

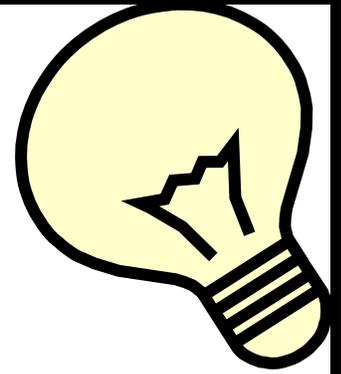
The

# Illuminator

Shedding Light on the HR World

12-2011

Article Directory



Page

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

Measure Targeting Workers Comp Benefits Draws Criticism	3
Thrift Savings Plan staff Gears up to Launch Roth Option	4
Delay Social Security, Increase Your Benefits	5

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

Lack of Data Hinders Pay Gap Comparison	7
Survey: Federal Employee Satisfaction Declines	11
Wealth Gap Grows between Young and Old	12

## ***Prohibited Personnel Practice of the Month***

Non-Discrimination in Employment	14
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## ***Management-Employee Relations***

Reasonable Accommodation and Attendance	19
Defense Eyes Pass-Fail Job Evals	21
MSPB Reports Progress for Whistleblowers, but More Can be Done	25

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

Having Employees Advance is a Win for All	26
Civilian Education System (CES) Courses Available	28
RPA and ART Workshop	28
Job Aids Available on the Web	29

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.).

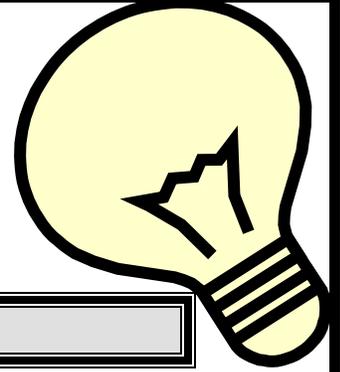
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# *The Illuminator*

12-2011



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

**Measure Targeting Workers Comp Benefits Draws Criticism.** A provision seeking savings from the workers' compensation benefits of older beneficiaries is drawing the ire of unions and critics who oppose any reduction in income for federal employees injured on the job.

The measure requires that retirement-age employees who receive money under the Federal Employees' Compensation Act be paid no more than they would under normal retirement benefits.

Those with a disability deemed permanent and total -- about 25 percent of FECA beneficiaries -- would not see a change to their benefits, according to Sen. Collins, R-Maine, a champion of the measure.

The provision is part of a bill that is advancing through the Senate and is aimed primarily at reforming the U.S. Postal Service, but FECA change would affect workers' compensation for all federal employees, not just for postal workers.

Collins, who put forth a similar change with legislation she introduced in February, cited estimates by the Office of Management and Budget that the change would save the government \$500 million over 10 years, with much of those savings going toward USPS, the largest participant in FECA.

National Treasury Employees Union, the National Association of Letter Carriers and the American Postal Workers Union opposed the provision.

"The Federal Employees Compensation Act is a lifeline to federal employees hurt in the course of their service to the nation, and it is unconscionable to consider cutting its benefits," said NTEU President Colleen Kelley.

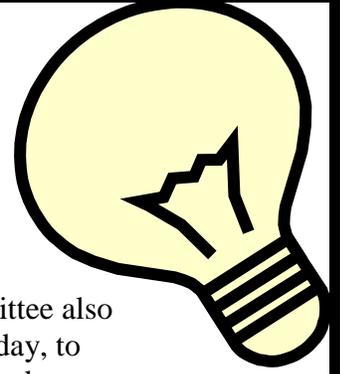
The change is "grossly unfair," an NACL statement said. APWU called the move "deeply troubling."

Sen. Daniel Akaka, D-Hawaii, a member of the panel that advanced the postal legislation Wednesday, suggested removing the provision from the bill, but the committee voted down his amendment.

"The savings expected from these changes would have very little effect on the Postal Service's deficit," Akaka said. "We need to take a closer look at comprehensive reform to make sure we get it right and reduce waste and fraud."

# *The Illuminator*

## *12-2011*



Sen. Joseph Lieberman, I-Conn., Collins and the governmental affairs committee also commissioned a Government Accountability Office report, released Wednesday, to determine causes and possible solutions to federal workers' compensation fraud.

The report found that much of the fraud in the FECA system is due to lack of access to data, which prevents agencies from monitoring claims. Self-reported data on wages and dependent status furthers the risk of fraud, the report said.

Another issue, according to USPS officials cited in the report, is many U.S. attorney offices will not prosecute cases with fraud less than \$100,000, and most allegations fall below that amount.

The agencies the report focused on -- USPS, the Homeland Security Department, several branches of the military, and the Labor Department, which runs the FECA program -- agreed with the findings.

GAO said it would follow up with best practices and potential risks, and plans to conduct two other FECA-related investigations, including one related to those who are retirement-age and receiving benefits

**Thrift Savings Plan Staff Gears up to Launch Roth Option.** Federal employee retirement savings funds for October enjoyed "a good month in a tough year for capital markets," in the words of Gregory Long, executive director of the Federal Retirement Thrift Investment Board.

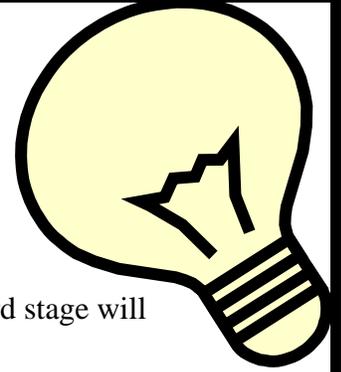
During a recent meeting of the Thrift Savings Plan's Employee Thrift Advisory Council, Long also reported an uptick in the Federal Employees Retirement System participation rate, which stands at 85.4 percent, and progress by TSP staff on implementing the coming Roth 401(k) option, which would allow employees to invest income that already has been taxed.

Long told the board that TSP aims to get the participation rate up to 90 percent. The rate had dropped after the 2009 TSP Enhancement Act brought in more employees through automatic enrollment. He mentioned a recent change in the annual participation statement (5 million of which are mailed out after Jan. 1) to add a number extrapolating an approximate monthly annuity from lifetime income. The idea is "to use some psychology to get people to stop thinking of it solely as a balance and more as a source of future paychecks," Long said.

Half the TSP's staff is involved in a multistage, multiyear effort to set up the Roth plans, expected to be operational in spring 2012. Staff worked this summer and fall to install software for record-keeping of the tax options selected by participants. The next stage

# *The Illuminator*

## *12-2011*



will allow participants to transfer funds in from other employers, and the third stage will allow them to transfer money out when they leave the plan.

The effort involves rethinking some 140 forms along with explanatory brochures. The legal team is drafting regulations on TSP Roth that will be presented to the board in December. The board also noted that TSP Roth rules for characterizing the tax status of income and for withdrawing funds differ from those for Roth IRAs.

The advisory board discussed the cuts in federal pay likely to come out of Congress' super committee -- either through a bipartisan deal or a triggered sequestration if the committee cannot agree on a deficit reduction plan. A representative from the American Federation of Government Employees pointed out that TSP's budget is safely outside the core federal budget, but lower salaries probably would prompt federal employees to trim their TSP contributions

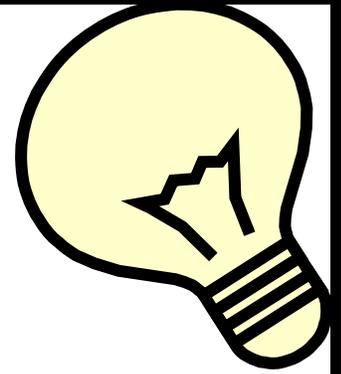
**Delay Social Security, Increase Your Benefits.** It's important to note that this is not a compounding increase -- that is, your potentially increased benefit from one year is not multiplied by the increase for the following year. The factor for each year (or portion of a year) is simply added to the factor from prior years. You also don't have to wait a full year to achieve the benefit; this delay is calculated on a monthly basis, so if you delayed by six months your increase would be 4% over the FRA amount. The biggest benefit of this is that you can not only increase the amount you will get over your lifetime, but also the survivor benefit your spouse will get upon your passing. For some folks this can make a huge difference as they plan for the inevitable.

