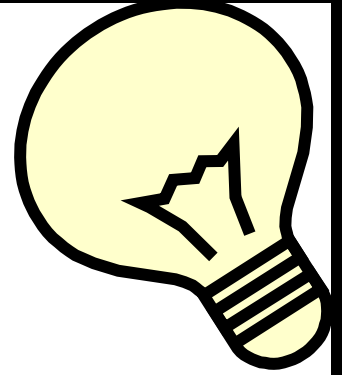


The

Illuminator

Shedding Light on the HR World

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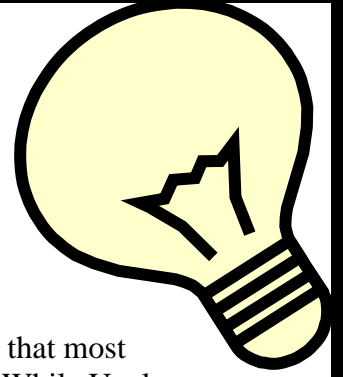
This publication is issued to ensure the Fort Benning commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Monthly issuances will contain updated information on specific employment topics (i.e., compensation, recruiting procedures, travel entitlements,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

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

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Working for the Government: Stereotypes and Realities. Surveys tell us that most college seniors don't think seriously about working for the U.S. government. While Uncle Sam spends considerable dollars trying to interest "the best and the brightest" in federal careers, his efforts are up against both stereotypes and realities. Careful analysis, however, suggests that the right agency can provide a rewarding experience to many of today's job-seekers.

Unfortunately, first contacts with a government agency can provide a lifetime turnoff. Paying taxes or getting a student loan is likely to involve multiple forms, dense instructions, and a resource person who may be neither polite nor informative. Security checks at airports following 9/11 have only increased this potential for irritation. Movies, comedians, and the press fortify unfavorable impressions with revelations or comments on clumsiness, waste, and wrongdoing in government. Occasional worthwhile achievements like detecting and heading off epidemics or exploring a neighboring planet are attributed to atypical public servants who rise above bureaucratic obstacles.

Then, too, there are positive incentives for working in the private sector. While earning capacity in areas like finance, law, and medicine is foremost for many, there are other attractions like entrepreneurship and creative pursuits outside the government's scope. But the clearly ineffective federal recruiting efforts have left most college students with little idea of the challenge and variety of work across many organizations and occupations. While the public has an idea of what FBI and CIA agents do, how many have any idea about cutting-edge research in agriculture and aeronautics leading to the food and aircraft of the future? How many might be interested in opportunities to actually make the government more efficient by working on the vast computer systems that impact and sometimes bedevil our daily lives?

The government has done a few things in recent years, typically not well publicized, to make itself a more attractive employer. The retirement system, now including social security and a 401K type plan, has been made more compatible with private employment. This makes it possible to spend a few years with Uncle Sam without a lifetime commitment. Entry level salaries, supplemented by college loan repayments and recruitment bonuses, are comparable for most private occupations, with obvious exceptions like finance and top-tier law.

On the other hand, red tape, resource instability due to changing Administration and Congressional priorities, and targeting of agencies, programs, and individuals for attack by political figures are still day-to-day realities.

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Agency web sites and contacts make it possible for a career-seeking person to find out whether a particular government office or program is right for him or her. In many cases, it would be worthwhile to fire up a search engine for a little research.

The MSPB Looks at Hiring Practices. The Merit Systems Protection Board recently examined how federal agencies use various hiring practices and found an increasing reliance on alternative authorities that are not based on the traditional competitive examination model. Following is the executive summary of that report.

The upcoming wave of expected retirements may be a tsunami (as some predict) or it may have the erosive effect of a constant crashing of smaller waves upon the beach. In either case, most experts agree that the Government will need to replace at least a half million Federal employees in the near future. These new employees will serve as the backbone of the Federal civil service for a generation, with many rising through the ranks and becoming leaders in future years. This report studies how new employees are brought into the civil service under the four largest Government-wide hiring authorities and the potential implications those processes may have for the future composition of the civil service.

Background

When the hiring process for new employees is discussed in the strategic sense, the issues often identified include the challenge of finding a pool of qualified people, getting those qualified people interested enough to apply and providing a package to the individuals that will tempt them into accepting a job offer. However, there is one aspect that is discussed mostly on the periphery—yet it directs everything else in the recruitment process: the legal appointment authority.

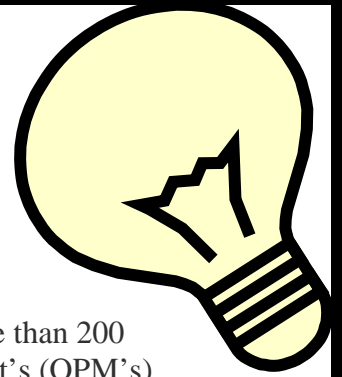
The legal appointment authority (also called the hiring authority) is important because it defines who can actually be brought into the Federal civil service. To enter the civil service, the Government must apply a hiring authority that was either created by statute, or was created by someone whom a statute has authorized to create hiring authorities, such as the President of the United States. Without a legal appointment authority, there can be no hire.

Each hiring authority has rules that must be followed throughout the hiring process, from how a vacancy is announced to how a person is selected. If an agency recruits based upon a particular authority, and follows the rules for that authority, it can not hire using a different authority whose rules were not used from the beginning. Thus, the outcome of a recruitment action is in many ways defined by the authority—and therefore the rules—an agency decides to use at the outset.

The actual number of appointment authorities varies depending on how one chooses to group together authorities that are so similar as to make no functional difference. If the

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legal authorities are not grouped, but are counted individually, there are more than 200 authority codes, comprising 16 pages of the Office of Personnel Management's (OPM's) Guide to the Central Personnel Data File (CPDF).

This report focuses on the four most commonly used Government-wide legal appointment authorities: Competitive Examining (CE), the Veterans Employment Opportunity Act (VEOA), the Veterans Reemployment Act (VRA) and the Federal Career Intern Program (FCIP).¹ Competitive Examining in this report only encompasses certificates issued by OPM or by a Delegated Examining Unit (DEU) authorized by OPM to conduct competitive examinations and issue certificates.

As a part of this study, we surveyed the supervisors of new hires from the four most used authorities to assess how and why the authorities were being used. We also examined data from the CPDF.

Findings

Many hiring authorities receive a significant level of use, and while no single authority accounts for a majority of new hires, it is significant that fewer than one-third of new hires in FY2005 came from Competitive Examining—the traditional hiring authority open to all U.S. Citizens. The four most used authorities combined accounted for two-thirds of new hires with the remaining third coming from a combination of all other new hire appointment authorities.

With so many authorities that have different rules—including post-hire obligations—supervisors' ability to use the authorities effectively can be hampered by any confusion about them.

Our findings show that significant confusion about these authorities does exist:

We also found that involvement in the hiring process made a difference in supervisors' satisfaction with the person selected. Supervisors who were involved in hiring decisions reported being more satisfied with the individual hired than those supervisors who were not involved. However, 44 percent of supervisors responding to our survey indicated they were not involved in the process of hiring the employee about whom we asked.

