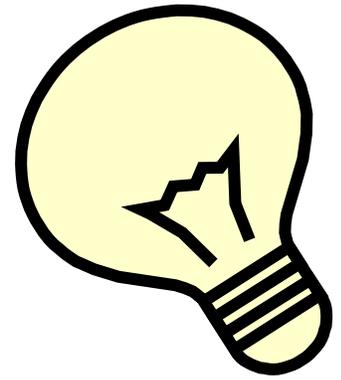


The

Illuminator

Shedding Light on the HR World

8-2008



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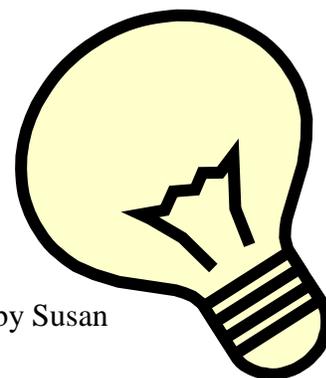
This publication is issued to ensure the Fort Benning commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Monthly issuances will contain updated information on specific employment topics (i.e., compensation, recruiting procedures, travel entitlements,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

This newsletter is an apercu of articles written by CPAC staff [members] as well as information excerpted from various sources which include, but are not limited to, the Government Executive Newsletter, FedWEEK, the Federal Manager's Daily Report, and the ABC-C Newsletter.

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“Last Chance” Agreement Means What it Says. This article was written by Susan Smith and posted in FEDSmith.

A mail handler fired by the Postal Service unsuccessfully tried to talk first the Merit Systems Protection Board, and now the Federal Circuit Court of Appeals into reversing the adverse action that was based on her violation of a last chance agreement. No dice, says the court. (*Fiori v. United States Postal Service*, C.A.F.C. No. 2008-3026 (nonprecedential), 6/4/08)

A few years ago, the agency proposed to remove Fiori for drinking alcohol while on duty. When the dust settled, the parties had signed a last chance agreement. For the uninitiated, the agreement in essence gave Fiori one last chance. The agency agreed to hold off on firing her. In turn, Fiori acknowledged the charges were true and removal was appropriate, but in return for getting this last chance, for two years she would submit to random drug and alcohol testing. If she tested positive, she agreed this would violate her agreement and she could be immediately removed. (Opinion pp. 1-2)

Sadly, a little over a year later, Fiori tested positive for alcohol. She was removed for violating the last chance agreement. She appealed to the Merit Systems Protection Board. The Administrative Judge found that the last chance agreement was valid, Fiori had violated it, and removal was appropriate under the circumstances. (p. 3)

Fiori tried to argue that the positive test results were not hers since the time stamped on them was about an hour before she actually took the test. However, the agency proved to the MSPB's satisfaction that the time clock on the machine had not been re-set for daylight savings time, that the technician had only administered one test that day, and that Fiori he had verified the results with Fiori and had her sign the results. (p. 4)

Fiori argued that removal was unreasonable given her length of service and her otherwise good work record. She got nowhere with the court, however. Its decision points out that "we cannot disturb the penalty chosen by the agency unless it is 'so "outrageously disproportionate" to the charged offense...as to constitute an abuse of discretion.'" (p. 5) Fiori also contended that she had signed the last chance agreement under duress, but the court would have no part of this argument, finding that there was no evidence supporting this whatsoever. (p. 5)

Before employees sign a last chance agreement it is imperative that they fully understand its significance and the consequences for violating its terms.

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Handling an Adverse Action Reply Meeting: A Systematic Approach for Deciding Officials.

This article is written by Bob Gilson. Mr. Gilson is a consultant with a specialty working with and training Federal agencies to resolve employee problems at all levels. Both before and since retiring, Mr. Gilson has negotiated on behalf of Federal clients.

This is the second in a three-part series examining the adverse action process for agency deciding officials. The first part of the series, *Deciding an Adverse Action: The Process and the Proposal*, was carried in the July *Illuminator*.

Let's start with a caution. *If you are a deciding official, check with your human resources and legal counsel on your agency policies and their effect on the process.*

Statute and regulation provide an employee who is the subject of a proposed adverse action a right to reply orally and in writing and to have that reply considered by the agency's designated deciding official before a decision is made on the matter. These meetings are likely to be stressful for all involved and merit careful and complete preparation. To help prepare, look at this [Adverse Action Reply Meeting Checklist](#).

Simply put, deciding officials must be convinced that the statutory and regulatory procedures involved are followed; that the charges specified in the proposal are proven; that the remedy (penalty) is appropriate for the offense and appropriate in the context of prior discipline, if any; that any action taken is "for such cause as promotes the efficiency of the service"; and that the action proposed is not taken for a discriminatory or otherwise prohibited reason.

So what are the "rules" that govern reply meetings? Meaning no disrespect, the principal chefs that author the cookbook are the Merit Systems Protection Board and the Federal Circuit Court of Appeals. Their guidance is cumulative and is issued case by case in their decisions. It is up to practitioners to take the sometimes stiff and always legally constructed language of a decision and make it useful to the agency managers who must apply it. While there are wrinkles applicable to certain specific situations, these are the main concerns in handling an employee's reply.

Prepare, Prepare, Prepare

The following are steps a deciding official should take to prepare him or herself to hear the reply:

Use the [Proposal Review Worksheet](#) from Part One of this Article (posted in the 7-2008 issue of the *Illuminator*) to become thoroughly familiar the proposed action.

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Read and review the evidence supporting the charges and specifications. This may include forms, documents, witness statements, diagrams, photographs and other things. Arrange for an appropriate space to hear the reply. You may use your office but may also consider a conference room where authority lines are less defined and where the employee involved may be less nervous or threatened. Your call.

Make sure the meeting space is private; reserved for the meeting with more time than you anticipate you will need; and that there will be no interruptions.

If the employee is in a duty status during the notice, arrange, if necessary, for access by the representative. If a coworker or union representative, that will not generally be necessary.

If the employee is in a non-duty status during the notice period, consider whether an escort is necessary for the employee and/or representative and that security is available, if needed.

Arrange for someone to be present with you at the meeting and to take notes. My advice is an experienced employee relations practitioner and/or agency counsel. *Under NO circumstances* should you meet alone with the person. to hear the reply. Discuss the role of each attendee you invite and make it clear they are not to speak without your OK. Be ready for a wide variety of behaviors. After all, the person is facing a loss in pay or losing their job and may be expected to be under substantial stress. I have seen people act argumentatively; to focus on the effect an action will have on them or their family; to deny even objective facts; to plead for "mercy"; and even to act so obviously rigidly self-controlled that they enunciate every syllable in every word as opposed to using conversational pronunciation.

Consider using the Adverse Action Reply Meeting Checklist to organize your preparation and structure the meeting so what needs to happen does happen.

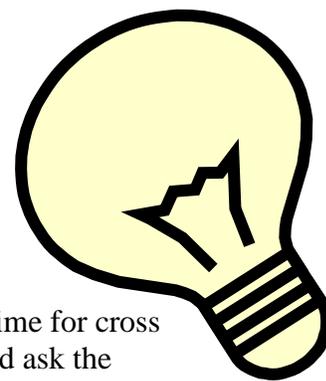
At the Meeting

Remember and tattoo it on your palm, in big letters if necessary, that this meeting is the employee's opportunity to reply. Early in my career, a mentor, now deceased, would remind me from time to time, "Bob, you're talking during your listening time." If you are acting as a deciding official, the reply meeting is your listening time.

The employee will likely be represented, usually by a lawyer or union representative. The representative may speak for the person; allow the person to make their own reply; or some combination of the two.

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If you have a question about something said, ask it. However this is not the time for cross examination. You may point out differences between versions of the facts and ask the employee if he or she wants to address the difference but be very careful not to defend the proposal or get drawn into an argument on the merits of the action.

When the employee appears done or says so, ask if there is anything else the person wants you to consider in making a decision.

Stay Tuned

Part Three of the series on making a decision will be out shortly. This article will be carried in the September Illuminator.

General advice on handling personnel problems may not be applicable to specific situations. Be sure to check with your servicing HR Specialist for guidance on your particular situation.

House Panel Solicits Suggestions on Increasing Diversity in the Federal Workplace.

Leadership involvement, candidate development and strong performance metrics are key to fostering organizational diversity, industry and government leaders recently told legislators at a House Homeland Security Committee roundtable discussion.

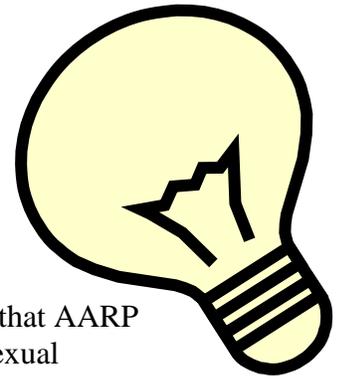
"This issue is vital to the safety and security of the nation," said Chairman Bennie Thompson, D-Miss. "New demographics underscore the need to practice inclusion and to make everyone in this society a stakeholder by ensuring everyone a seat at the table. The failure to practice inclusion leads to isolation and mistrust."