It's usually best, for most things in the financial world, to act now rather than wait around. The notable exception is in applying for Social Security benefits. We've discussed it before, but it is an important point that needs more emphasis. As you'll see from the table below, if you were born after 1943 (that's you, boomers!) you can increase the amount of your Social Security benefit by 8% for every year you delay getting benefits after your full retirement age.

If you are delaying your retirement beyond FRA, you'll increase the amount of benefit you are eligible to get. Depending upon your year of birth, this amount will be between 7% and 8% per year that you delay -- which can be an increase of as much as 32.5% if you delay until age 70 and were born in 1941, when your FRA is 65 years and eight months and the increase amount is 7.5% per year at that age. Look at the increase amounts per year based upon birth year:

# The Illuminator

12-2011



Birth Year	FRA	Delay Credit	Minimum (age 62)	Maximum (age 70)
1940	65 & 6 mos	7%	77½%	131½%
1941	65 & 8 mos	7½%	76¾%	132½%
1942	65 & 10 mos	7½%	75.83%	131¼%
1943-1954	66	8%	75.00%	1.32
1955	66 & 2 mos	8%	74.17%	130¾%
1956	66 & 4 mos	8%	73¾%	129¾%
1957	66 & 6 mos	8%	72½%	1.28
1958	66 & 8 mos	8%	71¾%	126¾%
1959	66 & 10 mos	8%	70.83%	125¾%
1960 & later	67	8%	70.00%	1.24

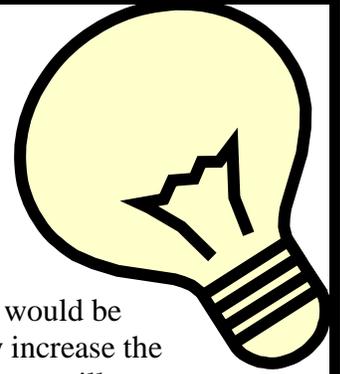
So you can see the impact of delaying receipt of retirement benefits -- it can amount to more than 50% of the Primary Insurance Amount when you consider early benefits versus late benefits. Of course, by taking benefits later, you're forgoing receipt of some monthly benefit payments; given this, early in the game you'd be ahead in terms of total benefit received. This tends to go away as the break-even point is reached -- in your mid-70s to early 80s in most cases, which we'll review in a later article.

Here's an example of the benefit of delay in action: You were born in 1954, and as such your FRA is age 66. According to the benefit statement you've received from Social Security, you are eligible for a monthly benefit payment of \$2,000 when you reach your FRA (which would be in 2020). If you delayed applying for your benefit until the next year, your monthly benefit payment would be \$2,160 per month -- an increase of \$1,920 per year. If you delayed until age 68 (two years after FRA), the monthly payment would be increased to \$2,320, for an annual increase of \$3,840. At age 69, delaying would increase your annual benefit by \$5,760 and, at age 70, your monthly payment would be \$2,640 for an annual benefit of \$31,680

It's important to note that this is not a compounding increase -- that is, your potentially increased benefit from one year is not multiplied by the increase for the following year. The factor for each year (or portion of a year) is simply added to the factor from prior years. You also don't have to wait a full year to achieve the benefit; this delay is

# *The Illuminator*

## *12-2011*



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### *Employment-Related News*

**Lack of Data Hinders Pay Gap Comparison.** Federal salaries fell further behind private-sector pay in 2011, the Federal Salary Council says — prompting radically different responses from experts and advocates on both sides of the pay debate.

Critics in Congress, Washington think tanks and even some outside experts question the report's accuracy and usefulness, even as union leaders praise the report as proof that the Obama administration's pay freeze is unfair to federal workers.

The critics were loudest about the Nov. 4 report, which concluded that General Schedule salaries fell 2.25 percentage points further behind private wages last year — and now earn an astounding 26.3 percent less than private-sector workers.

"How, in the middle of a recession when the only sector downsizing and cutting salaries is the private sector, does the government claim a growing pay gap?" asked Fred Piccolo, chief of staff for Rep. Dennis Ross, R-Fla., chairman of the House subcommittee that oversees federal workforce issues.

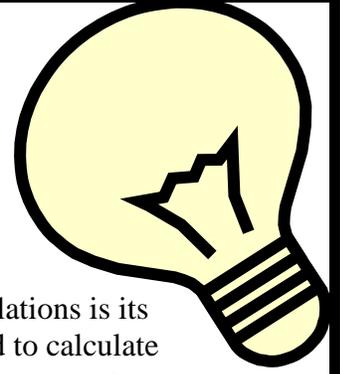
Ross maintains the government overpays its employees. But it's not just the usual suspects questioning this report — along with Republican lawmakers, the Cato Institute and Heritage Foundation, some outside pay experts are also questioning the report's logic and methodology.

"The council's stuff has completely lost credibility," charged Howard Risher, who was the managing consultant for the studies that led to the 1990 Federal Employees Pay Comparability Act (FEPCA). "Their methodology is beyond comprehension. Who knows whether they're right?"

A year ago, Office of Personnel Management Director John Berry acknowledged the methodology has "a credibility problem" and pledged to form a committee to examine it. But nothing came of that promise.

# *The Illuminator*

## *12-2011*



Risher said one of the biggest problems with the government's pay gap calculations is its heavy reliance on statistically modeled data. Only 26 percent of the data used to calculate the pay gap came from actual salaries of private sector and state and local government employees collected by the Labor Department's Bureau of Labor Statistics, OPM said. The other 74 percent of the data was modeled. That's even higher than last year, when 72 percent of the statistical data was modeled.

OPM uses modeled data to estimate salaries for nonfederal jobs that were not captured in the BLS survey. OPM takes actual salary data of a job that was measured by BLS and conducts regression analyses to estimate what that job's salary would be in another location or level of responsibility for which it doesn't have actual data.

In some geographic areas, the BLS data was so spotty that as much as 89 percent of the salary data was modeled.

"They can't find real jobs" to compare federal salaries to? Risher asked. "Give me a break. This is a statistician's nightmare. There is not an employer in this country that would accept that data."

An OPM official defended modeling as an accepted practice among statisticians. But Risher said relying so heavily on these manufactured statistics is "appalling."

That doesn't mean, however, that Risher buys into some private studies that suggest federal employees are vastly overcompensated. He disputed a Heritage Foundation study that concluded feds are paid 22 percent more than private-sector workers, when skill levels are taken into account.

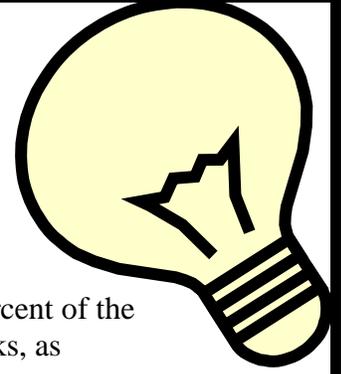
"You can blast both of them, frankly," Risher said.

The Federal Salary Council's working group said that overall private-sector pay in the U.S. increased by 1.6 percent between March 2010 and March 2011. But after taking out service industry and other low-paying jobs that do not correspond to the General Schedule, OPM said, the increase in equivalent private-sector jobs was likely greater — but it did not say how much greater.