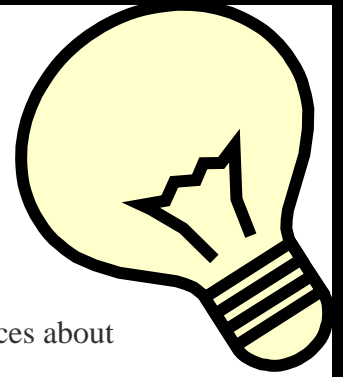
Our findings also confirmed the importance of making strategic decisions about recruitment for agency workforces—decisions that look beyond any single selection. It is important for agencies to understand that different hiring authorities bring in different proportions of demographic groups.

Recommendations

Agencies should do much more to ensure that for each hiring authority that is considered or used, supervisors are educated on the terms of those authorities, so that supervisors

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will fully understand their responsibilities and be able to make strategic choices about what authority best serves their particular needs.

Agencies and supervisors should have well-rounded recruitment strategies to ensure that all segments of society are represented in the Federal workforce. Extensive use of any authority that results in a disproportionate workforce should be balanced with other authorities to ensure that a pattern does not develop of hiring from only select groups.

Supervisors should be more involved with recruitment decision-making activities. Supervisors who were involved reported a greater level of overall satisfaction with their employees and a greater awareness of their responsibilities to assess a newly hired individual during the probationary or trial period.

Supervisors who are involved in the hiring decision should make a deliberate, well-informed choice to use a particular authority and meet their obligations under the hiring authority they use. Meeting their obligations not only means that supervisors should provide any required training to the new hire, but also means that supervisors should seriously assess the candidate during the trial or probationary period to ensure the individual is successful in the position before the appointment is finalized.

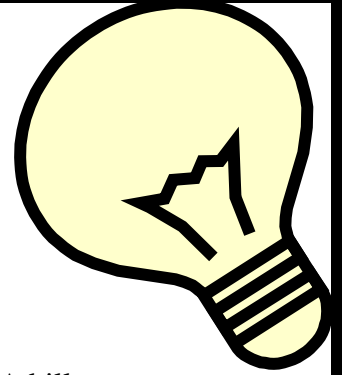
When supervisors are not involved in the hiring process, they should still be informed and educated about what hiring authority was used, and the obligations they have as supervisors as a result of the use of that authority.

Forty-three percent of supervisors involved in the hiring process reported that no one discussed with them the training or assessment responsibilities associated with the hiring authorities they considered using. It may be difficult for supervisors to meet their training and assessment obligations if they are unaware that the obligations exist. Confusion about the different authorities caused misunderstandings regarding the length of an individual hire's probationary or trial period, potentially hampering the ability of the supervisors to use that period to effectively evaluate that person. The authority that was used to hire an individual appeared to often be a product of convenience or coincidence rather than the result of a thoughtful and deliberate choice to effectively use the most appropriate hiring authority. Thirty-six percent of supervisors involved in the hiring process did not recognize that they had accepted applications under the authority that was used to hire their employee, with the percent who were unaware varying based upon the authority used.

Appraisals, Objectivity, and the Little Black Book. This article was written by Robbie Kunreuther. Any references to "I" or "me" pertain to him as an author

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Pay for what?

Controversy continues swirling around pay-for-performance in government. A bill (introduced by a Democrat) in the House seeks to derail the Department of Homeland Security's plans to expand such practices. Ironically, another bill in the Senate (introduced by a Republican) looks to expand merit-based pay.

Most of the internal chatter I hear in the field (from supervisors, managers, HR folks, and union officials) is negative. Folks already under such systems and those preparing for the inevitable question "pay banding" systems and the processes formulated to compensate folks based on their achievements. Most agree that DoD and DHS systems probably cost more to administer than they disburse as incentives.

I'm no expert on the compensation side of these equations. I understand concerns about blending bonuses with salary increases; reaching the upper limits of one's pay band; implications regarding retirement incomes; the possibility of future funding shortfalls; and the complex processes designed to ensure fairness. These apprehensions appear to be neither irrational nor ephemeral.

My experience lies more on the appraisal side of these systems. Here one encounters worries that there will be favoritism, subjectivity, quotas on higher ratings, and questionable rating criteria. Among these concerns, I find the most important is the appraisal criteria itself – what most of us have come to know as "critical elements" and "performance standards".

Objecting to objectivity

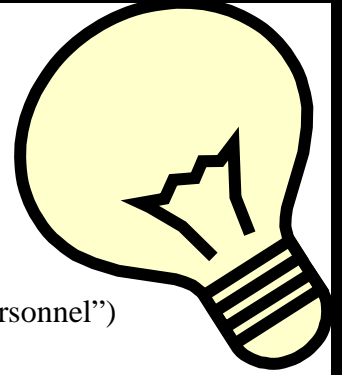
This is nothing new. While both DHS and DoD call for "objectivity" in evaluation measures, so does the law we in government have been operating under since 1979. The United States Code (Chapter 43) still reads: "...each performance appraisal system shall provide for establishing performance standards which will, to the maximum extent feasible, permit the accurate evaluation of job performance on the basis of objective criteria...")

For most federal employees it never happened.

To begin, many of us have occupied (or currently occupy) positions that just don't lend themselves to "metrics". Moreover, in the early days of elements and standards, thousands of managers defined rating criteria in terms of percentages, error counts,

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allowable days, etc. – yet those of us in human resources (then known as “personnel”) quickly recognized that supervisors were not tracking results.

If you were rated on how many cases remain incomplete after 20 days or a 97% accuracy rate, and you knew your boss hasn’t been keeping count over the rating year, then your rating had to be subjective. This situation was all too real for thousands of federal workers – both working stiffs and managers. If it looks like baloney, smells like baloney and tastes like it too, then you begin to understand the basis of your rating.

As federal management became more embarrassed over this dilemma, the content of our performance standards quickly changed. Despite the legal requirement for objectivity, standards began incorporating “weasel words” instead of numbers. Expressions like “80%” became “most of the time” and “...with no more than 3 exceptions” became “with only rare exceptions”. Most of us laughed this off. It was just a different brand of baloney.

Back to the future

As far as I can tell, nothing’s changed. Whether the architects of DoD’s National Security Personnel System (NSPS) and DHS’s MaxHR are sincere or disingenuous isn’t the issue. History is now ready to repeat itself. The difference, however, is that your future salary is now dependent on that rating.

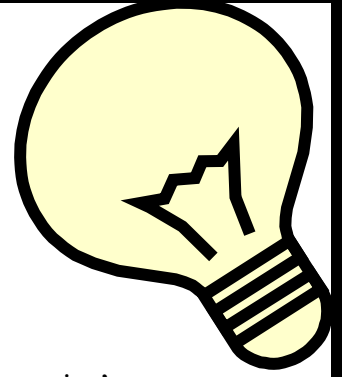
An example of a “performance objective” authored by DoD in its online class “NSPS 101” reads:

By September 30, between 20 and 25 budgets and associated reports will have been reviewed and analyzed for financial soundness and to ensure that they are within organizational budget requirements. Areas requiring attention and additional work will have been identified and addressed with the appropriate budget analysts. At least 80% of reviews will be completed within two weeks of receipt. This will support our organization's goal of staying within fiscal guidelines for all projects.

How many FedSmith readers have a job that’s this predictable and measurable? I recall my embarrassment when I first realized that the “widgets” my teachers spoke of weren’t real things. *No one makes widgets!* Budgets vary greatly in terms of scope and importance.

