffs in FLSA cases only where the employer has failed to maintain accurate records of hours worked. *Id.* Thus, Plaintiff could not provide evidence of the amount of allegedly uncompensated work he had performed. *Id.*

Even if plaintiff was able to present evidence of uncompensated time, the Court stated no monies would be due since plaintiff could not meet the second prong of the test, in that he failed to demonstrate that the Defendant possessed "constructive knowledge" of his uncompensated work hours, despite his allegations that Defendant's managers instructed him to underreport his time. *Id.*

In an earlier opinion in the same case, the Judge had dismissed Plaintiff's claims for alleged unpaid commuting time. *Kuebel v. Black & Decker (U.S.) Inc.*, 2009 U.S. Dist.

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LEXIS 43846 (W.D.N.Y. May 18, 2009)(commute time up to 60 minutes to and from varying job sites not compensable under FLSA). There, the Court held that despite the fact that Plaintiff's initial "commute" could be to any one of his six assigned stores, Black & Decker's policy of designating the first hour of that commute as non-compensable commuting time did not violate the FLSA. The Court did not reach the question of whether the entire commute was non-compensable, as Black & Decker treated commuting time in excess of the first hour as compensable.

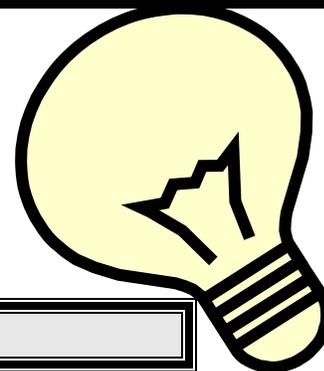
Kuebel demonstrates that it is possible for an employer to obtain summary judgment on a claim for alleged unrecorded unpaid work time even where that employee is a "field" employee not under the employer's roof and immediate supervision. It is essential for all employers to ensure that their timekeeping policies comport with applicable federal and state law, expressly prohibit "off the clock" work and clearly and unequivocally advise employees to report all hours worked.

Awards Crackdown Follows Pattern. The draft Obama administration policy telling agencies to be more sparing in their use of employee performance awards and bonuses would be one more step in a pattern of cracking down on discretionary payments that managers traditionally have used to reward employees and improve their compensation in lieu of a basic pay raise, but that the administration believes are being mismanaged. In a series of prior memos, OPM told agencies to more carefully scrutinize the use of recruitment and retention incentive payments, and ordered greater reporting of their use. The most recent draft memo, written as a joint OPM and OMB directive, would impose similar restrictions on awards and bonuses. Those payments "are broadly and inconsistently allocated and some federal employees have come to expect awards as entitlements" yet surveys show that only minority percentages of either employees or managers believe that such awards fairly or accurately reflect differences in performance levels, the draft memo says. Agencies should "adopt more rigorous employee performance management processes that incorporate key elements of consistent communication and feedback, establish accountability at all levels, and provide transparent and creditable appraisal systems." Use of awards, along with within-grade raises, further has been decried, mainly by House Republicans, as a loophole in what was intended to be a broad compensation freeze for 2011 and 2012.

In addition to the new policy restrictions, the memo would set a spending limit on awards of no more than 1 percent of aggregate salaries overall; for the SES, which is designed as a performance-based system, the limit is to be 5 percent. It also would tell agencies not spend more on recruitment, retention or relocation incentive payments in calendar year 2011 or 2012 than they did in 2010. The same policy would apply to other forms of awards including group cash awards, cash awards recognizing achievements such as individual and group suggestion and invention, and referrals of job candidates.

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Training, Self-Development, and Personal Improvement

Answering That Old Odious, Interview Question: What Are Your Weaknesses?

The next time you prepare for a job interview, be sure to craft an answer to that reviled but standard "what are your weaknesses?" question. It may be trite and overused, but the weakness question is still frequently asked in federal interviews for all types of jobs, from internships to executive positions.