OPM said it took into account increases in pay due to step increases and promotions, which have continued despite the freeze on federal pay tables, but did not say how much the federal payroll increased in 2011. About 761,000 federal employees — more than half the GS population — are in line to receive raises through step increases this year, and thousands more got raises due to promotions.

# *The Illuminator*

## *12-2011*



OPM said that step increases — which this year amounted to roughly 1.5 percent of the overall GS payroll — are usually canceled out by turnover in the federal ranks, as departing feds are replaced by younger, lower-paid employees.

### A call for market-based pay

John Palguta, vice president for policy at the Partnership for Public Service, said the ongoing pay gap dispute points to a deeper problem with how the government classifies and pays its employees.

The GS system gives all employees in the same grade the same pay raise each year. So a GS-13 engineer and a GS-13 human resources specialist who started at the same time and work in the same locality receive exactly the same pay raise — regardless of market conditions that might mean engineers are in high demand with skyrocketing salaries, while wages for HR specialists may have stagnated.

Palguta thinks the government should move to a more market-based pay system.

"It's time to overhaul the federal government's compensation system entirely, and really shoot to making it a market-based system," Palguta said. "We should be looking at, what are competitors paying for comparable talent? What are they paying HR people in the San Francisco area, versus accountants, versus lawyers, versus geophysicists?"

The Labor Department collects some occupation-specific salary data as part of its National Compensation Survey. But those salaries are repeatedly averaged together, and the government doesn't compare job-to-job salaries. Palguta suspects that highly skilled federal workers such as engineers and attorneys are probably underpaid, while many less-skilled workers are probably overpaid. But such distinctions are lost when salaries are averaged again and again, and job-to-job comparisons are not done, he said.

"We're way overdue to update the 1949 law" that established the General Schedule, Palguta said. "The difficulty is getting agreement on 'what would a market-based approach look like?'"

Palguta said the federal government is handcuffed to the pay gap methodology laid out in FEPCA, which requires the government to calculate one overall pay gap for each locality.

"I have no indication they [OPM] got the math wrong," Palguta said. "It's a screwy system. They do what they're asked to do. I don't know of any major private-sector employer that [sets pay] the way the government does pay setting."

# *The Illuminator*

## *12-2011*



At the request of Rep. Darrell Issa, R-Calif., the Government Accountability Office in April began reviewing the multiple studies on federal pay to find out why they come to such divergent conclusions. GAO's report is due next spring.

But several Republican presidential candidates, such as Mitt Romney, have seized on reports of overpaid federal workers and said rates must be corrected. Risher is dismayed that federal pay is becoming a partisan issue, and fears that will make it less likely that reform will take place.

"The government is losing by having this political football stuff," Risher said.

But it's easy to see why the issue has broken out that way. Conservative critics see the issue one way, and labor leaders see it quite another.

Federal unions — including some with leaders who sit on the Federal Salary Council — touted the pay gap findings.

"The growing pay gap is not surprising, since the federal workforce is in the midst of a two-year pay freeze," said Colleen Kelley, president of the National Treasury Employees Union and member of the Federal Salary Council. "The report underscores strongly that federal workers already have made significant personal sacrifices to deficit reduction, pushing their income even further behind that of their counterparts in the private sector."

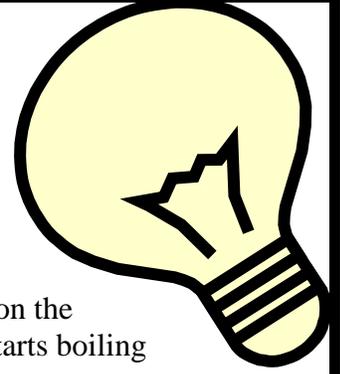
### How OPM Calculates the Pay Gap

The Bureau of Labor Statistics and the Office of Personnel Management each year go through a complex process to estimate the average gap between federal General Schedule salaries and salaries for equivalent jobs in the private sector and state and local governments:

- The Bureau of Labor Statistics — for its National Compensation Survey of nonfederal salaries — selects a sample of metropolitan, micropolitan and smaller outlying areas, then selects 30,000 employers within those areas. BLS re-selects one-fifth of its sample each year, so there's a complete turnover every five years. Eighty-five percent of the employers are private-sector, and the rest are state and local governments.
- BLS randomly selects jobs at those employers and classifies sampled jobs into occupational categories based on their duties and responsibilities. BLS ends up surveying about 800 different jobs. BLS measures whether someone is full- or part-time, paid based on their time worked or with commissions or other incentives, whether they are union or nonunion, and how many supervisory responsibilities they have.

# *The Illuminator*

## *12-2011*



- BLS provides the data on those 800 jobs to OPM, but OPM only uses data on the roughly 250 jobs that have equivalents in the General Schedule. OPM then starts boiling the nonfederal salary data down to a single average salary for each locality.
- Nonfederal salary rates are averaged within job categories — professional, administrative, technical, clerical or protective officer, known as the PATCO categories — at the equivalent GS grade level. Each salary is weighted by the number of full-time, permanent, year-round employees in the matching GS grade. When that's done, OPM has the average nonfederal salary for each category in each GS grade.
- OPM then averages the nonfederal salaries of all five PATCO categories within each GS grade, which then yields one average nonfederal rate for each equivalent federal grade. Again, the numbers are weighted by federal population.
- The nonfederal salaries comparable to all 15 grades, again weighted by federal population, are averaged into a single, overall nonfederal average salary for each locality.
- OPM compares that non-federal salary average to the weighted GS salary average in each locality. The percentage difference between those two figures is the pay gap for that locality.
- OPM averages the weighted pay gaps for all localities to determine the overall pay gap.

Source: Office of Personnel Management.

**Survey: Federal Employee Satisfaction Declines.** Federal employees' satisfaction with their jobs declined slightly overall in 2011, according to a new survey of the best places to work in government.

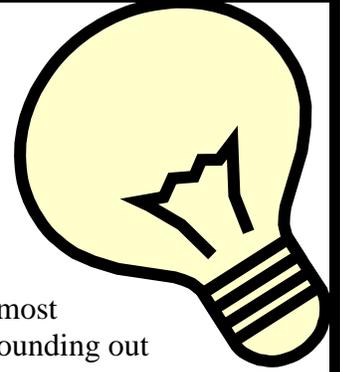
The nonprofit Partnership for Public Service on Wednesday released its annual rankings of large and small agencies and announced the results of a survey that found government-wide employee satisfaction and commitment dipped this year from a score of 65 points in 2010 to 64 points out of a possible 100. Sixty-four points still is 5.7 percent higher than the score in 2003, when the group first published its rankings.

"The 1.5 percent drop is not as steep as one might have expected, given the difficult economic and political climate that has led to a federal pay freeze, the national discussion around reduced worker benefits, threats of government shutdowns and the certainty of significant agency budget cuts," said the survey's summary.

The Federal Deposit Insurance Corporation garnered the top spot for employee satisfaction in the large agency category, followed by the Nuclear Regulatory

# *The Illuminator*

## *12-2011*



Commission and the Government Accountability Office. FDIC also was the most improved large federal agency, increasing its score 8.5 percent from 2010. Rounding out the top 10 best places to work in the large agency category were:

Smithsonian Institution  
NASA  
Social Security Administration  
State Department  
Intelligence Community  
Office of Personnel Management  
General Services Administration

Respondents ranked the Surface Transportation Board as the number one small agency to work at, followed by the Defense Nuclear Facilities Safety Board and the Federal Mediation and Conciliation Service. The National Archives and Records Administration was the lowest-rated large agency for the second consecutive year; the departments of Housing and Urban Development and Homeland Security also received low scores on employee satisfaction. In the small agency category, the Office of the U.S Trade Representative ranked at the bottom.