Thompson is one of several lawmakers who have called for greater attention to diversity in the federal workforce. In March, his committee released a [report](#) on the diversity of the Homeland Security Department. Legislation to increase the diversity of the Senior Executive Service sponsored by Rep. Danny K. Davis, D-Ill., and Sen. Daniel K. Akaka, D-Hawaii, is moving through the House and Senate respectively.

Ellie Hollander, chief people officer at AARP, said the organization has adopted a holistic strategy. That includes requiring diversity education for all employees, offering training programs for minority candidates interested in leadership positions, encouraging the growth of employee affinity groups and relying on data from a regularly administered employee satisfaction survey.

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"We look at diversity in the broadest possible sense," Hollander said, noting that AARP doesn't limit its analysis to race and ethnicity. "We look at age. We look at sexual orientation, disability, socioeconomic status, location and tenure."

The National Education Association runs similar leadership development programs for minority candidates and offers training on everything from message control to developing a vision and creating community partnerships.

Hollander said it was important to train managers as well as employees to make sure strong minority candidates were hired, mentored and promoted.

Roderick Gillum, vice president for corporate responsibility and diversity at General Motors Co., said the company involves its affinity groups in business decisions, looking to them for suggestions on community outreach for GM's minority dealer program and effective marketing to racial and ethnic minorities.

Those efforts are important, but they can be bolstered with strong data that can help illuminate an organization's successes and failures in promoting diversity, said Belva Martin, assistant director for strategic issues at the Government Accountability Office. GAO has undertaken a number of diversity efforts since performance data released in 2007 revealed significant discrepancies between Caucasian and African-American analysts.

"The bottom line is that GAO is in the midst of transforming itself," Martin said. "That we would have performance discrepancies between African-Americans and Caucasians and need to have facilitated discussions around diversity in 2008 shows that we have not arrived."

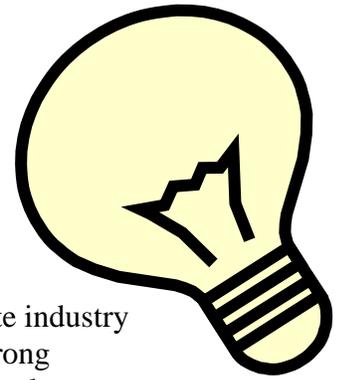
Rep. Sheila Jackson Lee, D-Texas, said it was time for the federal government to take a more aggressive approach to diversity and affirmative action.

"I would offer a suggestion that there needs to be a renewed spirit of affirmative action; we need an omnibus legislative action, frankly," Jackson Lee said. "Corporate leaders know we've been piecemealing legislation. That's how we've been able to do this concept of affirmative action....It's shocking, in our own backyard, in the federal government, we've got discrimination problems."

TSA's Attempts to Solve Workplace Problems Could Make Matters Worse. The Transportation Security Administration deserves credit for trying to create alternative methods for resolving employee concerns, but the Homeland Security Department's inspector general said in a critical recently [report](#) that those programs could be backfiring and contributing to morale problems.

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TSA has tried to reduce high employee turnover rates it inherited from private industry when it took over airport screening functions and has struggled to set up a strong performance management system. Unions have argued that TSA screeners need more time for training and more transparency in the evaluations process.

"By not successfully addressing such long-standing workplace issues, these proactive programs may provide false hope and have the unanticipated effects of heightening employee dissatisfaction and further undermining morale," Inspector General Richard Skinner wrote. "Given their frustration, employees may be distracted and less focused on their security and screening responsibilities. These factors could in turn adversely affect TSA's overall transportation security mission by increasing turnover and decreasing workforce stability."

TSA reacted sharply to the report, arguing that it misinterpreted the unique nature of the agency's dispute resolution programs.

"The [Office of Inspector General] report has failed to recognize the scale, depth and leading-edge quality of what TSA has undertaken: becoming a model that other agencies are benchmarking, providing multiple places and ways that individuals can raise and obtain assistance in resolving concerns, and making considerable progress in laying the foundation for the maturation of the system," TSA Administrator Kip Hawley wrote in an agency response to the IG's findings.

But employee groups said the report was a long-overdue wakeup call.

"This report, in its heartbreaking entirety, sums up the nightmare that has served to be the day-to-day workplace experience for most of TSA's federal airport screening inspector workforce," American Federation of Government Employees TSA Local 1 spokesman A.J. Castilla wrote in a message to other agency employees.

National Treasury Employees Union president Colleen Kelley said the report illustrated the need to grant transportation security officers collective bargaining rights. The report examined TSA's Office of the Ombudsman, the Integrated Conflict Management System and the National Advisory Council, which provides employee input on things like performance evaluations and the pay system, saying all three programs were implemented inconsistently, with limited employee awareness and access. The ombudsman and the Integrated Conflict Management System received particular criticism.

One-third of TSA employees surveyed said they were unaware of the ombudsman's role, and two-thirds said the ombudsman's office was ineffective in communicating information about its functions. The ombudsman is supposed to provide a confidential

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forum for employee complaints and be available to employees during regular visits to airports.

Of employees who had sought the ombudsman's help in resolving a dispute, two-thirds said they were dissatisfied with the service they received and the ultimate outcome. More than half said they would recommend that their colleagues go elsewhere for help.

The report said employees were discouraged from turning to the ombudsman in the first place.

"At every airport we visited, and also within TSA headquarters, management regularly stressed that an employee's chain of command was the preferred first option for pursuing resolution of a workplace problem, issue or concern," the report said. "Employees we interviewed said that managers discouraged them from consulting the ombudsman during airport site visits. Other employees believed local management was aware of employee communications with visitors and feared repercussions if they contacted the ombudsman with their concerns."

The IG also noted that the chain of command hampered the ombudsman's ability to perform. Rather than reporting to the agency head, the ombudsman reports to the Office of Special Counselor, which ended site visits in July 2007 rather than letting the ombudsman continue to the end of the year.

Hawley said it was appropriate for the ombudsman to report to the special counselor because the ombudsman was supposed to resolve disputes informally, rather than handle formal grievances.

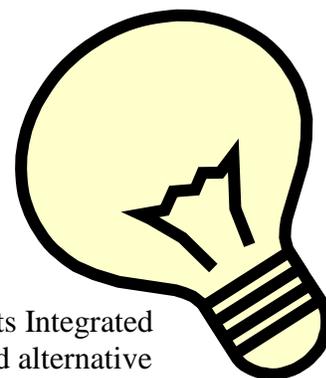
"That very informality is a strength that the ombudsman uses effectively and is not diminished by its location in the TSA structure," Hawley wrote. "TSA uses an organizational ombudsman model, which is consistent with how other federal ombudsman offices operate, and evidence was not set forth in the OIG report to convince TSA that a different ombudsman model would be more effective."

The report had suggested that if the ombudsman answered to Hawley directly, the special counselor would not be able to interfere with site visits, and the administrator would be more accountable to the ombudsman's concerns.

In addition, the inspector general found that the ombudsman often had not filed reports after site visits, and since late 2006, has stored the data it did have in a database that cannot perform trend analysis.

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The report also said TSA had failed to fully commit to and consistently use its Integrated Conflict Management System, which includes conflict resolution training and alternative dispute resolution.

For example, the IG said, airports did not always establish formal charters for employee advisory councils, which are supposed to represent transportation security officers, who do not have collective bargaining rights, or provide conflict coaches at field locations. More than one-fifth of employees surveyed said they had not received required conflict management training, and only 52 percent of airports were using concern forms to track employees' complaints.

The TSA response said the agency had announced that the Integrated Conflict Management System was mandatory in 2007 and would issue a management directive for the program by the end of 2008, drawing on earlier experiences to set performance expectations.

"While the directive will and the standards do articulate roles, responsibilities, principles and safeguards, they place accountability squarely with local management and within existing operations management and accountability systems" rather than with a national body, Hawley said. "IMCS standards are being integrated into job competencies, performance plans, training, hiring, rewards and recognition, and existing systems of accountability -- performance metrics, performance management and site assessments."

While TSA concurred with some of the IG's recommendations, it saw the issue of workforce morale in a starkly different light. Hawley criticized the report for focusing on airports identified as troubled by members of Congress, media reports or the Office of the Ombudsman. Such airports were not representative of TSA's overall performance, he said. The inspector general said those airports were chosen because researchers expected to find improved conditions at facilities where problems had been identified earlier.

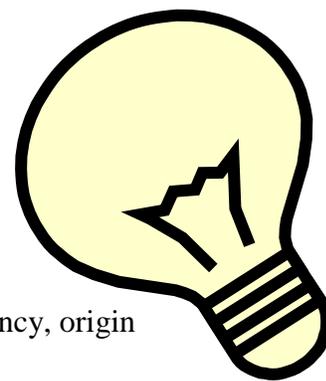
But AFGE's Castilla said the report only affirmed the facts on the ground. "Several thousand TSA officers who submitted their prior complaints versus their TSA employer...cannot all be lying," he wrote.