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Something else your high school teacher taught you

Please don't misunderstand me here. I am not saying that this measure of success isn't fair or useful. After all, our high school teachers told us that 65-69% was a "D", 70-79% was a "C", and 80-89% was a "B". I actually think that was a reasonable appraisal system. The only difference between then and now is... *they kept a grade book!*

Imagine a high school teacher giving tests and papers but never grading them. At the end of the year, you're kid gets a "C". How did they come to that conclusion? Would an explanation like this be convincing? "I've been with these children all year and compared them. I assure you, your son's a C."

Now (when pay-for-performance enters the picture) add to that the possibility that this "C" will mean your child may get less or no scholarship money from the state college. Is a grievance in the offing? Principals (and "pay pool managers") beware!

The sad fact is many government agencies went to "Pass/Fail" appraisal systems to avoid such embarrassment. Supervisors in government rate subjectively and disappointed/questioning employees lead them to inflate ratings to avoid conflicts. One of my clients in the 1990's was rating 80% of its employees "Outstanding"! After all, if that same high school teacher evaluates your daughter's performance as "A", you may be less likely to care how they reached that conclusion.

Why not begin at the beginning?

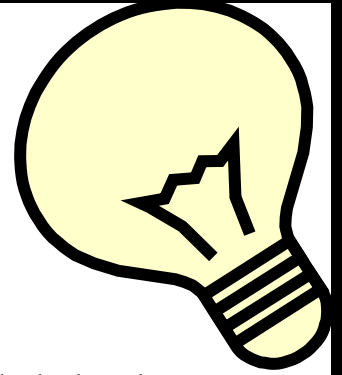
My advice to DoD and DHS is to stress the importance of recordkeeping if they continue to insist on objective rating criteria. I can easily imagine a performance standard for a supervisor that reads, "Failure to maintain accurate records of employee performance outcomes throughout the year will result in an Unacceptable rating." If it were enforced, pay-for-performance might actually work... but it won't be.

Who among you thinks that Secretary Gates or Chertoff is evaluating his generals and Assistant Secretaries by metrics... and using such data to determine annual salary increases? If supervisors are to keep book on their employees, will their bosses rate them by objective criteria as well?

As I teach labor and employee relations seminars in the field, I find that many supervisors and managers aren't sure whether they can keep a history (or "black book") regarding their subordinate employees. You can. Nor have most been trained in keeping such a diary. Absent such notes, ratings will be rankly subjective.

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The value of the black book

The supervisory diary need not be “black”. It should memorialize the good, the bad, and the indifferent. Federal courts refer to such notes as “memory jogger files”. Moreover, while I used to teach supervisors how they could keep such a history from inquiring employees, I have come to believe that making them available ensures better understandings surrounding the perpetual question, “How am I doing?”

I was mediating a few months ago regarding a terminated employee. During the course of negotiations, the employee (who was represented) alleged he had never been informed of a particular matter. Lo and behold, the supervisor said, “Let me check my diary notes on that.” The union rep visibly winced as she began perusing her black book. Sure enough, she had annotated her conversation with that employee months before. His acknowledgement soon followed.

After the parties had reached an agreement (which did not involve the employee’s return), I asked her how she maintained her diary. She told me that she takes 15 minutes at the end of each day to enter notes that might be of use in weeks/months to come. “It’s my memory.” she said. My guess is her evaluations come more from her objective memory and less from impressions, favoritism, etc.

A modest proposal

Such notes are essential. Most will be maintained electronically. Why federal supervisors aren’t specifically trained to maintain such a diary remains a mystery. From attorneys to dispatchers to auto mechanics, dozens of professions are expected to maintain ongoing documentation at work. Call it “CYA” (cover your assets) or just smart business, our notes are the essence of objectivity – and of proof, should we need it.

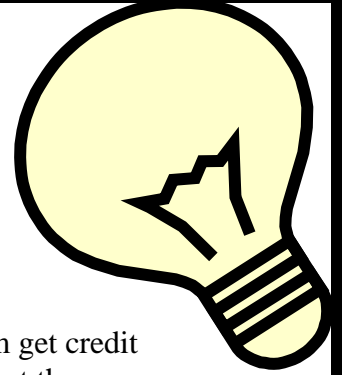
As DoD, DHS, and other federal agencies place ever-increasing influence on appraisals, they would do well to be reminded of something teachers have known from day one – keep a grade book. To teach complex structures for pay-banding, pay pool management, conversions to and from the GS system, etc. without beginning such basics is to ensure failure in the end....and we in human resources whose mantra has been “Document, document, document” would better serve our managers by showing them how.

Sick Leave and FERS: Leave Abuse? Justifiable Cheating? Flexible Ethics?

The use and abuse of sick leave by federal employees is a topic that stirs a passionate response from some readers. Moreover, the passion appears to be coming from all sides of the issue.

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The crux of the situation is that employees under the CSRS retirement system get credit for unused sick leave. Employees under the FERS retirement system do not get the same credit. There are other trade-offs for both groups with regard to retirement issues as a few readers pointed out in their written comments.

In a series of articles on sick leave, many readers sent in comments to the effect that taking sick leave as it is accumulated is justifiable because employees under the FERS system do not get credit for unused sick leave when they retire. It is not possible to determine if that view is common based on random comments that are sent in.

To explore the issue, we asked readers several questions. More than 500 readers sent in written comments and about 1400 readers responded to the survey questions.

The responses fall into two broad groups. Some think that using sick leave is theirs to use because it has been earned. Therefore, the agency should not question how it is used. Another group thinks that federal employees have an obligation to follow the rules and regulations governing the use of sick leave and attempts to rationalize the the indiscriminate use of the benefit is unfair to the employees who follow the rules.

Readers will certainly interpret the results based in part on their personal situation. But there is a pattern to the responses. 33% of those responding have used sick leave when they were not sick or when it was not for an authorized medical reason. 33% also think it is ethical to use sick leave without having an authorized medical reason.

And here is a response that may surprise or perhaps discourage some agency managers and human resources professionals: 36% of readers responding think that an agency should be more lenient when enforcing sick leave regulations if an employee is in the FERS retirement system.

Here is a quick summary of the results of the survey taken last week.

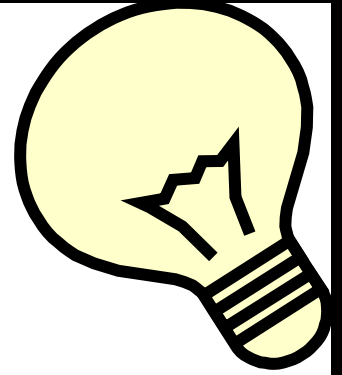
Have you ever knowingly taken sick leave as a federal employee when you were not sick or it was not used for an authorized medical purpose?

yes: 33%
no: 63%
not sure: 4%

In your view, is it ethical for a federal employee to use sick leave without having an authorized medical reason for using the leave?

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yes: 33%
no: 56%
not sure: 11%

As FERS employees do not get credit for unused sick leave upon retirement, should an agency be more lenient in enforcing its sick leave regulations differently for employees who are in FERS?

yes: 36%
no: 64%

Should the system for applying accrued sick leave upon retirement be changed for FERS employees to be the same as it is for CSRS employees?

yes: 85%
no: 8%
not sure: 7%

To give you an idea of how employee beliefs about this issue, here is a sample of the comments submitted in response to the survey. The first grouping is from those who think it is important to follow or enforce the existing rules on sick leave. The second sample is from readers who think using sick leave at their own discretion is acceptable. Some comments relate to the overall issue on sick leave.