Effective senior leadership still is the primary driver in worker satisfaction, according to the analysis. Federal employees gave senior leadership a score of 54.9 out of 100 for their efforts. Other important factors included satisfaction with pay, which dropped 6.1 percent from 2010, to a score of 59.1, and the link between employees' skills and agencies' missions, which received a score of 78.6.

The analysis also found that private-sector workers continue to be more satisfied with their jobs than their counterparts in government.

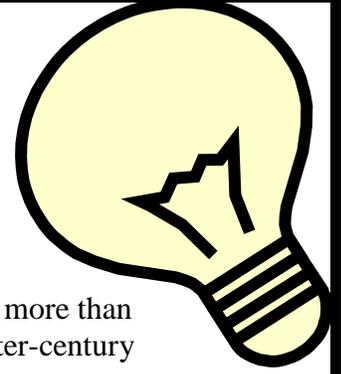
The survey included 308 federal organizations: 33 large agencies, 35 small agencies and 240 subcomponents. It's based on data from the Federal Employee Viewpoint Survey, which included 266,000 respondents.

**Wealth Gap Grows Between Young and Old.** The wealth gap between younger and older Americans has stretched to the widest on record, worsened by a prolonged economic downturn that has wiped out job opportunities for young adults and saddled them with housing and college debt.

The typical U.S. household headed by a person age 65 or older has a net worth 47 times greater than a household headed by someone under 35, according to an analysis of new census data.

# *The Illuminator*

## *12-2011*



While people typically accumulate assets as they age, this wealth gap is now more than double what it was in 2005 and nearly five times the 10-to-1 disparity a quarter-century ago, after adjusting for inflation.

The analysis reflects the impact of the economic downturn, which has hit young adults particularly hard. More are pursuing college or advanced degrees, taking on debt as they wait for the job market to recover. Others are struggling to pay mortgage costs on homes now worth less than when they were bought in the housing boom.

The report, coming out before the Nov. 23 deadline for a special congressional committee to propose \$1.2 trillion in budget cuts over 10 years, casts a spotlight on a government safety net that has buoyed older Americans on Social Security and Medicare amid wider cuts to education and other programs, including cash assistance for poor families.

"It makes us wonder whether the extraordinary amount of resources we spend on retirees and their health care should be at least partially reallocated to those who are hurting worse than them," said Harry Holzer, a labor economist and public-policy professor at Georgetown University who called the magnitude of the wealth gap "striking."

The median net worth of households headed by someone 65 or older was \$170,494. That is 42 percent more than in 1984, when the Census Bureau first began measuring wealth broken down by age. The median net worth for the younger-age households was \$3,662, down by 68 percent from a quarter-century ago, according to the analysis by the Pew Research Center.

Net worth includes the value of a person's home, possessions and savings accumulated over the years, including stocks, bank accounts, real estate, cars, boats or other property, minus any debt such as mortgages, college loans and credit-card bills. Older Americans tend to hold more net worth because they are more likely to have paid off their mortgages and built up more savings from salary, stocks and other investments over time. The median is the midpoint, and thus refers to a typical household.

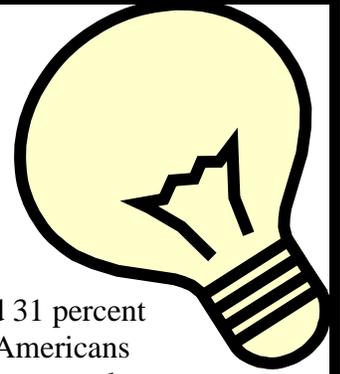
The 47-to-1 wealth gap between old and young is believed by demographers to be the highest ever, even predating government records.

In all, 37 percent of younger-age households have a net worth of zero or less, nearly double the share in 1984. But among households headed by a person 65 or older, the percentage in that category has been largely unchanged at 8 percent.

While the wealth gap has been widening gradually due to delayed marriage and increases in single parenting among young adults, the housing bust and recession have made it much worse.

# *The Illuminator*

## *12-2011*



For young adults, the main asset is their home. Their housing wealth dropped 31 percent from 1984, the result of increased debt and falling home values. In contrast, Americans 65 or older were more likely to have bought homes long before the housing boom and thus saw a 57 percent gain in housing wealth even after the bust.

Older Americans are staying in jobs longer, while young adults now face the highest unemployment since World War II. As a result, the median income of older-age households since 1967 has grown at four times the rate of those headed by the under-35 age group.

Paul Taylor, director of Pew Social & Demographic Trends and co-author of the analysis, said the report shows that today's young adults are starting out in life in a very tough economic position.

### ***Prohibited Personnel Practice of the Month***

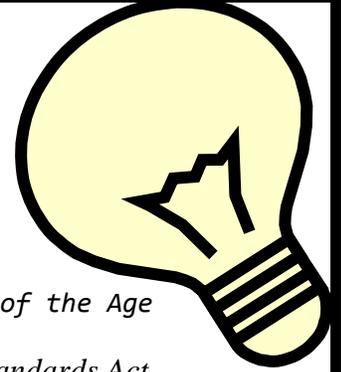
#### ***Number 1: Non-Discrimination in Employment***



*Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority—  
discriminate for or against any employee or applicant for employment—  
(A) on the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 ([42 U.S.C. 2000e-16](#));*

# The Illuminator

12-2011



*(B) on the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. [631](#), [633a](#));*

*(C) on the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 ([29 U.S.C. 206\(d\)](#));*

*(D) on the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 ([29 U.S.C. 791](#)); or*

*(E) on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation.*

## **The first prohibited personnel practice seems to repeat what merit system principle 2 says. Is there a difference?**

The first prohibited personnel practice (PPP), [5 U.S.C. § 2302\(b\)\(1\)](#), is very similar to the [second merit system principle](#), but the biggest difference between the two is that all of the [merit system principles](#) represent ideals for the way the Federal government should be run but they are not enforceable, standing alone. Thus, many of the principles have a similar PPP that serves to enforce the ideals represented by the principle. There are also some additional differences that are significant, most notably that with the exception of subsection (E), the PPP names the specific law that prohibits the conduct and therefore gives it context and meaning because those laws have been subject to much administrative and judicial litigation over their lifetimes. Finally, the principle concerning “privacy and constitutional rights” is not repeated in this PPP.

## **If an appeal is filed with the Merit Systems Protection Board (MSPB) and claim that discrimination occurred, will MSPB hear the claim?**

If your claim is filed in connection with a matter that is appealable to MSPB, the Board will hear discrimination defense in addition to claims about the underlying action itself.

This kind of appeal is known as a “mixed case.” Although MSPB cannot hear claims of discrimination when appeals are filed under three specific statutes (the [Veterans Employment Opportunities Act of 1998](#), the [Uniformed Services Employment and Reemployment Rights Act of 1994](#), and the individual right of action provisions of the [Whistleblower Protection Act](#)), MSPB will consider an allegation of discrimination as a defense to an appealable agency action in most instances. However, in the absence of an otherwise appealable action, a PPP claim may not be considered.

## **There is an understanding of a claim of discrimination, but what about PPPs. What’s the difference?**

There is no difference. A claim of discrimination is just one type of PPP established by the [Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111 \(CSRA\)](#).

Whether the MSPB is told a PPP claim is being raised under [5 U.S.C. § 2302\(b\)\(1\)](#) or just a belief of discrimination on one of the bases listed in that section, the burdens and standards of proof remain the same and MSPB will hear the claim if it has jurisdiction over the appeal.