Effective Whine Management: A Critical Skill for Federal Managers and Supervisors. This article, written Bob Gilson, was posted in FEDSmith.

Anyone who reads this column and the comments thereto knows that the art of whinemaking is alive and well in the Federal service. Having spent an inside the Feds career and an outside but advising/training post career helping managers resolve

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employee problems, I stopped being surprised long ago by the nature, frequency, origin and initiators of the various whines served up to supervisors.

Like the grape, there are a great variety of whine types, vintage whines, and whineries but few really fine whines. Also, like the grape, whines are cultivated everywhere and advanced by their purveyors as the best in existence.

Is He Kidding?

By now you are asking, "Is this a serious article?" The answer: you bet. Ask any supervisor or manager what are the top 5 most difficult tasks they face in their jobs and most will place listening to and resolving employee complaints at or near the top of their short list. I get asked about it in class all the time. As a result, I've developed a suggested range of approaches managers may employ when faced with whinemakers.

Whinemaking is not a Specific Symptom but a Generalized Condition

Before we get to the list of to dos, there are some matters that must be understood. First, people with whines to sell aren't always people with problem conduct or behavior. Some very productive people whine all the time. Also important to recognize is that some employees who have or create big problems for management never whine at all. As a result, I've come to believe that whinemaking is nurture not nature. There are some with a great justification to whine but never do so and others (reaching virtual constancy in their whines) who, based on their attitude or performance, ought to be thankful for any employment, doing anything at any pay for any organization and just shut up.

Getting It vs. Not Getting It

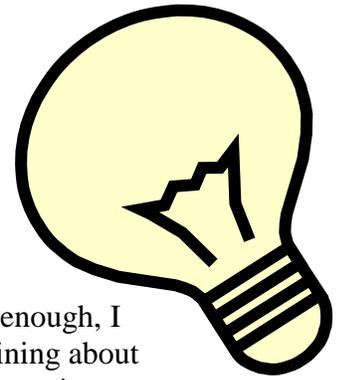
Getting it is an Agency, organization, or work unit specific thing. Getting it is often the opposite of whinemaking. Explaining things to someone who gets it is redundant. On some issues, the Borg win and "resistance is futile." On others, a well considered word or two may prevail while an endless diatribe does little. Picking your issues is, of course, an art not a science but can be practiced to competence. If you spend time with a group of people, it can become obvious pretty quickly who gets it and who doesn't. I believe that a failure to set clear expectations for both performance and conduct contributes mightily to whether a group or the individuals who make one up get it or not. More about this later.

The Bliss of Being a Coworker and Not a Supervisor

Unlike supervisors or managers, employees have great freedom to address the whinemakers with whom they work. I remember clearly a coworker of mine, a usually very quietly competent person, who at a staff meeting had clearly had enough.

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Addressing the whinemaker (thankfully not me at the time) said, "Enough is enough, I don't know about everyone else but I've had it with your carping and complaining about everything. I believe you come to work to complain because no one will listen to it at home anymore." This lady said so few extraneous things that the whinemaker actually stopped (for about a week). I remember another frazzled coworker who, having heard enough from the same whinemaker in a meeting with another organization told the visitors "Don't pay attention to him, we don't".

Supervisors and managers must exercise more discretion than this. In this era, little tolerance exists in higher echelons for supervisors whose frankness exceeds certain organizational behavioral norms. That's a nicer way to say what I mean, get it?

So What's to Do?

Supervisors and managers have, or more importantly believe they have, the duty to listen to the "concerns" of each employee and seek to resolve each and every one. That's silly of course, but very, very widely believed. One cannot compete successfully with such an article of faith, so my response is "OK, what are we going to do about it?"

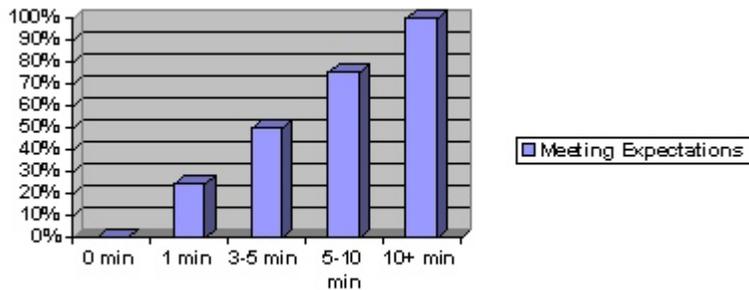
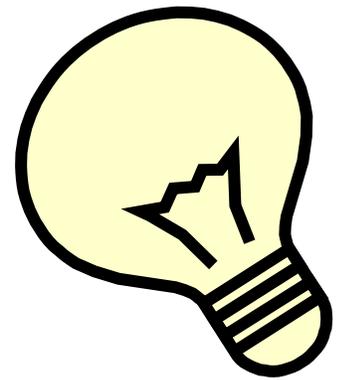
When the Best People Whine

The approach, like all good principles of management, should be situational not fixed. What a manager does should be guided by a rule that's relevant to the person and the environment. A beginning rule of thumb is reflected by the chart below. The attention we give to whinemade should be in direct proportion to the value of the whinemaker. I'm not suggesting encouragement of whinemade but recognizing the absolute reality that those who are the most productive, not the least, are worth a fair amount of listening time, usually without much comment.

Frequently whinemade of this productivity don't really want anything but an ear. Give it to them. Be careful it doesn't become a daily or even, perhaps, weekly thing but hear them out, thank them for coming and then get them back to work. As you go down the productivity ladder, a very different approach is warranted.

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Low Producing Whinemakers

Patience and forbearance with marginal producers is not a virtue. One of my clients, a Naval Activity, had an interesting slogan on the wall in its entrance hall. "We're not interested in lengthy reasons why a necessary thing cannot be done". The IBM commercial says it all. "STOP TALKING, START DOING!"

Your Obligation to the Lower Producing Whinemaker

When faced with a whinemaker on the declining scale of the chart, here are some approaches to consider.

Listen long enough to get the issue. Either address it then if you have sufficient information to respond or thank them, send them back to work and take whatever time necessary to formulate an appropriate response but don't get caught up in a lengthy complaining session.

Treat people with respect and dignity, of course, but don't let a subordinate drive your agenda unless their idea is better than yours. A rare circumstance among the low work but high whine producing staffer.

If an answer is warranted, find it out and give it to them. Even whinemakers may have a legitimate issue. Screen for that and react appropriately.

Refer issues not your own. If the whine is about something outside your control e.g., an HR, travel, pay, benefit or other institutional rule or issue, offer after due consideration to take the matter up with the appropriate office if the whine appears worthy. If they got an answer and either didn't like it, didn't agree with it or have other complaints, direct them to the appropriate appeal system. There always is one. But whatever you do, be very careful of involving yourself in another office's area of expertise without substantial cause.

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Be wary of those seeking "justice." Also a possible quagmire is an employee's quixotic pursuit of what they believe they deserve. Stand behind someone who has a legitimate issue but use care in assuming the merit of a longstanding (vintage) whine.

Never, Never Whine to Your Staff! If you have an issue with your supervision, take it there. Supervisors and managers who complain to their staffs about their problems are inviting everyone under their supervision to become a whinemaker and not to them but to the next level of supervision. Once, like Pandora, that box gets opened, it is most difficult, if even possible to get shut again.

Take control of the discussion and focus on performance expectations, if that's the issue, or conduct, if that's what's driving the conversation.

Drive the discussion into very specific outcomes. Most meetings with skilled whinemakers are about the practice of whinemaking not organizational results. My first articles with FedSmith were about the "best tool in the toolbox." Use the discussion to start work on addressing the problems of the low producer.

Refocus people on work whenever possible. Keep a list of your concerns about an individual's work and what they can do to improve it when they come knocking on your door.

Never take anything personally. Whinemaking is about them not you. Act only on a business basis. Taking notes when dealing with a seasoned whinemaker is a good idea. The best way to work the process is "Here's what I heard, here's what I did about it". None of this is fun. All of it is work and why you get those big bucks for supervision (Don't we wish?). It's about having goals, consistently and effectively communicating them and working through getting them accomplished.

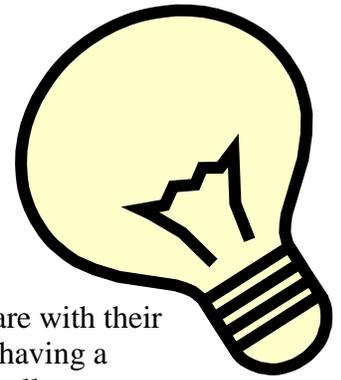
Imagine a Vision and Make it Real.

When Steve Jobs and Steve Wozniak created their first Apple computers, they imagined that there would be an Apple computer in every home. That was an audacious picture of a future vision! Their mission, thereafter, was to make that vision a reality. Bill Gates envisioned Microsoft dominating the world market. Microsoft continues to make that vision real.