An HR specialist from the VA in Waco, Texas writes: "FERS employees were hired with the rules for use of sick leave and application for retirement currently in force. The cost for adding would be high to change and cost saving was the reason for the change. If they don't like it they should work for private industry and get a dose of reality. The old CSRS people will be retired and gone or dead in the next very few years. They just need to grow up and realize what a gravy train they have and look at the real world. "

A program analyst with GSA in Chicago has a similar view: "Public service is a public trust. Those in civil service should put the interests of the Government and nation ahead of personal convenience. Claiming sick leave improperly results in leave quantities (annual or other) that are unfair to those who are scrupulous in following sick leave policy. To those who claim that FERS is less fair than CSRS, I say that FERS employees receive TSP matches that compensate. If you were hired under FERS, then you should go by the rules, and the CSRS rules are not your concern."

A supervisor working for the Department of Agriculture says: "I have had too many instances where employees under my supervision have been dishonest in utilizing and

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documenting their sick leave only to have a legitimate health problem arise and no sick leave left to use. I look upon sick leave as a form of insurance policy...it gives peace of mind to know it is there and you hope you never have to use it"

A budget technician in St. Louis wants to remain honest: "I just can't bring myself to lie to my supervisor...so I only use sick leave as it is intended."

A risk analyst for the Pension Benefit Guaranty Corporation in Washington, DC may have done a risk analysis of his own situation: "I have over 1,000 hours of sick leave after 15 years in the gov't. I use it when I am sick or have a doctor's appt. Hopefully, I'll never have a need for all of that leave, but it's nice to have it if someday I get really sick. It would be nice if I could get credit for it when I retire, but the fact that I won't doesn't lead me to want to abuse the system."

An HR assistant with the Army in Tacoma, WA says "Live with it.": If the FERS employees want credit for their sick leave upon retirement same as CSRS employees then the CSRS employees should be entitled to full Social Security benefits if they have the required quarters and not be subject to the Windfall Elimination Provision. There are pros and cons in each system. Live with it."

A director from the USDA has this advice for federal employees: "Sick leave is the equivalent of 'insurance' - you hope you never have to use it but if you do, it's there. Using it for "leave" just to use it so you do not lose it is unethical. Why must many feel so entitled to everything? Do many people feel our benefits are so little? Appreciate what you have and don't take your health for granted. Keep in mind you may need those hours someday and you won't have them. "

A librarian from the Army in Washington, DC says that people either save for the future or they do not: "I view sick leave as an additional form of health insurance. You don't use it unless you need it, and the less you use it, the more value it will have for you if the unexpected occurs. Reading the monthly messages sent out on our institutional email system announcing that yet another employee has exhausted all their leave and is in need of donated leave demonstrates to me that too many employees just throw away this valuable safety net. Maybe changing the rules regarding what happens to unused sick leave for FERS employees might help, but I can't imagine it will make much difference. You either save for the future or you don't. "

A retired HR officer from the Department of Interior views the situation as being clear-cut: "All employees rather CSRS or FERS need to know that sick leave is a BENEFIT, not earned nor should be abused "

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An HR specialist from the US District Court in Dallas said: "I think the annual leave that we accrue, along with the holidays, is very generous. Sick leave accrual is a great "perk" (and we don't have a lot of them) but it should not be taken advantage of. When employees use their sick and annual leave as soon as it is accrued and they get sick or they have to care for a parent or child--why should we responsible employees, that bank our leave for our own rainy days, be expected to give our hard-earned annual leave to those that have be irresponsible with their leave (when they request to become a leave-share recipient)??"

An HR specialist from the Treasury Department in Washington says that federal employees have a good deal: "When each employee took the oath of office on their first day of work, they were also advised on leave and other benefits. They agreed/were informed then and now complain. Complain to those that can change the laws of FERS and use/save your annual leave. I don't see any CSRS' complaining that FERS employees get matching funds for TSP contributions...grow up - a Federal job is still a good deal."

An accounting technician with DFAS in Omaha, NE sees the trade-offs between the two systems in this way: "Sick leave is not an entitlement. An employee receives more than enough annual leave to cover "mental health" days, and other times when they simply don't want to come to work. I am a CSRS employee, but would be more than happy to trade carrying over my sick leave balance into retirement in exchange for getting those matching TSP dollars. FERS and CSRS are two different plans. Comparing them is like comparing apples to oranges."

And a manager from the Treasury Department in New York City commented: "Rules are rules... whatever happened to integrity, everyone is lying about something these days!"

But not all readers fall into the category of thinking that taking sick leave at their discretion is a problem. Here is a sample of responses from these readers.

A window clerk from the Postal Service at Ft. Lee, NJ writes: "Some form of incentive should be given to FERS employees to save their sick leave without abusing it as I have seen many employees not sick call in sick and when asked why, their comments are why save it; it doesn't count toward retirement like CSRS employees."

A nurse with the VA in Salem, VA said: "My situation is different, our supervisors are told to encourage the use of sick leave, and discourage its "banking," so that there will not be a future drain on resources for FERS employees (most of us save our sick leave for the birth of a child, future operations or elder health issues, etc.), and/or lower payouts for CERS employees. When we take a day of annual (leave), we are asked what for, and if it is for a dentist appointment, we are instructed to take sick leave. So, management will always try and gain an advantage, no matter what program you are in, and no matter what

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the policies actually are.... I'd rather let FERS employees take a mental health day than have to deal with some of them at work. Every person knows his own body best, and what it is capable of."

A front line manager with the FAA has a strong opinion: "sick leave is earned and is our right to use as needed.....even for rest or a day off."

A special assistant with HUD in Washington, DC has mixed beliefs about the system:

"Though I am not an abuser of sick leave, I am a little unsure on how I feel about employees being able to use sick leave for other reasons than just being sick and it not being ethical. Maybe the whole policy should be rewritten with a better description on what reasons you can use sick leave. I have just recently found out that sick leave is not creditable for FERS employees but I still think they should save it for a rainy day when they are truly sick. So many employees now utilize the voluntary annual leave program to tide them over that they just use their sick leave at any time with no thoughts for the future."

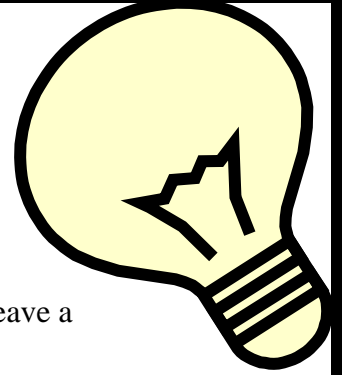
A construction representative from the Corps of Engineers sees "ethics" as a flexible concept: "Many commentators and even the author lean towards using ethics and/or ethical ideals as a compass concerning how to use sick leave. An ethical compass being the guide, which compass should an employee use? Their own or perhaps one used by some of our elected leaders. I, personally, would be very concerned about using the compass of elected leadership. Perhaps, each federal employee has to decide what moral high ground he/she is willing to stumble away from. "

An IT specialist from the Army in Miami, FL would take less leave if the system was changed: "This is one area that the FERS system short changed the work force. I don't mind the other differences between CSRS and FERS however this is one area that the policy makers were not forward thinking as it was created. Now would be a great time while the system is in a change mode to bring it back, those that have used the sick leave every chance they got will feel the results in the end. Maybe it will make those of us that do use it rather than lose it rethink using it when we don't really need to."