# *The Illuminator*

12-2011



## **If a claim of sex discrimination is to be raised, what's the difference between raising it under subsection A and subsection C?**

The Fair Labor Standards Act (FLSA) section cited in the law, with limited exceptions, prohibits paying lower wages on the basis of sex for “equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.” The Civil Rights Act of 1964 is not limited to wage disparities, but covers “[a]ll personnel actions affecting employees or applicants for employment.” Thus, if someone believes they are being paid less than a co-worker because of gender, their claim will fall under (C). All other gender-based claims will come under (A). While most claims, therefore, come under (A), during the processing of an appeal the administrative judge will provide enough information to enable the claimant to know what their burden of proof is depending on the type of claim raised.

## **Most of the other kinds of discrimination are familiar, but what are marital status and political affiliation discrimination?**

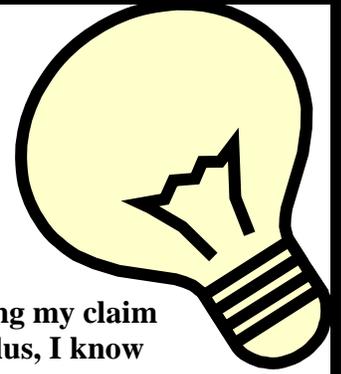
To prove the former, an employee must demonstrate that unmarried employees were treated differently from married employees. *Stokes v. Federal Aviation Administration*, [761 F.2d 682](#), 685 (Fed. Cir. 1985). Thus, such a claim does not include circumstances that may result from your marital status, e.g., child care responsibilities. Political affiliation discrimination does not cover “office politics” or political correctness. Rather, it means discrimination based on a person’s affiliation with any partisan political party or candidate. *Mastriano v. Federal Aviation Administration*, [714 F.2d 1152](#), 1155 (Fed. Cir. 1983). As such, it harkens back to the roots of MSPB, the [Pendleton Act of 1883](#), which replaced the patronage system with a merit system.

## **What about sexual orientation discrimination? Is that the same as sex discrimination?**

The two concepts are different, and the MSPB lacks jurisdiction under this PPP over a claim of sexual orientation discrimination, although such a claim may be raised under a different PPP. The [Equal Employment Opportunity Commission \(EEOC\)](#) also lacks authority to hear allegations of sexual orientation discrimination, but it has recently held that where a male employee alleged that he was harassed because he was going to marry another man and that the harassment would not have happened if he were a woman marrying a man, EEOC found that the complainant had alleged a plausible sex stereotyping case which would entitle him to relief under Title VII if he were to prevail. *Veretto v. Donahoe*, Appeal No. 0120110873, 2011 WL 2663401 (July 1, 2011). Veretto was not a mixed case, and the Board has not yet had an opportunity to rule on this type of issue. Finally, the position of the [Office of Special Counsel \(OSC\)](#) is that allegations of discrimination based on sexual orientation (as well as marital status and political affiliation discrimination) may be prohibited personnel practices or other violations of law subject to its investigation. See [www.osc.gov/pppPolicies1.htm](http://www.osc.gov/pppPolicies1.htm).

# *The Illuminator*

12-2011



**I thought that if I believed that I was discriminated against, I had to bring my claim to the agency and the EEOC. Doesn't the EEOC decide such claims? Plus, I know that OSC can investigate PPPs, so does it also have authority?**

The EEOC does have authority to decide claims of discrimination under the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Fair Labor Standards Act, and the Rehabilitation Act, and to award appropriate remedies, but it lacks authority with respect to claims of discrimination based on marital status or political affiliation. See [www.EEOC.gov/federal/otherprotections.cfm](http://www.EEOC.gov/federal/otherprotections.cfm). The MSPB has authority to hear all of those claims when they are raised in connection with a matter that we have jurisdiction over. As to OSC, because discrimination is a PPP, it does have the authority to investigate and seek corrective and disciplinary action concerning such claims. However, OSC states that because procedures for investigating those complaints have already been established in Federal agencies and the EEOC, it “follows a general policy of deferring complaints involving discrimination to those agencies' procedures.” See [www.osc.gov/pppPolicies1.htm](http://www.osc.gov/pppPolicies1.htm). In fact, there is yet an additional option for employees covered by a collective bargaining agreement, filing a grievance. See [5 C.F.R. § 1201.3\(c\)\(1\)\(i\)](#), which provides for an election between filing a grievance and appealing to MSPB.

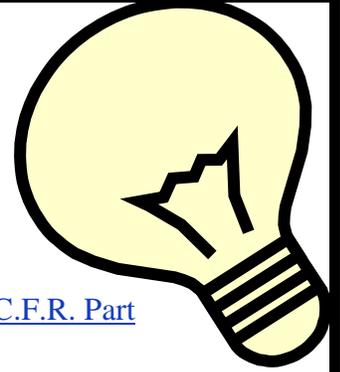
**With all of those options available, how would a person know where to file?**

When Congress listed the PPPs in the CSRA, it struggled with the same issue. It decided that, because EEOC's expertise lies in issues of discrimination law and MSPB's is in civil service law, when the two come together in one case, deference should be given to each agency based on that expertise. See Conference Report on S.2640, H.R. Rep. 95-1717, at 139 (1978), as reprinted in Committee on Post Office and Civil Service House of Representatives, 96th Cong., Legislative History of the Civil Service Reform Act of 1978, at 1981 (1978). As a result, [5 U.S.C. § 7702\(a\)](#) provides that when an employee or applicant is affected by an action that is appealable to MSPB and wishes to raise a claim of discrimination on one of the bases set out in [section 2302\(b\)\(1\)](#), that is, a “mixed case,” MSPB may hear and decide both the appealable matter and the issue of discrimination, whether the discrimination issue was first raised to the agency (if the agency has decided it or 120 days have passed since a formal complaint was filed) or brought directly to MSPB. Also, MSPB's own regulations, at [5 C.F.R. § 1201.21](#), provide that when an agency takes an appealable action, it must notify the employee of the right of appeal to MSPB.

In addition, both MSPB and EEOC have regulations setting out the rules specifically applicable to mixed cases. They provide that if the employee files an EEO complaint first, the employee can appeal to MSPB after receiving a Final Agency Decision on the EEO complaint from the agency, or 180 days after filing the EEO complaint if no final decision has been received. If the employee files an MSPB appeal first, the employee may appeal the Board's finding on the discrimination issue to the EEOC's Office of

# *The Illuminator*

## *12-2011*



Federal Operations. For the applicable rules, see [29 C.F.R. Part 1614](#) and [5 C.F.R. Part 1201, subpart E](#).

As to grievances, an employee who elects to file a grievance and raises an allegation of discrimination may appeal to the Board for review of a final arbitration decision. In such cases, though, the employee must file his appeal directly with the Clerk of the Board and will not be entitled to the procedures granted by an appeal at the regional and field offices. See [5 C.F.R. § 1201.3\(c\)\(3\)](#).

Last, since OSC defers to the discrimination complaint process, filing there is not a good choice for gaining review. Whether you file initially with MSPB or go through your agency's EEO or grievance process, however, [5 U.S.C. § 2302\(b\)\(1\)](#) makes discrimination under the laws it names a PPP, so the same law will apply to proving your claim. And, don't worry about possibly filing at the wrong agency. Congress recognized there might well be confusion and also provided in the CSRA that

In any case in which an employee is required to file any action, appeal, or petition under this section and the employee timely files the action, appeal, or petition with an agency other than the agency with which the action, appeal, or petition is to be filed, the employee shall be treated as having timely filed the action, appeal, or petition as of the date it is filed with the proper agency.  
[5 U.S.C. § 7702\(f\)](#).