A compelling vision is a powerful focal point to inspire efforts within an organization. A vision depicts a desired future for the organization. It becomes the super goal toward which the organization works as it carries out its mission. It is about what one wants *to become*, a lofty destination.

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Successful leaders have a picture of a desired future – a vision – that they share with their employees. They use it to engage and to add meaning to daily work. While having a vision can be a powerful tool to inspire extraordinary effort, it can also be a hollow statement if it is not shared with employees and, especially, if not acted on.

Make It Real

The balance of this article describes how to convert a vision to tangible actions for the organization's personnel that becomes meaningful for the organization.

Imagine a customer reading the following vision tagline from a Website: "to be the first called when a business needs help." The first thing that may come to the customer's mind might be that this company (*First Call*) is a capable one, has good people, and knows much about their areas. They must have breadth of knowledge and experiences, they must be smart and intelligent, and they are a confident firm. Being *the first called* also suggests that they may be a leader in their field with best practice capabilities.

What might the customer expect in a visit to *First Call*? The expectation might be that the personnel will be friendly, confident, informative, and responsive. The activity in the office will exude energy and imply a successful, quality oriented, customer centric business. The impression might be that this business has well defined processes, clear methods, and customer tested approaches.

What might the customer expect of *First Call's* products and services? One might not be surprised to find that they are the best of class and of fair value. What about the governance and structure of such a stellar organization? There would be little doubt a visitor might expect the structure to support performance excellence, that there is recognition and rewards for a job well done.

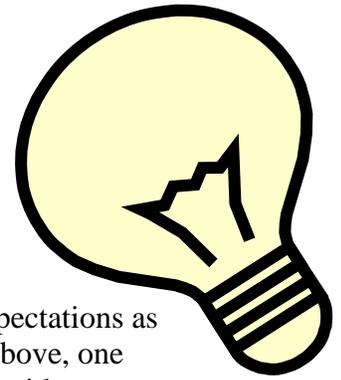
Steps to Translate the Vision

The questions inherent in the above example are presented here together with commentary on this unique approach to make a vision real for everyone in an organization.

Impression? Before ever setting foot into *First Call's* offices, one develops impressions about the organization by what it presents in written or visual form. Imagine oneself as the customer and see what impression derives from the same vision. Depending on one's point of view, the impression will differ. Nevertheless, this impression sets the stage for what else to expect.

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Expectations? With the impression formed, good or bad, one will set up expectations as to what will be found when visiting the business. In our customer example above, one might expect to sense energy in the firm. People would seem to move about with purpose. This *First Call* company better meet those high expectations or the customer will wonder about the credibility and product/service offerings from *First Call*.

Processes and Procedures? The logical train of thought after 'high expectations' will be that the way things are done at *First Call* are undoubtedly efficient and effective. This includes the communications between the customer and the company. Are the contacts reflective of a 'first to be called' firm? The customer will expect exemplary interactions with the personnel of *First Call*.

Products and Services? By the time the customer in our example comes face to face with the products and services, the best is now expected. One would expect seeing framed letters of commendation and recognition for their customer service focus.

Implications When Raising Customer Expectations

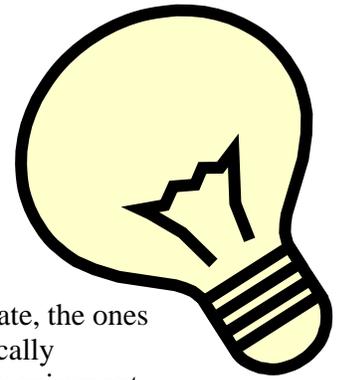
If one has a public vision statement and is unaware what the customer "sees" in their mind, then there will be a disconnect between what the customer expects and what *First Call* delivers. In order to be fully competitive in the marketplace, what is said and what is done needs to be coherent and fully aligned.

Processes may need to be improved or changed. Products and services may need to be enhanced, changed, or repackaged in order to meet expectations. Everyone at *First Call* needs to know what the customer expects. When one compares what the customer expects and what is currently being provided, will there be gaps in delivering on the expectations? Note that this exercise provides a way to consider what might be perceived as the ideal against what is the current state. This process touches on every aspect of an organization and every member of the business. Such comparisons will help identify key gaps in product/service delivery at all stages of the creation process. What is needed to close gaps between the desired state and the current one? In order to make a vision real, it requires the participation and input from most, if not all, members of the company. When this is done, every member of the company will fully appreciate the power of the vision made real. More important, each member will know better their contribution to the success of the organization.

Greater Consistency in Clearances Sought. President Bush has issued an executive order that seeks to address one of the long-standing bottlenecks in the clearance process, the lack of common standards and reciprocity among agencies regarding who is eligible to have access to certain classified information or physical locations. The order said background investigations and clearance adjudications should use consistent standards to "the extent

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possible" and that each successively higher level should build on, but not duplicate, the ones below it. Investigations and adjudications further "shall be mutually and reciprocally accepted by all agencies" and an agency generally may not establish additional requirements. The exceptions would be when stricter requirements are mandated by law or when they are necessary to address significant needs unique to the agency involved or to protect national security.

Earning and Using Sick Leave. This article is written by Reginald Jones. Any references to "I" pertain to him as an author.

Every full-time federal employee earns the same amount of sick leave – four hours every two weeks, 104 hours per year. Part-time employees earn proportionately less. Unlike annual leave, sick leave can be accumulated without limit.

Originally, sick leave could only be used when you were sick or had medical appointments, but over time the circumstances under which it can be used have expanded. For example, you may use it for general family care or bereavement, or for the adoption of a child. And your agency, at its discretion, can advance you up to 30 days of sick leave for those purposes.

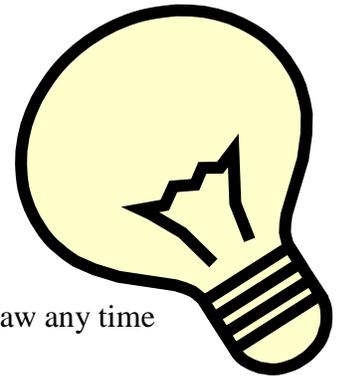
Just as with annual leave, the use of sick leave must be approved by your supervisor. However, unlike annual leave, sick leave is often approved after the fact rather than scheduled in advance -- for example, when you call in sick from home or a family member calls in to say you had an accident. For sick leave that runs three days or more, your supervisor can require that you bring in proof of your illness, most commonly a note from your doctor. Misuse of sick leave can lead to disciplinary action or even separation from the service.

While most employees use up a fair amount of their sick leave, there are a few hardy souls who end a career with thousands of hours in the bank. If you are a CSRS-covered employee, there's a real financial incentive in doing that. At retirement, those hours will be added to your actual years of service, resulting in a larger annuity. For example, if you retired with a whole year's worth of sick leave (2,087 hours), your annuity would be increased by roughly 2 percent, with each additional month being worth about one-sixth percent.

If you are a FERS employee, you don't have that incentive to save sick leave. By law, your unused sick leave can't be used to increase your annuity. While there have been some discussions on the Hill about changing that, only one bill has been introduced to accomplish it--HR-5537, which would provide payment for a portion of unused sick leave above a specific limit. That bill was referred early this year to the House subcommittee on the federal workforce, where it has sat ever since. Since no companion

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bill has been introduced in the Senate, hopes aren't high for its passage into law any time in the near future.

The fact that FERS employees won't get any credit for unused sick leave doesn't mean that you are free to burn it off when you approach retirement. The law is still the law. Sick leave may only be used for legitimate reasons.

Eyeing Non-Deductible IRAs. Money you contribute to an IRA but can not deduct forms a non-deductible IRA. You still get the benefit of tax-deferred buildup but you won't get an immediate tax saving.

On the one hand, tax deferral is always welcome. On the other hand, funding a non-deductible IRA may be a hassle because of the record-keeping burden.

Part of each withdrawal from a non-deductible IRA is tax-free. However, you must keep track for many years to show what portion of your IRA withdrawals are taxable and what portion is tax-free.

To keep track, you report non-deductible IRA contributions each year on Form 8606, which you file with your tax return. You must hold onto these forms indefinitely because you'll need them when you take money out. If you contribute to a non-Roth, non-deductible IRA, keep deductible and non-deductible IRAs in separate accounts, to help keep your records straight.

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

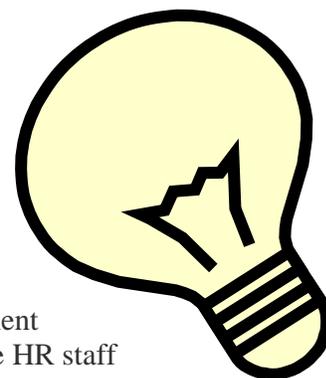
Unexpected Exposure. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) provides that traditional IRAs and Roth IRAs are protected from creditors, to a considerable extent. In non-bankruptcy situations, many states extend some creditor protection to IRAs. Therefore, you might assume than an inherited IRA would be protected, too.