A correctional officer with the Bureau of Prisons in Springfield, MO has a similar view: "Like many other agencies we have experienced a large turn over of staff the past several years, and staffing has slowly but steadily dropped in numbers (more going out the door than coming in). Unfortunately, the workload has not decreased. End result. Staff working more hours(mandatory overtime) causing morale issues and personnel to work under extreme fatigue. That is why so many look at sick leave more as "mental health days" and not so much as just playing hooky. I do believe the system for applying accrued sick leave upon retirement for CSRS employees should be the same for FERS

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employees. If FERS employees were to receive something for accrued sick leave a significant number of them would use it more sparingly. I know I would."

Our thanks to all readers who took the time to respond to the survey and a special thanks to those who went in their written comments on these survey questions.

Personal Expenses and Canceled Leave. The federal appeals court in D.C. has upheld the Federal Labor Relations Authority's decision that requiring an agency to reimburse personal expenses lost when leave is canceled would be contrary to law. ([*Association of Civilian Technicians, Puerto Rico Army Chapter v. Federal Labor Relations Authority*](#), C.A.D.C. No. 07-1422, 8/5/08)

This is the third time the appeals court has ruled on the long-standing negotiability dispute between the ACT and the Department of Defense. In the first two decisions, the appeals court sent the matter back to the FLRA for further deliberations. This third time, the court has denied ACT's petition and instead defers to "that reasonable determination" of the FLRA that the matter is not an appropriate arrangement under the federal labor statute. (Opinion p. 2)

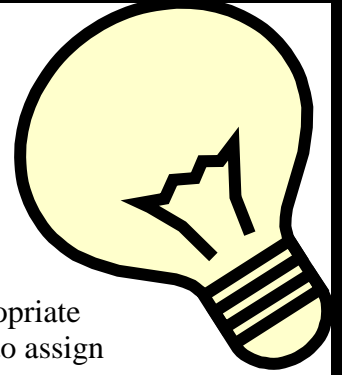
Let's back up. ACT and the Puerto Rico National Guard negotiated a contract provision that would have required the agency to reimburse unit employees for "lost personal travel and recreational expenses" in the event the agency cancels leave that previously had been approved. (p. 2) When the contract was submitted to the agency head for approval, the Secretary of Defense disapproved this particular provision since it would require the expenditure of appropriated funds and therefore was outside of the agency's duty to bargain. (p. 3)

ACT appealed to the FLRA. The Authority sided with the agency, reasoning that the expenditures would be for purely personal expenses and therefore are not legal under the Travel Expenses Act. (p. 3)

In the first appeal to the D.C. Circuit, the court bounced the case back to the FLRA and ordered it to consider whether the expenditures would be authorized by the collective bargaining statute that allows negotiation of "appropriate arrangements" for the adverse effects on employees of management decisions. However, on remand the FLRA apparently did not follow the court's instructions since it did not address the "appropriate arrangement" question. This led to the second trip to the appeals court and another remand by the court back to the FLRA to get it right this time. (pp. 4-5) The court pointed out in its second decision that if the FLRA "adequately explained" any conclusion that the contract provision was not an appropriate arrangement, that "would presumably be the end of the matter...." (p. 5)

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FLRA again dismissed ACT's appeal, holding that this would not be an appropriate arrangement since it would "excessively interfere" with management's right to assign work. (p. 5)

ACT filed a third petition for review with the appeals court; however, this time the court affirmed FLRA's decision, just as it had pretty much promised it would do if the agency addressed the appropriate arrangement issue. The court cited the "considerable discretion" that FLRA is entitled to by the courts when it "exercises its special function of applying the general provisions of the Act to the complexities of federal labor relations." (pp. 5-6) Since the Authority has provided an "adequate explanation" as to why this provision is not an "appropriate arrangement" within the meaning of the federal labor statute, "that does indeed end the matter," says the court. (p. 11)

Farewell To ARMs. The Federal Reserve has indicated that it won't be cutting interest rates any further. If you have an adjustable-rate mortgage (ARM), this might be a good time to refinance into a fixed-rate mortgage instead. The national average for a 30-year fixed-rate mortgage currently stands at 6.6 percent, so you can lock in a rate like that (or even a lower rate, if you shop at Websites such as bankrate.com). Then you won't worry that your ARM rate will shoot up in the next year or two, if inflation accelerates.

What's more, housing prices are falling in many areas, so some homeowners are losing equity in their homes. If your home equity plunges, you might find yourself unable to refinance when your ARM resets to a higher level. Therefore, acting now may be a prudent tactic.

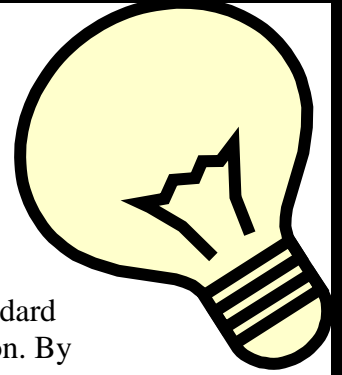
On the other hand, it may not make sense to refinance your mortgage now if you are planning to move in the next two or three years. You'll be paying transaction costs on a new home loan you may not have in place for very long.

Year-In, Year-Out Deductions. In 2008, the standard deduction for married couples filing joint returns is \$10,900; for single filers it's \$5,450. If your itemized deductions are likely to be just under or just over the relevant amount, consider bunching together deductible expenditures every other year. You can claim the standard deduction in the off years.

Suppose, for example, you're a joint filer whose only itemized deductions each year are \$3,000 of property taxes and \$8,000 of home mortgage interest. If you prepay your 2009 property taxes by December 31 of this year, you could claim \$14,000 of itemized deductions on your 2008 return (\$3,000 of property taxes for this year, another \$3,000 for 2009, and \$8,000 of mortgage interest).

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In 2009, you will only have the \$8,000 of interest, but you can claim the standard deduction, which will be higher than \$11,000 after being adjusted for inflation. By following this strategy, you can reduce your tax payments by a substantial amount over the 2008-2009 period. Then you can repeat the process in 2010-2011.

Other deductible outlays that can be bunched together every other year to lower your taxes include charitable contributions, state income tax payments, and the interest due with your January home mortgage payment.

Zero Can Be A Plus. For 2008, the federal income tax rate on long-term capital gains and most stock dividends is 0 percent, for some taxpayers. That's the case if taxable income does not exceed \$65,100 if you're married and file jointly (\$32,550 if you're single).

Even if your income is too high to benefit from the 0 percent rate, you may have children, grandchildren, or parents who will be in that tax bracket. If so, give them some appreciated securities that you're planning to sell; they can do the selling and pay 0 percent tax on the resulting gains, as long as your ownership period plus the recipient's ownership period before the sale is at least a year and a day. (There are limits, though, on how much 0 percent income can be claimed by full-time students under age 24.)

The 0 percent rate is scheduled to be available through 2010 but that could change next year, depending on the results of the November elections. If it's practical, see that assets are sold before the end of this year in order to take advantage of the 0 percent rate.

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.