**It seems like MSPB would receive a lot of cases alleging this prohibited practice. Has it?**

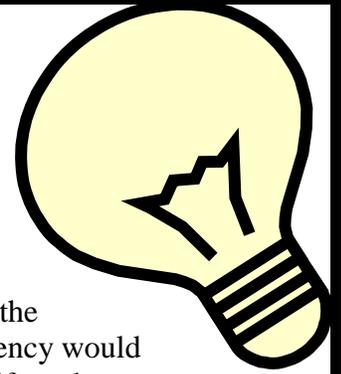
Yes, in fact MSPB statistics for the last five fiscal years for which statistics were available (prior to November 2011) show that more than 9,000 allegations of discrimination were made, including those cases in which more than one type of discrimination was asserted. However, MSPB administrative judges decided on their merits only about 1,500 of them because many cases were settled or dismissed for untimeliness or lack of jurisdiction, or the allegation was withdrawn. These same statistics show that the claim raised most frequently is disability discrimination, followed by race, then sex.

**Has the Board recently issued any significant decisions addressing issues of discrimination?**

Yes. For example, in *Southerland v. Department of Defense*, [2011 MSPB 92](#) (October 5, 2011), it interpreted the Americans With Disabilities Act Amendments Act (ADAAA) and held that if an employee is not challenging the agency's failure to make reasonable accommodation and does not require a reasonable accommodation, the analysis should proceed under the "regarded as" prong of the definition of disability, which does not require a showing of an impairment that substantially limits a major life activity or a

# *The Illuminator*

12-2011



record of such an impairment. It also held that a “but for” test applies under the ADAAA, i.e., that the employee must show that but for the disability, the agency would not have taken the appealed action, and the burden of persuasion does not shift to the agency to show that it would have taken the action regardless of disability, even if the appellant produces some evidence that disability was one motivating factor in the adverse employment action. In *Bowman v. Department of Agriculture*, [113 M.S.P.R. 214](#) (2010), the Board also adopted the “but for” test for claims of age discrimination made under the Age Discrimination in Employment Act. In *Davis v. Department of the Interior*, [114 M.S.P.R. 527](#) (2010), addressing generally the requirements of Title VII of the Civil Rights Act but specifically race and sex discrimination, it clarified that to meet the burden of proof that the agency’s action was discriminatory, the appellant need not introduce evidence of a similarly situated employee not in his or her protected group who was treated more favorably, but may rely on any evidence giving rise to an inference that the unfavorable treatment at issue was due to illegal discrimination.

## **Has the Board studied discrimination in the Federal government?**

It has. As we noted in connection with merit system principle 2, it recently studied workforce data and Federal employee perceptions of their treatment and issued a report to the President and Congress entitled [Fair and Equitable Treatment: Progress Made and Challenges Remaining](#). This is just the most recent study relative to issues of discrimination and fair treatment. You may find all of the others, dating back to the first, a 1981 report on sexual harassment, on MSPB’s website at [www.mspb.gov/studies/viewallstudies.htm](http://www.mspb.gov/studies/viewallstudies.htm).

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

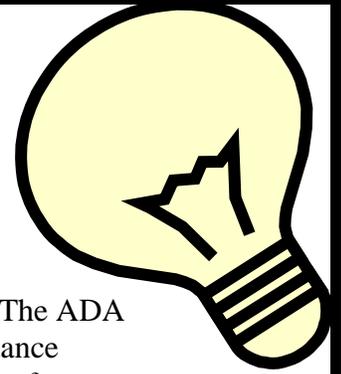
**Reasonable Accommodation and Attendance.** This article was written by Robert Dietrich. Any references to “T” pertain to him as an author.

Public law (Americans with Disability Act (ADA), 29 CFR, 1630.9) requires an agency to reasonably accommodate the known physical or mental limitations of a “qualified” employee with a disability, unless it can show the accommodation would impose an undue hardship on its operations.

A qualified individual with a disability is a person with a disability who satisfies the job-related requirements of the position and who, with or without a reasonable accommodation can perform the essential functions of the position. Accommodations that would cause an employer “undue hardship” are by definition unreasonable. Yet, one of the most essential functions in most jobs is actual attendance at work.

# *The Illuminator*

12-2011



Employers are entitled to expect regular and predictable attendance at work. The ADA does not require employers to tolerate chronic absenteeism even when attendance problems are caused by a person's disability. Determining what action to take for an employee with absenteeism is compounded by the Family Medical Leave Act (FMLA) whereas to deny a person FMLA leave for a serious illness can land an employer in a lot of hot water. What is required by these laws must be treated equally and independently.

Too often the two basic requirements of attendance and reasonable accommodation present a huge conflict for supervisors, HR professionals, employees and third party appeals. An employee's disability or handicap often affects the person's ability to report for duty on a regular and reliable basis, and to make an accommodation for an inconsistent work schedule affects nearly every major aspect of an operation in terms of scheduling, coverage, morale, and productivity.

Fortunately, despite this clear conflict, the courts, EEOC and MSPB have generally sustained management's adverse actions when it is evident that management has attempted to accommodate an employee, and the employee's failure to maintain a regular work schedule, or whose leave has no foreseeable end has left the employer no other alternative but to remove the person for the efficiency of the service.

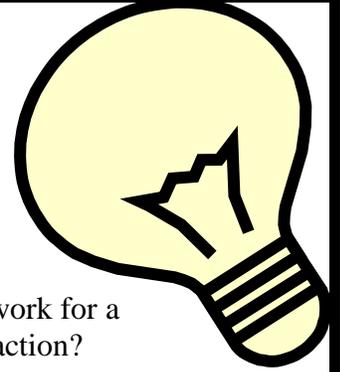
The Postal Service was the first to use a charge successfully of "failure to maintain a regular work schedule" in *Weber v U.S. Postal Service*, 91 FMSR, 5110, March 20, 1991. To use this charge successfully an agency must establish that: (i) regardless of whether the leave was approved, the employee was absent from duty; (ii) the absences continued beyond a reasonable period of time, and the employee was warned that an adverse action would follow if the employee did not return to duty on a regular basis; and (iii) and the employee's position and functional requirements needed to be filled on a regular basis.

A recent private sector case, *Ousley v. New Beginnings C-Star Inc.*, October 14, 2011, upheld the removal of an employee because the employee was unable to provide his employer with a reasonable estimate as to when he would be able to return to duty. In this case the employee sued under the ADA that New Beginnings failed to accommodate him by providing him with indefinite leave. The employer argued successfully that a request for indefinite leave was not a reasonable accommodation and he was not a qualified disabled individual since he could not perform an essential function of his job since his attendance was not regular and reliable. Moreover, he could not provide his employer with an estimated date for his return to work. The court held that a request for a never ending leave of absence was unreasonable.

The Board has long affirmed the charge of inability to perform especially when there is no end in sight to the absence. In situations where an employee's physician cannot

# *The Illuminator*

## *12-2011*



predict when the employee will return to work or the employee is unable to work for a period of time, how long should an agency wait before initiating an adverse action?

There is no definitive answer to that question. A review of the case law, where removals were sustained, shows that agencies have initiated action as soon as six months or as long as three years. Each agency must come to its own conclusion based upon the facts that they are confronted, and its mission needs. I would suggest that the longer an agency waits undermines an argument that the person's absence seriously hinders the organization's ability to achieve its mission, and six months to a year would satisfy the test of reasonableness.

A seminal case on this topic is *Cook v. Department of the Army*. This case set down the following criteria as a yardstick for determining whether action may be taken successfully:

- The employee is sporadically absent
- For a large amount of time (e.g., 30 percent or more)
- Over a substantial period of time (up to a year)
- For medically documented reasons (so that approval of leave is immaterial)
- Medical evidence indicates that there is no end in sight to the chronic, and sporadic absences, and
- The employee's skills and services are needed on a full-time basis.