However, that may not be true. The issue has been tried in bankruptcy court six times in six different jurisdictions, within the past nine years, and each bankruptcy court ruled that an inherited IRA does not enjoy creditor protection. In general, the courts said that an inherited IRA is not a retirement account, so creditor protection is lost.

These courts indicated that an IRA inherited by a spouse would enjoy protection. If you intend to leave your IRA to a nonspouse and creditor protection is a concern, you can leave your IRA to an irrevocable trust, naming the nonspouse as trust beneficiary. The trust should give the trustee discretion over distributions and it should have "spendthrift" language to thwart creditors of the beneficiary.

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On The House. If you're a single taxpayer, you can exclude up to \$250,000 worth of capital gains on a sale of your home. Suppose Jack Wilson bought a house years ago for \$50,000. He sells it this year for \$200,000. He has a \$150,000 gain (\$200,000 minus his \$50,000 basis), which is covered by his \$250,000 exclusion, so he owes no tax.

Married couples filing a joint tax return can get a \$500,000 tax exemption. If Larry and Mary Johnson bought a house for \$100,000 years ago and sell it for \$650,000 in 2008, their gain is \$550,000. Of that \$550,000, \$500,000 is tax-free because of the exclusion while the excess \$50,000 is taxed as a long-term capital gain, at a 15 percent rate.

In order to qualify for these exclusions you must have owned the home and used it as your principal residence for at least two of the five years prior to the date of sale. You can't defer the taxable gain on a home sale, as you could under prior law. If you sell a house for a profit, your only tax shelters are the \$250,000 and \$500,000 exclusions

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Rights And Rungs. For retirement income, consider a ladder bond portfolio. Such a ladder would contain individual bonds that mature at specific future dates, generating the amount of income that will be needed then. The bonds in your ladder should increase in size so that you will receive more money as they mature, allowing your spending to keep up with inflation.

Unlike bond funds, individual bonds have no expenses, which helps boost your returns. However, individual bonds typically go six months between interest payments. Therefore, you might want to hold bonds from different issuers so that you receive interest payments each month.

* You can use the bond interest for spending, if necessary.

* Alternatively, you can rely upon bond redemptions, at maturity, for spending money. If so, the bond interest can go into stock funds, for long-term growth.

As your bonds mature, your ladder will be missing a rung. If your ladder then has no bonds longer than nine years, for example, you might sell some stocks to provide enough cash to buy a 10-year bond, restoring your ladder.

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Loan Arrangers. If you're planning on building a home, consider taking out a "construction-to-permanent" loan. These arrangements start out as construction loans and automatically convert to permanent mortgages when the house is completed.

Because buyers generally can obtain such financing cheaper than builders can, your house might be built for less money. Moreover, if only one closing is involved, there will be only one set of settlement costs.

The catch? Once the process has begun, it's irreversible. With conventional mortgage financing, if you suffer a financial setback (or just change your mind), you can back out of the deal and lose no more than the deposit you gave the builder.

On the other hand, with a construction-to-permanent loan you're committed to finish the transaction. Therefore, you should be positive you want the house and you should be sure the builder will live up to his promises. Ask your builder for references and check them out thoroughly.

At DoD, Retired Officers Gaining Edge in Hiring. The Defense Department is increasingly turning to retired military officers to fill its top civilian ranks. And some experts worry that career civil servants without military experience are falling behind.

Retired service members are often viewed as more qualified than career civilians because the military provides them more education, training and leadership opportunities, experts say.

“No doubt there are some very fine retired military doing a great job,” said Carol Bonosaro, president of the Senior Executives Association. “But they certainly have a leg up. In the military, as you move up through the ranks, it’s pretty clear what you do to be successful. That’s not been clear on the civilian side, nor has it been fair.”

The Pentagon wants to try to level that playing field. It is preparing new programs to improve its civilian employees’ training opportunities and to increase their experience in other parts of the government as part of an effort to make career civil servants more competitive.

“We have not been as aggressive in making sure our civilians have access to the same kind of education, the same kind of training, the same kind of competency development as the military members,” Patricia Bradshaw, deputy undersecretary of Defense for

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civilian personnel policy, said in a July 14 interview. “We’re all about hiring veterans. I think the challenge for us is balancing that and ensuring that [career civil servants] are trained and educated and able to compete with their military colleagues”. The Pentagon’s main new program – the Defense Senior Leader Development Program – will debut in February. It is expected to help hone the leadership skills of hundreds of Defense employees at GS-14 and Gs-15 and at the new National Security Personnel System’s corresponding Pay Band 3. The Pentagon is reviewing applications to the program, and has not yet decided how many people will be able to participate.

And Bradshaw’s office continues to work on establishing joint-duty rules that will eventually require anyone who hopes to join the Senior Executive Service to have experience working with other government agencies, though this may not be fully implemented for several years.

These improvements will be vital to helping set a career path for career civil servants and keeping them from becoming an underclass in the Defense Department, SEA’s Bonosaro said.

The number of retired service members pursuing civilian jobs in Defense picked up after 2003, when former Defense Secretary Donald Rumsfeld waived a rule that forced retirees to wait six months before they could take a civilian DoD job. Retirees also found the department a more attractive employer after a 1999 law ended the so-called dual-compensation penalty at Defense. Repeal of the penalty allowed retirees who come back to work for Defense to draw both their full annuities and salaries; previously their salaries were docked.

Retired military at Defense’s GS-14, -15 and senior executive levels ranged from 12 percent to 16 percent in 2003. Now they range from 20 percent to 26 percent.

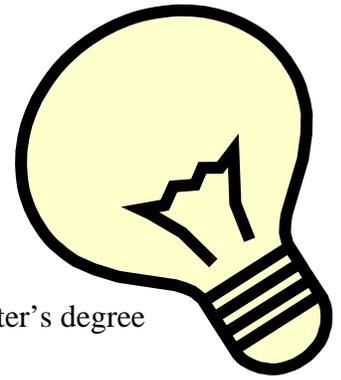
And retired military are becoming increasingly likely to become promoted to SES. In 2003, 16 percent of SES promotions went to retired military; by 2007, retired military promotions reached 19 percent.

One of Defense’s senior executives, who asked not to be identified, said career civil servants are going to have to improve their education and skills if they hope to compete with retired service members. Many retired military officers have commanded dozens or hundreds of people since their early 20s, he said, and have a wealth of management experience career civil servants usually lack.

“I’ve hired a lot of people, and typically the military guys are better educated,” the executive said. “You have [retired] lieutenant colonels who have PhDs, and have spent

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20 years in the military doing their jobs. Then you have a GS-15 with a master's degree and who doesn't have as much experience. Who do you pick?"

The two-year leadership development program Bradshaw has planned is the right idea, the executive said.

Program participants will spend 10 months of the program honing their national security knowledge and leadership skills at a military school such as the National Defense University [NDU]. They will spend their second year working through a development plan crafted just for them that aims to plug gaps in their expertise, Bradshaw said. They'll finish the program with a master's degree in their field of study.

"If you go through this, you will get the competencies that will be required and be far more competitive for SES positions," Bradshaw said. "It's not the only way you can get these competencies, but this is intended to be the department's premier program."

But merely finishing the program does not guarantee entry into the SES, Bradshaw said. The program will replace the old Defense Leadership and Management Program, which Bradshaw said was self-paced and often took five years or longer to complete.

That's a good move, the executive said.

"DLAMP was terrible," he said. "It was too long, it wasn't focused enough. [Schools like NDU's National War College] do a great job teaching leadership and strategic vision."

And the joint duty requirements now being developed will also help create better senior executives, the executive said.

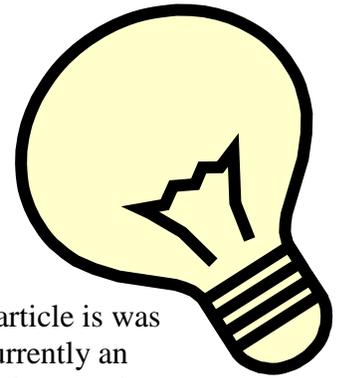
"An SES should be sort of a pentathlete — good at a lot of different things," he said. "The best way to develop those skills is to have a history of diverse jobs. As we look to the future and the kind of challenges we'll face, they're going to be more complex and require more interagency cooperation. We want people to have that background."

Bradshaw said that while the Pentagon is trying to improve training opportunities and is watching how the demographics of its top civilian ranks are changing, it doesn't think the shift has become a problem yet.

"We're not concerned at this point, but we are tracking it to decide when we need to be concerned," Bradshaw said. "We need to be attentive to the issue."

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What I Have Learned About Supervision (Mostly the Hard Way). This article is was written by Steve Oppermann and posted in FEDSmith. Mr. Oppermann is currently an HR & EEO consultant/trainer with GRA. He served as Regional Director of Personnel for GSA and advised and represented management in six agencies during his federal career. Any references to “T” pertain to Mr. Oppermann as an author. Permission was sought and granted to use it in its entirety.