Prepayment Puzzle. When you buy a house you should make a down payment of at least 20 percent.

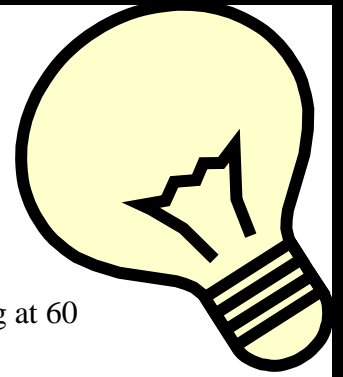
If you make a smaller down payment you'll probably have to pay for private mortgage insurance (PMI), which is expensive.

Once you have a mortgage, you can make larger-than-required payments. Any excess will decrease the amount you owe and thus decrease the mortgage interest you'll be paying.

Prepaying a mortgage is virtually the same as investing at your mortgage rate, aftertax. Suppose, for example, you have an 8 percent mortgage and your effective marginal tax

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rate is 40 percent. Prepaying a mortgage would be the equivalent of investing at 60 percent of 8 percent, or 4.8 percent.

You can substitute prepaying a mortgage for part of your fixed-income investment strategy. That is, some of the money that would have gone into Treasury or municipal bonds can go into mortgage prepayments, instead. Try to get your mortgage paid off by the time you retire so you won't have to keep making those monthly payments.

Happier Returns. Stock funds often advertise their past performance. However, the results that are reported aren't necessarily the same as the dollars that wind up in investors' pockets. Those performance numbers generally are pre-tax numbers but the after-tax results can be much different.

Stock funds typically trade their portfolios, to a greater or lesser degree. Each year, the law requires a mutual fund to distribute any net capital gains to shareholders. Tax will be owed on those gains, even if the distribution is reinvested in the same fund or in another security. Thus, investors may have to pay tax on distributions they've never put in their pocket.

To avoid losing returns to taxes, check out a fund's past performance. A fund that has regularly distributed substantial capital gains to shareholders, year after year, may practice heavy trading and may continue to deliver taxable gains. Before you invest, ask your broker or a fund sales representative about its distribution record.

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.

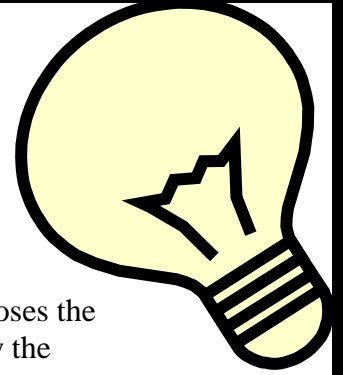
MSPB Urges Selecting Officials to Pick Up the Phone and Call References. Agencies may be tempted to follow up a letter of recommendation with a quick email at the end of a long application process, but MSPB has warned that letters of recommendation are poor indicators of future job performance and can easily be ghost written or generated through professional networking sites.

Instead, it urged agencies to actually pick up the phone and call a reference when deciding whether to offer a candidate a position.

MSPB likened reference checks to structured interviews, in which standardized, job-relevant questions would elicit useful responses from each reference provider.

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While it's possible to put those questions in an email, the reference checker loses the ability to follow up immediately on potentially important comments made by the reference, MSPB said.

It said that a conversation provides the opportunity to glean vastly more important information about a candidate than what a selecting official might acquire in an email because it's too easy to go through the motions when sending documents back and forth.

Federal Workers Owe Billions in Unpaid Taxes. From the U.S. Postal Service to the Executive Office of the President, thousands of federal workers have not paid their 2007 federal income taxes.

The Internal Revenue Service is trying to collect billions of dollars in unpaid taxes from nearly half a million federal employees. According to IRS records, 171,549 current federal workers did not voluntarily pay their federal income taxes in 2007. The same is true for 37,752 active duty military and nearly 200,000 retired civilian and military personnel.

Documents obtained by WTOP through the Freedom of Information Act show 449,531 federal employees and retirees did not pay their taxes for a total of \$3,586,784,725 in taxes owed last year.

Each year the IRS tracks the voluntary compliance rate of all federal workers and retirees. The percentage of employees and retirees who are delinquent has gone up and down over the past five years, but the amount unpaid has increased each year topping \$3.5 billion for the first time in 2007.

The agency with the most delinquent employees is the U.S. Postal Service. With more than 747,000 employees, the postal service is the largest employer in the federal government, but with a 4.16 percent delinquency rate, it is a full 1 percent above the average compliance rate this year.

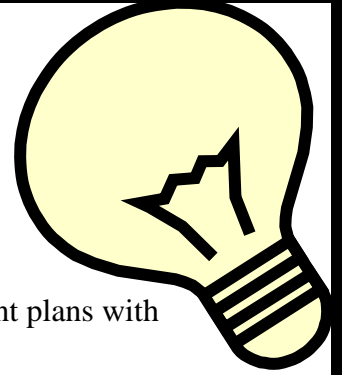
The IRS would not provide comparable data for the general population. But a spokesperson for the IRS did supply the compliance rate for IRS employees -- less than 1 percent. The IRS is the only federal agency where an employee can be fired for not paying his taxes.

The Executive Office of the President, which includes the White House, has 58 employees who did not pay \$319,978.

The Federal Housing Finance Board comes in as the agency with the best compliance rate of all agencies with 100 or more employees. The FHFBB had four of its 134 employees on

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the list of delinquents, three of them have now entered into voluntary payment plans with the IRS.

In fact, 152,554 of the delinquent feds have entered into payment plans. Nevertheless, \$2.7 billion remains uncollected.

Other notable agencies with high delinquency rates include the Smithsonian Institution, where nearly 5.5 percent of the employees didn't pay their taxes. On Capitol Hill, more than 1,000 workers are on the list. The Government Printing Office has the highest percentage of delinquent employees with 7.23 percent.

Choosing Your Retirement Locale: It is Time to Go Back to College?. This article was written by Ralph Smith. It was posted in FEDSmith. All references to "I" or "me" refer to him as an author.

Where will you live after retirement and why will you live there?

Most of us would like more money to spend. Some people look around and see others with more money or resources or a better living situation and some see their situation as a result of "unfairness" or social injustice. Some people are natural pessimists; others are naturally more optimistic. A pessimist sees the downside of most situations.

The tendency apparently doesn't usually change after retirement.

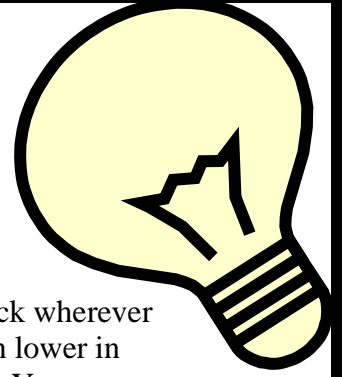
We occasionally get email from readers that goes something like this: "I live in the major metropolitan area where I used to work for the federal government. I get the same annual increase as those that are living in lower cost areas despite the higher cost of living and it is hard to make ends meet as everything is more expensive here. Is there any legislation pending to correct this problem?"

In other words, if you live in a large metropolitan area like Washington, DC, New York City or San Francisco, it will cost you more to live there than if you live in many other parts of the United States.