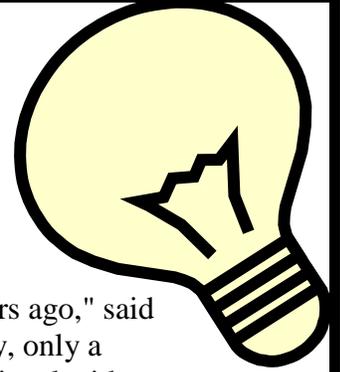
In my managerial and human resources classes I have frequently asked the participants to recall their high school physics, asking what is a property of electricity? The answer is that it will always take the path of least resistance. Supervisors and managers enjoy that same property whereas human behavior too will take the path of least resistance. A first-line supervisor can be the worst position in the federal service as they have an awesome responsibility to achieve organizational goals, and often saddled with a set of circumstances that distract them and/or their subordinates from that objective. Time and attendance issues are not necessarily easy, but supervisors need the assurance and reassurance to stop wondering whether they are making the right decisions, and to start to manage with confidence. Working with human resources and agency counsel can and will provide a road map to success.

**Defense Eyes Pass-Fail Job Evals.** A Defense Department working group on performance management has recommended that all civilian employees be rated on a pass-fail system and that supervisors provide constant feedback to employees about their performance.

But at least one expert says the group's report, called "New Beginnings," falls far short of what is necessary, and that the pass-fail system is a bad idea.

# *The Illuminator*

## *12-2011*



"The idea of pass-fail has been used a number of times, and was rejected years ago," said Howard Risher, a consultant on federal pay and performance issues. "Usually, only a small number of people ever fail. So you end up with no consequences associated with ratings."

Congress in 2009 ordered Defense to come up with a new "fair, credible and transparent" performance management system to replace the controversial National Security Personnel System (NSPS), which Congress directed be terminated. The new system's design team had 10 representatives from labor unions and 12 management representatives.

In its final report, which was obtained by Federal Times, the task force said a standardized two-tier rating system would be simpler and more consistent, would lead to less time spent on grievances, and would allow managers to concentrate less on the final rating and more on employees' year-round performance.

The department currently has no standard performance management system, and most of its ratings systems have four or five tiers.

But the report says nothing about how employees' performance goals should be set or how performance should be evaluated. Aside from the pass-fail rating system, the only specific recommendations for crafting a performance appraisal process are to begin employees' annual performance rating cycles each April 1 and to hold quarterly performance reviews.

The focus on constant feedback and quarterly reviews resembles similar draft recommendations issued in September by a government-wide working group of chief human capital officers, labor leaders and management representatives.

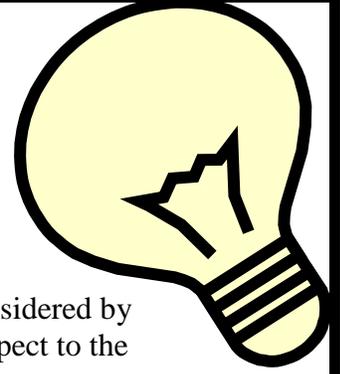
In the end, it will be up to the Pentagon to decide what form its new performance management system takes. Defense's Office of the Undersecretary for Personnel and Readiness is reviewing the recommendations and could change them.

In a Nov. 2 statement to Federal Times, Pat Tamburrino, deputy assistant undersecretary of Defense for civilian personnel policy, said the department's final report — expected to be done in the next few weeks — will be the culmination of more than 18 months of collaboration between labor and management.

He said Defense leaders and other stakeholders saw the working group's preliminary recommendations and offered suggestions that helped shape the group's final recommendations.

# *The Illuminator*

## *12-2011*



"The rating pattern is but one of numerous recommendations that will be considered by the department's senior leadership as they make their final decisions with respect to the working group's recommendations," Tamburrino said.

The group's recommendations seek to de-emphasize the usual end-of-year performance evaluations in favor of an ongoing cycle of constant feedback.

For example, the group said that an employee who does something extraordinary should be recognized as soon as possible, and the rewards process should be streamlined.

The design team said Defense should focus on non-monetary rewards, citing the tight budget environment and studies that found monetary rewards do not actually drive employees to work harder unless they are extremely large. The team said those rewards could include time off, a plaque or other token of appreciation, a public acknowledgement of an employee's achievement at a staff meeting, "or a simple 'thank you' for a job well done."

But the report said cash bonuses can be effective if they are awarded on the spot for an accomplishment, and not months later as is currently done. The report recommended eliminating ratings-based annual performance bonuses in favor of rewards distributed throughout the year.

Better ... or worse

Experts are divided on whether the proposed two-tier rating system will be an improvement over old systems — or whether it will even work.

Critics of the old NSPS said that it was subject to bias, allowed managers to reward their favorite employees, and did not accurately measure how well employees did their jobs.

Risher said that since the new report's performance appraisal recommendations are so vague, it's unclear how the new system would be any improvement over NSPS.

"This puts us back at square one," Risher said. "It could be even worse than [NSPS] pay pools. At least those had discussions with peer-level managers [in which front-line managers had to justify their decisions]. Here, that's not required, and it's up to [front-line] managers, apparently. It doesn't really say how to evaluate performance — that's what's missing there."

With a four- or five-tier rating system, Risher said, the department can justify giving promotions, raises and other rewards to employees who receive the highest ratings.

# *The Illuminator*

## *12-2011*



But if everyone is on a pass-fail system, and the vast majority of employees receive the same "pass" rating, Risher said it's difficult for a manager to explain why one employee merits a promotion, for example, and another doesn't.

John Palguta, vice president for policy at the Partnership for Public Service, said that even though pass-fail has largely fallen out of favor in the government, it could work if implemented properly. If it has a chance, Palguta said, Defense must heed the working group's call to change its culture so managers are constantly giving employees feedback.

"The advantage of a two-tier system is that you get away from the labeling, which folks focus on," Palguta said. "Everybody wants to be outstanding, and anything less is unsatisfactory [to them], so they pay more attention to the label than the feedback. A two-tier system absolutely could work, but it cannot be viewed [by managers] as, 'Well, this is making my job easier, I just have to check the box.' "

But Henry Romero, a former pay policy executive at the Office of Personnel Management, has his doubts. He said OPM has advised against pass-fail systems for more than a decade because they don't provide enough distinctions between levels of performance.

"It puts too much leeway in the hands of managers," Romero said. "There must be some way to say someone did real well, or barely made it. I'm not sure a two-tier system provides that. It puts all the pressure on subjective decision by managers, and I'm not sure how you determine who the best performers are if there are only two tiers."

And he said he doubts there's enough trust at Defense between labor and management to allow it to work.

"You've got to change the whole culture first," Romero said. "It could work in the right organizational climate, with the appropriate training, and in an organization that has a high trust level with employees believing managers are going to make the right decision. My instincts tell me DoD's not there yet."

The report does not recommend pay for performance. Federal employee unions have long been suspicious of pay-for-performance systems, and since the George W. Bush administration tried to impose NSPS over their objections, unions have taken a hard line against anything that slightly resembles pay for performance.

Risher said the task force focused on what he called "touchy-feely" issues. The report aims to change the department's culture so supervisors evaluate the performance of their staffs throughout the year and do not view performance evaluation as a once-a-year thing.

# *The Illuminator*

## *12-2011*



It stresses so-called "soft concepts" such as building trust; establishing credibility, transparency and equity in the processes; treating employees fairly; and increasing accountability.