Purpose of the Weakness Question

Many interviewers who ask the weakness question recognize its limitations. After all, it is doubtful that interviewers realistically expect the weakness question to solicit brutally honest answers like, "I'm below-average intelligence and difficult to work with."

So then, why do interviewers keep asking a question that rarely elicits full disclosure? Because interviewers say even skewed answers can help reveal whether applicants possess key qualities such as self-awareness, humility, sincerity, zest and skill in managing shortcomings and mistakes. By reflecting on such qualities in your response, you can distinguish yourself and stand out from the pack.

Bad Answers

"The worst answers are 'I don't know' or 'I have no weaknesses,' which I hear frequently," says one hiring manager. (Sorry, Superman, the credibility meter just hit zero.) "When I get unbelievable or evasive answers, I suspect that the applicant isn't the straight shooter I want to hire," says another hiring manager.

What is a strong answer to the weakness question? Conventional wisdom has recommended responses such as "I'm a perfectionist" or "I'm a workaholic, so my boss has to practically peel my fingers back, one by one, from my computer every night to make me go home." However, hiring managers now say most interviewers recognize those canned clichés as such.

Successful Answers

To remain credible, many interviewers now recommend designing answers to the weakness question that counterbalance a true but noncritical gap in your knowledge against your penchant for self-improvement and for staying current in your field. Some proven techniques that may help you do so:

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Describe how you have improved your understanding of a technical issue or soft skill by taking classes and/or requesting additional job assignments that addressed the issue. For example, one of my clients successfully answered the question by stating he had worked to conquer his fear of public speaking by joining Toastmaster's International and now, as a result, actually enjoys public speaking.

Acknowledge you understand that, if hired, you would be new to your target organization and therefore would have a lot to learn. So you would doggedly devote yourself to learning as much about the organization as quickly as possible. This technique helped one of my clients land a White House job.

Say something like, "In my last job, I underestimated the importance of X. So in the future, I'll focus more energy on that."

Or, "I try to continually update my skills. This year, I'd like to take training in the latest techniques in X, so that I will do Y faster and more efficiently."

If you are a project manager and/or supervisor, you may say something like, "Every time my team finishes a project, I review 'lessons learned' with them, so we won't repeat the same snags in the future." If you use this approach, be prepared to describe a few of those non-incriminating lessons learned.

Questions about Skills You Lack

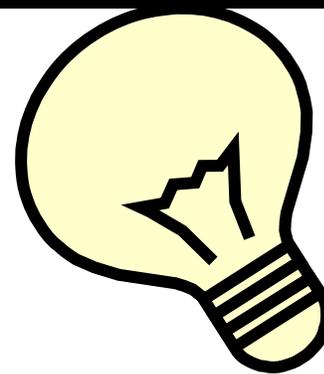
In addition to being asked open-ended questions about your weaknesses in interviews, you may be asked about skills you may lack. If you do have any relevant knowledge or experience in the skill at hand, even if it is only peripheral, informal or self-taught, say so.

But, advises a hiring manager, if you are asked about a skill that you really know absolutely nothing about, "Don't just say, 'No, I can't do that.' Instead, give me reasons to believe in you: Explain how your knowledge, willingness to do extra and ability to learn quickly will help you improve. Describe how you'd swiftly catch up and have done so previously."

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

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Instruction includes the following modules:

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

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

Next course offerings:

20-24 Jun 11

19-22 Sep 11

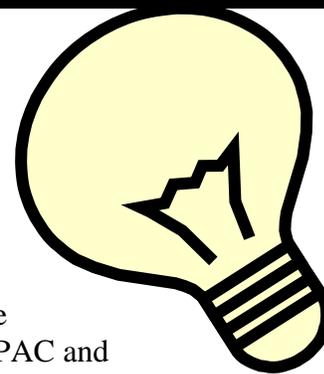
5-9 Dec 11

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

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

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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 a Notification of Personnel Action (i.e. SF 50). If you have any questions or need assistance, please contact your servicing HR specialist to arrange a time so we can come to your office to help you.

BLANCHE D. ROBINSON

Human Resources Officer

Fort Benning CPAC

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