In this article (number five in my series of six articles about supervision and supervisors), I will list the final 10 (of 20) attributes, behaviors, and characteristics that I think a good supervisor should consistently demonstrate.

11. Involves employees in the development of their performance plans (meaning critical elements and performance standards). The law (Title 5, Chapter 43), its implementing regulations (5 CFR Part 430), Office of Personnel Management (OPM) guidance, and many agency regulations call for meaningful employee involvement in developing performance plans.

However, I have talked to employees in a wide variety of agencies who indicated that they were not involved at all in the development of their critical elements and performance standards, or that their involvement was minimal. One of the things that I learned as a supervisor was that the employee who was doing a particular job almost always knew (far) more about that job than I did, so it was in my best interest to solicit employee participation in developing performance plans. Surveys done by the Corporate Leadership Council (CLC) have consistently indicated that the number one reason employees don't do what supervisors want them to do is that they don't understand what is expected of them.

12. Keeps employees apprised of how they are doing. This is easy when employees are doing well, not so much when they are not. But survey after survey, such as those conducted by the CLC, show that employees would rather get bad news on performance from their supervisor than no performance feedback at all. Employees often complain that they don't get enough performance feedback of any kind from supervisors, which I think is mainly a workload and priority-setting issue. However, when it comes to employees whose performance is less than fully successful, supervisors (including yours truly) sometimes find reasons to avoid conducting the necessary counseling sessions, which are sometimes tough and emotional, because they dislike confrontation. However, I can truthfully report that I never solved one performance problem by ignoring it.

13. Maintains discipline in the workplace. This is an area that requires clarity, consistency and vigilance. It is really important for supervisors to convey the rules to employees, i.e., individually (and/or via new employee orientation group sessions) when

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they first come on board and then via occasional reminders to the unit. If you counsel an employee for being tardy, you can reasonably anticipate that he/she will point out to you that other employees (by name) have been tardy as well. Tardiness may not be an issue (i.e., where an employee is on a flexible schedule that can be adjusted on a daily basis), but breaks and lunch hours can become "loose" over time, so periodic reminders can be useful. If you allow an employee to engage in misconduct, it is highly likely that other employees will notice, and some of them may engage in similar behavior, figuring that either it isn't important to you or that you're not paying attention.

14. Models honesty and integrity. If your employees don't think you are honest, or question your integrity, building trust will be virtually impossible. Walt Dabney, former Chief Ranger of the National Park Service, whom I cited in the previous article, used to say, "First figure out what's right, then do it." I can't improve on that advice. I will only augment it to the extent of encouraging supervisors to apply common sense and their own "gut instinct" in dealing with workplace issues.

15. Demonstrates leadership skills in motivating a group of people toward a common goal. It is possible to have very talented employees who are not particularly productive as a work unit. It often takes leadership skills to get everyone one pulling in the same direction – in other words, to build a strong and effective team in which everyone feels vested in the success of the unit. I think the process of building and maintaining teamwork also includes regularly soliciting input from employees about how the work could be done better and faster, how customer service could be improved, etc. I would add "vision" here, and the ability and willingness to share that vision with employees. I also believe that if you are trying to build a team concept, involving employees in drafting policies that may affect them is helpful. I specifically failed to do that in developing a "dress code" for my office in one agency and (barely) lived to regret it.

16. Remembers to say thanks. Most employees know that not everything they do warrants a cash or honorary award, but virtually everyone, in my experience, has been appreciative when the supervisor says thanks for a job well done. Saying thanks works best when it is accompanied by specifics and is close in time to the completion of the assignment. It costs nothing but a little time and effort and often pays huge dividends.

17. Recognizes when she/he needs help and seeks it out. I always advise supervisors to talk to Human Resources (HR) at the first sign of a performance or conduct problem. Likewise, if a supervisor receives an allegation of discrimination, such as sexual harassment, or witnesses behavior which could constitute illegal discrimination, she/he would be well advised to contact the Equal Employment Opportunity (EEO) office immediately, and to talk with HR as well. I think it always makes sense to keep your own immediate supervisor informed when you're dealing with any of these situations, and to

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recognize when your agency's Employee Assistance Program (EAP) could be of assistance. For example, you could bounce ideas for dealing with a problem employee off an EAP counselor; such conversations are confidential and you would be talking with someone who has professional credentials but is not part of the agency. I can remember benefiting greatly from getting stress management counseling from the EAP when I felt overwhelmed as a supervisor, and using an EAP counselor to help improve the working relationship between a supervisor and an employee who could not seem to see eye to eye.

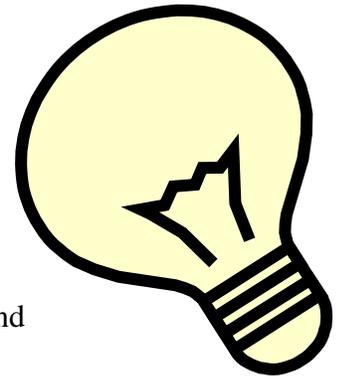
18. Is available when employees need them. As a supervisor, you are responsible for getting work done through others. When one of those "others" expresses a need to see you, I would encourage you to make yourself available at the earliest possible moment. When you do schedule such a meeting, be sure that you can concentrate completely on the discussion with your employee. For example, if you periodically "sneak" a look at your watch or take phone calls during the meeting, chances are very good that your employee will jump to the conclusion that either he/she or the issue presented is not important to you and/or that you feel you have more pressing matters to address.

19. Gets out of the office and talks to employees on a regular basis. Sometimes supervisors are so results-focused that they are reluctant to engage employees in conversation because the employee is likely to talk about non-work-related issues such as family, sports, news of the day, etc. I was pretty much like that – I always enjoyed talking with employees, but I was also thinking about what work I wasn't getting done while I was "socializing." Getting to know your employees as people will involve an investment of your time, but I found - when I did finally start getting out - that my investment was returned many times over by the credibility I gained with employees and the insights that I picked up, such as how work processes could be improved or when something was wrong, such as an employee who was annoying the rest of the staff by spending too much time making personal phone calls. I also learned that employees generally welcome visits from their supervisor and are more than willing to talk about what they do and why. Illustrating this point about the value of getting out of the office, FedSmith.com recently reported that new Housing & Urban Development Secretary Steve Preston is winning plaudits by eating lunch in the cafeteria with employees. "People notice things like that," an insider observed. Indeed, they do.

20. Learns from and applies previous experience. If there were things a supervisor did that caused you to grind your teeth in frustration, don't repeat those behaviors when you become a supervisor. On the other side of that coin, there is nothing wrong with copying the positive behaviors that you experienced in dealing with your supervisors. If you really enjoyed working for a particular supervisor, figure out what that supervisor did that made working for her/him so enjoyable, and attempt to emulate the behavior. Remember that surveys show with great consistency that employees don't leave agencies/organizations – they leave bad supervisors. I believe the converse is also true – that if you are a good

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supervisor your reputation will get around and employees will consciously and deliberately look for chances to work with you.

I could list more attributes, behaviors and characteristics of a good supervisor, based on my experience, but then the snoring of comatose readers could annoy their co-workers and 20 is a nice, round number.

I would be very much interested in hearing from readers about the characteristics of the best and worst supervisors they have encountered. In the sixth, and final, planned article of this series I'll share what I think are some very important points from the National Academy of Public Administration's (NAPA) February 2003 report, "First-Line Supervisors in the Federal Service: Their Selection, Development and Management

OPM Pushing Telework in Face of Mounting Gas Prices. Increasing gas prices mean it's a good time to step up the use of telework and flexible and compressed work schedules, OPM has said in a memo to HR directors.

It said many employees can perform at least some of their work from home or at alternate work sites closer to home, either reducing or eliminating the need to commute, which could help employees cope with high gas prices.

Former OPM director Linda Springer called on HR directors to consider implementing human capital and workplace flexibilities available to their agencies.

According to the memo, alternatives to face-to-face meetings, such as conference calls, videoconferencing, and email exchanges can be viable options for communication, eliminating the need for some travel.

Alternative work schedule options include variable day, week, compressed week, and "flexitour," "gliding," and "maxiflex," schedules, OPM said.

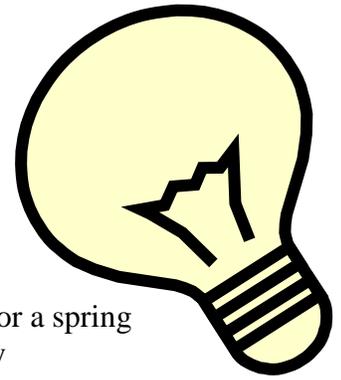
Survey Shows Federal Managers Face Major Hurdles Trying to do Their Jobs.

Program managers and federal executives cited poor policy design, lack of training and ineffective political leadership among the major challenges they faced at work, according to two new surveys.