While it is true that your retirement income will generally not increase more for federal retirees living in a city like Washington, DC than less expensive areas, here is a more optimistic view. First, you may already be getting more than someone who worked in another, less expensive location. Grades are often higher in an area like Washington and the federal locality pay system ensures that people in these areas generally get more money while still working. These factors translate into higher income in retirement.

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Second, you can move when you retire. The government will send you a check wherever you live. Taxes may be lower, housing may be lower and food costs are often lower in rural areas. So, if your income is a major problem, moving may be an option. Your expenses will go down and your income will still be higher than for many other retirees.

Occasionally, other factors pop up that may influence your decision--some of them are unique.

For example, if you happen to be Jewish, you may get an extra [\\$50,000 to move](#) to Dothan, Alabama. A man named Larry Blumberg has advertised in Boston, Miami and Washington to attract fellow Jews to Dothan, an overwhelmingly Christian town of 58,000. He wants to revive the Jewish community in Dothan as it is getting smaller in this southern Alabama town.

Regardless of your religious preference, your money [will go a lot further in Dothan](#) than in the DC area. For the sake of comparison, an income of about \$63,239 is equivalent to \$100,000 in the Washington area.

I have been to Dothan a few times and lived and worked in the Washington area for a number of years. The cultural atmosphere is certainly different in a small city of 58,000 or so but there is generally less stress, getting around is easier and choosing a restaurant or movie to attend is often easier just because there are fewer choices.

But, if living in a rural area is not compatible with your preferred living but you still want to stretch your income, perhaps you should consider living in a college community.

Many retirees want to expand their intellectual horizons and returning to a college town may rejuvenate your intellectual curiosity--not to mention that the average age and energy level will be much different in a college town than a retirement community.

For example, Fayetteville, Arkansas is near the Ozark mountains and home to the University of Arkansas. If you are over 60, you can study free at the University. Your hypothetical salary of \$100,000 in the Washington, DC area will stay the same if you are a federal retiree and [about \\$62,918](#) will buy you the same as \$100,000 in DC.

Or how about Charlottesville, VA? It is within an easy drive from the Washington area and \$100,000 in DC is roughly the same as [\\$75,317 in Charlottesville](#). It is the home to the University of Virginia and students over 60 who have lived in the state for a year can audit courses at no cost.

Or perhaps you were a hippie in the 1960's in college and want to relive the experience. If so, perhaps you would like to live near the University of Colorado in Boulder. Your

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hypothetical \$100,000 in DC will go [further in Boulder](#) (not too many miles from Denver by the way) as you will only need \$79,634 in Boulder to equal your \$100,000 in the Washington area. There is a lot of open area near Boulder, the mountains are not too far away and there are a large number of used bookstores--not to mention an atmosphere that seems to scream "liberal counterculture" while walking along the streets of the town.

So, to take a more optimistic view of retirement than some of our readers occasionally display, you have numerous options when you retire. You do not get an annual locality pay differential when you retire, as you may have gotten as an active federal employee, but you also have more options.

Former Employees Say Defense Audit Agency is “Broken”. Concern over meeting arbitrary deadlines and other job performance goals is at the heart of recently exposed management problems at the Defense Department's lead contract oversight unit, nearly a dozen former employees told *Government Executive* in interviews and correspondence.

The ex-staffers at the Defense Contract Audit Agency, who, with one exception, requested anonymity, came from across the country and ranged in experience from just a few months to more than 30 years. Despite diverse career paths, they told similar stories in reaction to a Government Accountability Office report that DCAA supervisors improperly influenced audits, resulting in findings more favorable to a large federal contractor.

The former employees placed much of the blame on top-level managers -- including recently retired DCAA director William Reed -- for developing a culture beholden to job performance metrics rather than taxpayers.

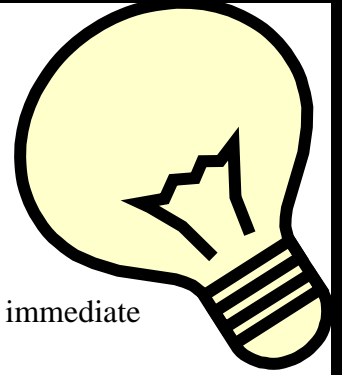
They described an environment where supervisors got upset when auditors used the wrong font in their reports or made spelling errors, but appeared unconcerned that serious over-billing mistakes may have slipped through the cracks. And they recalled times when incomplete audits were pushed out the door by managers more concerned with meeting internal quotas and timetables than by the quality of their work.

"They don't want findings. It makes waves and draws attention so they avoid those types of things so the higher ups don't come down on them," said one former auditor who spent nearly three years at DCAA's Minneapolis branch. "The goal is not to save taxpayers money. People are really too afraid about what they will have to do to back up their findings so they try to avoid them altogether."

Defense Department spokesman Chris Isleib declined to comment on the former employees' criticisms. "DCAA is taking the GAO report very seriously," he said, "and is taking every step necessary to review and address the issues cited in the report. DCAA is

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committed to supporting any review of its procedures and is prepared to take immediate action to fix any problems found."

Metrics, Metrics and Metrics

While the former auditors said DCAA's commitment to oversight has been on a steady decline since the 1980s, they generally did not believe corruption was at fault. None of the former employees could cite an example of agency supervisors taking any form of compensation from contractors for looking the other way about a critical audit.

Rather, they emphasized DCAA's fixation with performance requirements and audit deadlines that they said are not tailored to the size or complexity of the project.

The problems, according to one 25-year veteran of the agency, can be traced back to the Defense Management Information System, a tool for tracking the status of ongoing audits.

The system assigns auditors specific responsibilities and provides them with a set amount of time -- usually 30 days -- to complete them. It also measures progress against a multitude of very detailed and specific metrics. Staff members at DCAA headquarters in Fort Belvoir, Va., track the output and compare results across regional offices.

"In my opinion, the end result was a massive bloated, soulless bureaucracy that totally lost touch with the taxpayer," the 25-year-employee said, adding that the pressure to close out jobs and produce clean metrics -- or green lights in the stoplight-style measurement system -- was intense and often distracted from efforts to question contractor costs.

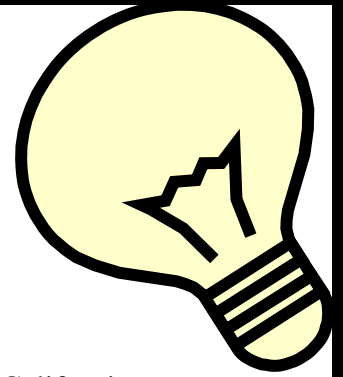
"In the end, defense contractors big and small are getting away with murder because they know we at DCAA are slaves to the metrics," the former employee said.

Ivan Juric, a 20-year veteran of DCAA as both an auditor and program manager in the mid-Atlantic region, said the burdensome internal regulations prevent auditors from following their instincts. Audits, he said, are rarely dictated by documents or interviews, but rather by the established budget hours allowed to perform a review.

"There's got to be a balance somewhere, but I think in DCAA headquarters' strive to become a lean, mean audit machine, they swung the pendulum too far to the right," Juric said. "And by doing that they kind of shot themselves in the foot."

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Pressure From Above

Last month's GAO report also cited cases of intimidation. Supervisors in the California region threatened agency auditors with personnel action if they did not change reports to favor large contractors, GAO said. Unsupervised trainees allegedly were responsible for handling complex multimillion-dollar audits, leading to major mistakes. And, auditors who agreed to speak with GAO investigators reportedly were subject to harassment from managers.