"That's all good stuff ... but it's missing the how-to," Risher said. "There's no 'step one, step two' for seeing it actually occur."

The report also said managers need to tighten standards on who receives within-grade step increases, and make sure underperforming employees do not automatically receive such raises.

Federal Times in March reported that in recent years, less than 0.06 percent of General Schedule employees were denied step increases due to poor performance.

The task force said that 90 days before an employee becomes eligible for a step increase, his supervisor should be reminded to talk to him about his performance and document the conversation.

If the front-line supervisor doesn't do that within 30 days, the second-line supervisor will be notified and the front-line supervisor's failure will be noted on his quarterly assessment.

**MSPB Reports Progress for Whistleblowers, but More Can be Done.** There are laws in place to protect Federal whistleblowers from retaliatory personnel actions. However, according to a recent report issued by the U.S. Merit Systems Protection Board ("MSPB"), titled *Blowing the Whistle: Barriers to Federal Employees Making Disclosures* <http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=662503&version=664475&application=ACROBAT>>, a fear of retaliation may not be the biggest barrier to employees blowing the whistle. The report contains the results of a recent survey of Federal employees conducted by the MSPB.

The survey data indicate that the most important factor for employees when deciding whether to report wrongdoing is not the personal consequences for the employee. Saving lives was more important to survey respondents than whether they would experience punishment or a reward, and whether the agency would act on a report of wrongdoing mattered more than any fear of an unpleasant consequence for the employee making the report.

"This is an important finding," explains Chairman Susan Tsui Grundmann, "because it means that agencies have the power to make a difference. If an agency creates a culture where its employees believe that management wants to be told about wrongdoing and

# *The Illuminator*

## *12-2011*



will address issues raised by the employees, then the employees are more likely to report it.” The MSPB report notes that it is better for both the agency and the public if wrongdoing is addressed early, and the agency’s culture is a critical factor in achieving this.

MSPB based its survey questions, in part, on a survey that it conducted in 1992 and the report offers a look at the environment for Federal whistleblowers now and then. MSPB’s data indicate that since 1992, the percentage of employees who perceive any wrongdoing has decreased; and for those who perceive wrongdoing, the frequency with which they observe the wrongdoing has also decreased. However, among those individuals who indicated that they reported wrongdoing and were identified as the source of the report, perceptions of retaliation remained a serious problem with approximately one-third of such respondents in both 1992 and 2010 perceiving either threats or acts of reprisal, or both.

According to Chairman Grundmann, “this report shows that there has been progress in reducing fraud, waste, and abuse in the Government, but it also shows that more needs to be done to create a safe environment for employees to report wrongdoing. This includes making certain that employees receive training about how they can disclose wrongdoing and how they can exercise their rights if they perceive that they have experienced or been threatened with retaliation for making a protected disclosure.

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

**Having Employees Advance is a Win for All.** If you’re a manager, encourage your administrative employees to earn career-boosting credentials and avoid stagnating in their current jobs. The more skilled, independent and nimble your staff is, the higher your office productivity will be — and the better you will look.

In addition, you will likely improve morale and discourage employees from seeking jobs elsewhere.

To help your staff ascend, research appropriate career tracks for them. Many responsible federal jobs only require relevant experience, not necessarily college degrees. Appropriate fields for aspiring administrative employees without degrees include administrative officers, procurement, property management, equal opportunity, human resources, information technology and website development.

Research mentoring and training funds — available in-house or from private vendors and professional organizations — to help pay for relevant and degree-track courses. Potential training sources include the Federal Acquisition Institute, the Defense Acquisition

# *The Illuminator*

## *12-2011*



Institute, the Graduate School, defense and intelligence agencies, and leadership training sources catalogued on the Office of Personnel Management website.

Because of ongoing shortages of acquisitions officers, training or experience in acquisitions and contracting, including as a contracting officer's technical representative (COTR) or as an assistant COTR, are useful credentials.

Likewise, experience and certifications in project management are career-boosting credentials. And just about everyone can benefit from training in communications skills, social media, time management and congressional budget processes.

Speak directly to your administrative employees about their career prospects. Perhaps during performance evaluations, explain that feds must usually do more than just reliably fulfill their job descriptions to land promotions. Rather, they must go beyond the call of duty and exceed their job descriptions, without showing a sense of entitlement for promotions.

Discuss their interests and strengths. Remind them that the more intensive, specialized experience they gain, the more likely they will be to become the "go to" people for their specialties.

But by the same token, the broader an administrative professional's skill set is, the more likely he will be to stand out from the pack of one-trick ponies he may compete against. So, assure your employees you will try to offer them assignments and training that not only enhance their credentials in their specialties but also expand their skills and address their weaknesses.

Encourage staff to identify, design and volunteer to lead or co-lead needed projects and to identify training opportunities and detail assignments that would help them qualify for their target jobs. For example, advise your employees to identify committees on which they could serve to broaden their knowledge of your agency's management strategies and expose them to other feds — and help them grow their reputations.

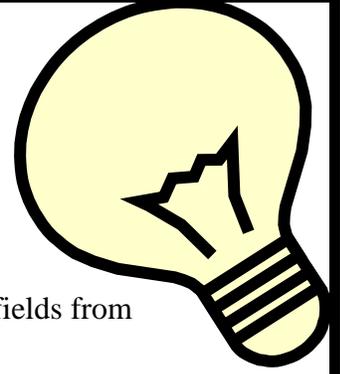
Also, emphasize the importance of learning about the substantive policy and management issues addressed by your agency.

More ways to help your staffers advance:

- Nominate them for awards, as warranted.
- Build promotion potential into new jobs.

# *The Illuminator*

## *12-2011*



- Suggest that employees earn advanced degrees or degrees in high-demand fields from vocational schools.
- Provide opportunities for administrative staff to train others and earn supervisory experience.

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

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

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

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

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

For additional information on the CES, please click on the link below, or contact your servicing HR Specialist.

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

**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.

# *The Illuminator*

12-2011



**Job Aids Available on the Web.** Lotus ScreenCams (how-to-movies) are available to assist DCPDS users with DCPDS, Army Regional Tools (ART), Oracle 11i and other automation tools. ScreenCam movies ART Logon, Ghostview, Gatekeeper, Inbox Default, Initiating an RPA, Logging On, Navigator, RPA Overview and RPA Routing are available on the web at: <http://www.chra.army.mil/>. Click on HR Toolkit and then click on the name of the movie to download or play it. Managers/supervisors and administrative personnel responsible for initiating RPAs are encouraged to review this site and check out these new tools. ART Users Guide has been updated and provides descriptions of and instructions for using tools available in ART, including such tools as Employee Data, Inbox Statistics (timeliness and status information about personnel actions), Organization Structure (information about positions in various organizational elements), and many more tools. It is intended for use by managers, resource management officials, administrative officers, and commanders as well as CPAC and CPOC staff members. There is both an on-line and downloadable Word version (suitable for printing).

In addition, to the ART Users Guide, there is a Defense Civilian Personnel Data System (DCPDS) Desk Guide which provides how-to information about tasks and functions that end users might need to perform in DCPDS, such as initiating a Request for Personnel Action (RPA) and creating a Gatekeeper Checklist. The ART Users Guide and the Desk Guide can be accessed from the CHRA web page at: <http://www.chra.army.mil/>, by clicking on HR Toolkit. In addition to these tools the Fort Benning CPAC staff is available to assist you in accessing DCPDS, ART; initiating RPAs; creating a Gatekeeper Checklist; forwarding and tracking RPAs; and, generating reports and printing a Notification of Personnel Action (i.e. SF 50). If you have any questions or need assistance, please contact your servicing HR specialist to arrange a time so we can come to your office to help you.

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