One survey of senior federal executives, conducted by Bill Eggers, global public sector director for Deloitte Research, showed half the respondents believed the government was less capable of successfully executing large projects now than it was a decade ago. That number ballooned when comparing federal effectiveness today to 30 years ago, with more than 60 percent of respondents saying the government was less capable now than it was then.

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Eggers highlighted some of the results of his survey, conducted as research for a spring 2009 book, at Tuesday's Excellence in Government Conference, produced by *Government Executive*.

The respondents identified a number of projects they considered unsuccessful or moderately unsuccessful, including modern ones like the 2002 No Child Left Behind Act and Iraq reconstruction. They listed increased administrative and political constraints and a lack of effective political leadership as two of the problems most likely to affect program execution adversely.

Senior executives also expressed concern about the federal government's ability to craft public policy, with less than one-third of respondents saying it did so effectively. The respondents, all federal employees, actually gave state and local governments higher marks for policy design.

"When we surveyed members of the Senior Executive Service as well as fellows of the National Academy of Public Administration, they told us... that the policy design process is largely broken," Eggers recently wrote by e-mail.

He said the "total disconnect" between policy designers and implementers partially accounted for the broken process. Nearly half of SES respondents said policy was "rarely" designed by those with relevant experience.

A separate survey of 123 program managers, which the Council for Excellence in Government and Management Concepts conducted, was presented at a 15 July conference by Selena Rezvani, an assessment consultant for Management Concepts. That survey showed that program managers did not feel they were receiving sufficient training, even in key areas.

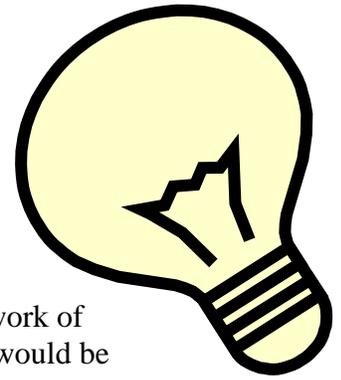
Between 35 percent and 50 percent of respondents said they had not received training in areas such as requirements development, risk management, budget and financial management, working with stakeholders and Congress, or dealing with the media.

They also lamented the difficulty of daily tasks such as developing measures and assessing program results, responding to special inquiries from the Office of Management and Budget, and preparing or negotiating budget requests.

"I'm spending more time feeding measurement systems than focusing on strategic decisions and investments that will produce future result," one respondent said. Not surprisingly, managers mentioned money, people and technology as three resources

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that would help them achieve their program objectives. They also said a network of program managers, or some other kind of forum to exchange best practices, would be beneficial.

"All of us are smarter than one of us..." one respondent said. "Discussion of challenges, success, lessons learned, can help all of us become more successful."

Officials Call for Dramatic Boost in State Department Staff. The State Department needs funding for more staff to fill job vacancies overseas and to provide current employees with language and diplomacy training, said lawmakers and witnesses at a Senate hearing on 16 July.

"Although I've often said we need to do more with less, there comes a time when our priorities must be reset," said Sen. George Voinovich, R-Ohio, ranking member of the Senate Homeland Security and Governmental Affairs Federal Workforce Subcommittee. "We should consider ourselves lucky that the men and women of the State Department have answered the call to serve....These dedicated public servants must no longer be taken for granted."

Voinovich said he and the other members of the American Academy of Diplomacy Advisory Council planned to recommend a 16 percent increase in State's workforce during a formal presentation to Congress in September.

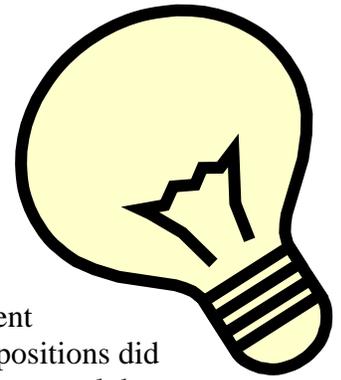
Ambassador Harry K. Thomas, director general of the Foreign Service and human resources director for State, said that hiring boosts during the 2002-2004 Diplomatic Readiness Initiative helped address the lack of mid-level Foreign Service officers. But those efforts, he said, and a request for 1,500 new positions in the fiscal 2009 budget were not enough because growing commitments abroad have dramatically increased the need for officers at all levels.

"Clearly, it's not only Iraq and Afghanistan," Thomas testified. "We've had to open missions in Asia, in central Europe, in newly independent states. The fact that India, China, Mexico are becoming economic success stories and their people want to travel, [is] putting increased burdens on our consular staff. We have terrible challenges with narcotics, terrible challenges with security. We think this 1,500 is just an initial step in what we will need to have a more robust State Department and USAID [U.S. Agency for International Development]."

John Naland, president of the American Foreign Service Association, said the statistics painted a disturbing picture. He said 12 percent of overseas Foreign Service positions are currently vacant, and 19 percent of positions that are filled are held by employees who do not have the qualifications required for their jobs. That experience gap is pronounced

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particularly in language-designated positions: Naland cited a 2006 Government Accountability Office [study](#) that found that 29 percent of diplomats in those positions did not meet the language requirements of their jobs. He said AFSA's research suggested that less than 20 percent of Foreign Service officers had negotiation training.

"Imagine if only 20 percent of Army officers had been trained to fire a weapon," he said. Thomas agreed that more training was necessary, whether in language courses or at the command colleges like the Army War College, but added that the department first must hire more officers so sending current employees to training wouldn't create more vacancies.

Voinovich expressed concern that current department employees would be so discouraged by the state of affairs they would leave the department, exacerbating staffing and skills shortages. Naland said the situation already was dire.

"The world is changing rapidly, and I fear that today's Foreign Service does not have to a sufficient degree the knowledge, skills, abilities and outlooks that -- taken together as a package -- should make career diplomats uniquely able to conduct 21st century diplomacy," he said.

The NAF Corner:

Lifeguard Summer Employment. Do you have a youth interested in summer employment? The Directorate of Family Morale Welfare and Recreation (DFMWR) has non-appropriated fund lifeguard summer jobs for teenagers, high school and college students available. Starting salary for these positions is \$7.50 per hour, and even though there are no benefits or guaranteed hours*, these positions offer excellent job opportunities for youths to work during the summer months.

Each year, in partnership with the American Red Cross and the DFMWR Aquatics Manager, the NAF Human Resources Office launches an aggressive recruitment campaign in March to actively seek employees to fill these positions. These agencies work collectively to certify, recruit, and hire approximately 40-45 lifeguards for the Fort Benning Aquatics Program. The process begins with the posting of the positions on the world-wide Vacancy Announcement Builder (VAB) in conjunction with recruitment via classified advertisements in local newspapers. In conjunction with the postings, the Aquatics Manager visits local high schools and colleges to recruit potential Lifeguards. Once candidates are located, students are enrolled in the Lifeguard Training Course and the Cardio-Pulmonary Resuscitation (CPR) for Professional Rescuers Course. Upon successful completion, successful Lifeguards receive appropriate certificates - a Lifeguard Training Certificate and a CPR for Professional Rescuers Certificate.

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Interested applicants who currently possess the required certifications in Lifeguard Training and CPR for Professional Rescuers may be considered for employment by completing a DA Form 3433, Application for NAF Employment and DA Form 3433-1, Supplemental NAF Application. Applications should be submitted to the Civilian Personnel Information Center located in Meloy Hall, building 6, room 113.

To receive more information on how to apply for Lifeguard positions, please contact the NAF Human Resources Office at (706) 545-1610 or (706) 545-2838.

*Lifeguards *may* work flexible schedules that offer up to 40 hours per week.

Special note: Although this article places emphasis on employing youth for Lifeguard positions, the Lifeguard positions are not limited to only youth.

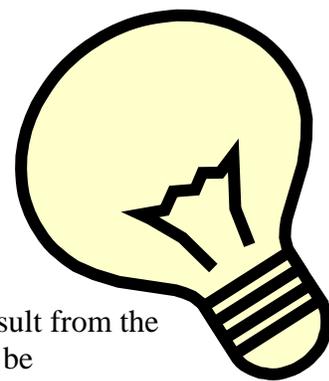
Employing Progressive Discipline When Dealing with Employee Tardiness. Dealing with employee tardiness can sometimes be frustrating. Habitual tardiness, though sometimes an inconspicuous employee infraction, could affect unit productivity, impact office morale, and, if left unchecked, inadvertently give the impression that being late is acceptable. While supervisors should employ understanding and empathy to the particulars of each instance of tardiness, supervisor attention to this occurrence, whether habitual or not, is imperative.

If it has been determined that an employee's tardiness is not habitual and is merely a *recent* occurrence (i.e. has not been a problem in the past), the supervisor should consider informal discipline. This could be a written letter of counseling or the conduct of verbal counseling. In the event the supervisor elects to verbally counsel the employee, the verbal counseling should be documented.

On the other hand, in those instances where an employee is habitually tardy for work and/or attempts at informal discipline were unsuccessful, guidance from the Human Resources Office should be sought in determining a more progressive form of discipline that may be taken to prevent further tardiness. The goal is constructive discipline that is preventive rather than punitive since the sole purpose is to get the employee's attention and to encourage behavior modification. To assist managers and supervisors in ascertaining appropriate disciplinary actions, the Table of Penalties for Various Offenses which is outlined in Army Regulation 215-3, chapter 7, provides disciplinary recommendations that could be imposed for various infractions. As per this Table, depending on the number of instances of tardiness and the "nature" of the attendance related offense, supervisors should levy discipline as appropriate. Prior to initiating the proposed disciplinary action, the supervisor should discuss the incident with the employee to ensure all relevant facts are known to both parties; afford the employee the opportunity to explain the basis for his/her actions; and advise the employee that a

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disciplinary action is under consideration. Since disciplinary action could result from the discussion, bargaining unit employees should be provided the opportunity to be accompanied by a representative if representation is requested to preclude violations of their rights under Weingarten. Under the provisions of the Weingarten Right, an employee who believes disciplinary action is eminent may request union representative at the meeting. The supervisor may (1) end the meeting and not call in a union representative; (2) temporarily stop the meeting long enough to obtain union representation; (3) offer the employee the alternative of continuing without union representation; (4) forgo having the meeting to make his/her points; or, (5) remove the employee's "reasonable belief" by advising the employee that discipline will not be pursuant to the meeting.

For more information on progressive discipline as it relates to tardiness or any other employee performance or conduct problem, please contact your servicing NAF Human Resources Office at (706) 545-1610 or (706) 545-2838.

Questions and Answers:

Creditable service

Question: Several years ago, I bought back time spent in the military. After the reviewing a recent service history/service credit report provided by my agency, I realized that the time I spent in the Reserve Officers' Training Corps was not counted. When I purchased my military time, it was my understanding it also included time spent in ROTC. Is ROTC time creditable toward retirement? If so, why did the agency fail to include it in my service history/service credit report?

Answer: Time spent in the ROTC isn't considered to be creditable service. The only exception to that rule is if you were called to active duty or active duty for training, for example, a two-week summer camp.

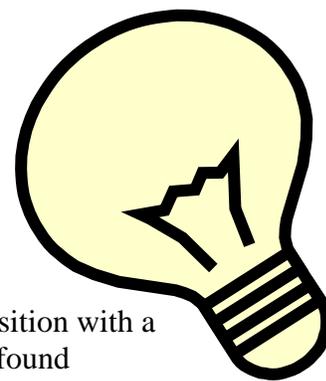
Re-employment

Question: I am receiving the Federal Employees Retirement System disability retirement at age 61. I plan to accept a federal job offer. If I continue to receive FERS disability retirement while re-employed, can you tell me what the supplemental retirement percentage would be at 65 and if it would be beneficial to have the FERS disability retirement stopped? Also if I stop it, does this have to be done before re-employment, or can it be done after?

Answer: Because you are at least age 60, you can continue to receive your disability annuity when you are re-employed by the government. However, your salary will be

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offset by the amount of your annuity. If you are employed in a permanent position with a salary equal to or greater than the one from which you retired, you won't be found recovered by the Office of Personnel Management, unless you ask them to make that finding. Note: If you haven't been found recovered or restored to earning capacity, you can earn a supplemental annuity after one or more years of continuous full-time re-employment or its part-time equivalent, or a redetermined annuity after five years.

CSRS Offset eligibility

Question: I was hired as a civilian employee by the Navy in 1980. Does that make me a candidate for the offset? If so, please explain how it will affect me. I will be 55 in September, and with my military time, I will have more than 36 years of service. I am considering retiring in January 2009.

Answer: Civil Service Retirement System Offset only applies to those who were rehired on or after Jan. 1, 1984, or first hired on or after Jan. 1, 1987. Because you were hired in 1980, you would already have had five years of coverage under the Civil Service Retirement System when the Federal Employees Retirement System, the new retirement system, came on line. Therefore, you remained under CSRS, as required by law.

Divorce and TSP Withdrawal

Question: I am currently in divorce proceedings, turning over my entire Thrift Savings Plan to my wife. The total amount is \$300,000. Would she have to pay a 10 percent penalty for early withdrawal if the withdrawal is based on a court order? Would she be able to avoid taking a 28 percent hit to the Internal Revenue Service as earned income and directly convert to another IRA, which could then be taxed upon withdrawal from the new account? Thank you for your time.

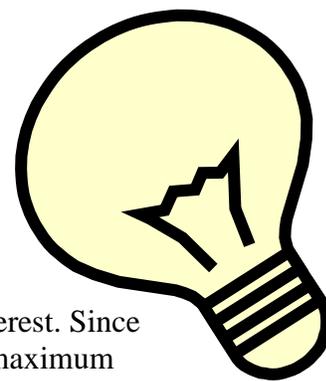
Answer: Payments required under a court order are exempt from the early withdrawal penalty, and your spouse will have the option of transferring the payment directly into a Traditional IRA or qualified employer-sponsored retirement plan and further deferring the tax liability. The rules regarding court orders can be complex, so you should be careful to make sure you understand them and how they apply to your situation. The following TSP publications should be of help: www.tsp.gov/forms/octax92-36.pdf, www.tsp.gov/forms/tspbk11w.pdf

Repaying Retirement Funds

Question: I was a Civil Service Retirement System employee with 16 years of service. I left civil service and withdrew my retirement funds but returned to civil service after a break of seven years. They put me back in CSRS. I understand that in order to get the full

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benefit of my time, I would have to pay back the amount I withdrew plus interest. Since returning to civil service, I have been contributing to CSRS and putting the maximum amount into Thrift Savings Plan. I have to pay back a substantial amount. Is there a way to roll over the money from my TSP or my IRA to pay back my CSRS debt? I was told that I can't — that I would have to actually withdraw it, pay the taxes and then deposit it in my CSRS.

Answer: What you have been told is correct.

The Office Workers' Compensation Program (OWCP), Federal Employees' Compensation Act (FECA) – Benefits and Entitlements. If an employee sustains an injury while on the job, the Office of Workers' Compensation (OWCP) may assist with wage replacement benefits, medical treatment, vocational rehabilitation, death benefits, nurse intervention as well as other benefits administered through the Federal Employees' Compensation Act (FECA). In administering the FECA Program, the OWCP has sole adjudication authority and strives to protect the interests of eligible workers, employers, and the Federal Government by ensuring timely and accurate claims adjudication and provision of benefits and restoring injured workers to gainful employment when permitted by the effects of the injury.

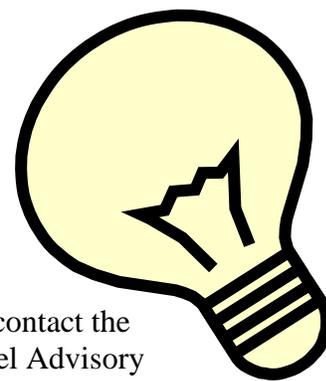
An employee is entitled to medical, surgical and hospital services and supplies needed for treatment of an injury as well as transportation for obtaining that care. Injured employees have the choice of selecting any qualified local physician or hospital to provide necessary treatment. Similarly, those employees may also opt to use available agency medical facilities.

To request a claim for benefits an injured or ill employee must complete either the CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation", for a traumatic injury which is usually pinpointed to have occurred during one particular work shift; or the CA-2, "Notice of Occupational Disease and Claim for Compensation", for an Occupational Disease or medical condition which developed over two or more work shifts.

A claim for compensation must be filed within three years of the date of the injury. However, if a claim is not filed within three years, compensation may still be paid if written notice of injury was given within 30 days, or the employer had actual knowledge of the injury within 30 days after it occurred. To claim continuation of pay, in addition to submitting a claim, employees must also provide medical documentation within 10 days of the injury. In the case of occupational disease, the claim must be filed when the injured employee with a compensable disability becomes aware, or reasonably should have been aware, of a possible relationship between the medical condition and the employment.

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For further details regarding benefits and entitlements through this program contact the Injury Compensation Program Administrator (ICPA) at the Civilian Personnel Advisory Center.

Human Resources (HR) for Supervisors Course. The Updated HR for Supervisors Course incorporates instruction applicable to the National Security Personnel System (NSPS). The course is 4.5 days long; includes lecture, class discussion and exercises; and, is designed to teach new civilian and military supervisors of appropriated fund civilian employees about their responsibilities for Civilian Human Resource Management. New supervisors completing this course do not need to complete the 2-day NSPS Course for Supervisors unless they determine the need for additional training.

HR for Supervisors will be offered **15-19 September 2008**. Specific registration information will be issued not less than 3 weeks from the training start date. Additional course dates will be subsequently disseminated.

The instruction includes the following modules:

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

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

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

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

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

Fort Benning CPAC Homepage. Please log on to our website at <https://www.benning.army.mil/Cpac/Index.htm>. If you have suggestions on ways to improve this publication or recommendations for information to add, please contact the undersigned.

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