Some of the former DCAA employees interviewed by *Government Executive* reported similar experiences.

The ex-staffer in Minneapolis said a branch manager once asked him to falsify a work paper because the supervisor was concerned that a report was late. Uncomfortable with the request, the former auditor appealed to another boss who instructed him "not to make waves with these people and to do what I was asked." He eventually agreed to falsify the document.

The Minneapolis employee later quit, as did nearly half the new auditors he trained with at the Defense Contract Audit Institute.

Meanwhile, a retired DCAA supervisor with 30 years on the job said he was specifically told not to report fraud. "I was told that I could call the 800 hot line if I wanted," the auditor explained. "However, I was reminded that GS-13 positions were coming open and that if I wanted to be promoted I should not report the fraud outside the agency. I did not call the hot line."

An auditor who worked in the Maryland region for a brief time in 2005 said he was warned early on not to be overtly critical of contractors.

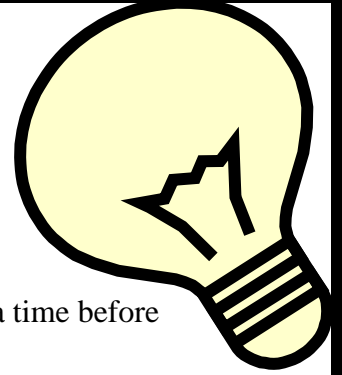
"My understanding was that when contractors complain about any particular auditor, bad things happen to that auditor," said the former auditor, who now works for another federal agency. "When I was there I always had to keep in mind how I interacted with the contractor because if the contractor complained about me it would definitely get back to my supervisor. And there would be some sort of personnel actions or retaliation."

Another former auditor with 25 years of experience in the Philadelphia region said supervisors forced him to change audits because of a fear that delays with a complicated audit could hurt the boss' chances at a bonus.

Sometimes, the requests were more subtle. A former auditor with 17 years of experience in the Houston and Florida regions said supervisors would sit on critical reports for more

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than a year. Other times, managers would direct him to give contractors extra time before releasing an audit.

"They would say, 'Give them an opportunity to support the findings, give them another chance to support it,'" said the 17-year auditor, who eventually quit the profession because of his experiences at DCAA. "It was a repetitive, 'Don't you think it's getting better?' type pressure. You almost get to the point where you feel you are not going to get anywhere ... This agency is broken."

Performance Metrics: The Canary in the Coal Mine. This article was written by Steven Oppermann and posted in FEDSmith. Any references to "I" or "me" pertain to Mr. Oppermann as an author.

The more I do performance standards training for agency managers, supervisors and employees the more I find myself in agreement with fellow FedSmith.com author Robbie Kunreuther, who has been railing against the current performance management approach by the Federal government for several years. My guess is that Robbie was not the least bit surprised to read the GovExec.com [article](#) (August 6, 2008) by Robert Brodsky and Elizabeth Newell titled "Former employees say Defense audit agency is 'broken.'"

In response to a [Government Accountability Office \(GAO\) report](#) which found that Defense Contract Audit Agency (DCAA) supervisors improperly influenced audits, resulting in findings more favorable to a large Federal contractor, a number of former DCAA employees opined that the agency had been in serious decline for years. They "placed much of the blame on top-level managers...for developing a culture beholden to job performance metrics rather than taxpayers," and for "DCAA's fixation with performance requirements and audit deadlines that they said are not tailored to the size or complexity of the project."

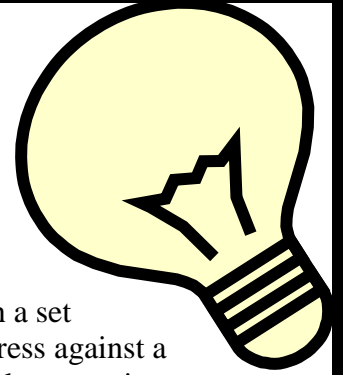
They described "an environment where supervisors got upset when auditors used the wrong font in their reports or made spelling errors, but appeared unconcerned that serious overbilling mistakes may have slipped through the cracks. And they recalled times when incomplete audits were pushed out the door by managers more concerned with meeting internal quotas and timetables than by the quality of their work..."

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"The system assigns auditors specific responsibilities and provides them with a set amount of time -- usually 30 days -- to complete them. It also measures progress against a multitude of very detailed and specific metrics. Staff members at DCAA headquarters in Fort Belvoir, Va., track the output and compare results across regional offices."

"In my opinion, the end result was a massive bloated, soulless bureaucracy that totally lost touch with the taxpayer,' a 25-year-employee said, adding that the pressure to close out jobs and produce clean metrics -- or green lights in the stoplight-style measurement system -- was intense and often distracted from efforts to question contractor costs."

"In the end, defense contractors big and small are getting away with murder because they know we at DCAA are slaves to the metrics,' the former employee said."

The article noted that the "GAO report also cited cases of intimidation. Supervisors in the California region threatened agency auditors with personnel action if they did not change reports to favor large contractors, GAO said. Unsupervised trainees allegedly were responsible for handling complex multimillion-dollar audits, leading to major mistakes. And, auditors who agreed to speak with GAO investigators reportedly were subject to harassment from managers."

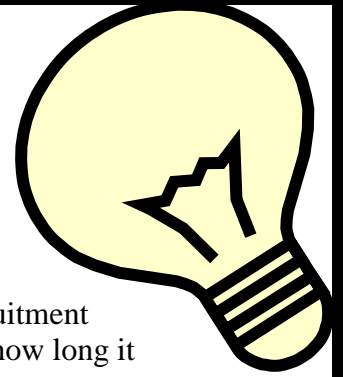
Robbie Kunreuther didn't specifically predict the decline and fall of the DCAA, as detailed by some of its former employees, but, in his March 11, 2008, FedSmith.com article titled "[Goals, Objectives, and the Everyday Employee](#)," he questioned the use of metrics as a means for measuring employee performance, opining that "Human resources folks know this is nonsense. How is a Staffing Specialist supposed to demonstrate commitment to the Air Force's goals and objectives? Hers is a day-in/day-out job. There are vacancies, announcements, applications, selections, etc. If she's been working in HR for 15 years, don't you think she already understands how her job is connected to your agency's mission?"

"Give her metrics if you want. Tie her tightly to the Government Performance and Results Act (GPRA). Enroll her in your latest pay-for-performance system. Be sure to burden her supervisor...to keep counts and scorecards. In the end, however, if she's like most of you reading this article (from the lowest to the loftiest) she'll do her job as best she knows how."

I have some experience with what Robbie was talking about here. As Regional Director of Personnel for one Federal agency, I was responsible for managing all of the traditional personnel management functions, including Staffing. The Staffing Specialists in my office worked very hard, were technically proficient, and had a strong customer service orientation. One of their major responsibilities was to announce vacancies and provide selecting officials with a certificate of eligibles. There may be agencies in which

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managers and supervisors are completely satisfied with the speed of the recruitment process, but I never worked for one. Aside from the usual complaints about how long it took to fill vacancies, though, we thought we were doing pretty well, until top agency management introduced a measuring device titled "How do you stack up?"

The intent of this initiative was to compare the performance of each region against that of all other regions in a wide variety of operational and administrative support functions. When the first several reports came out, we were near the bottom in the timeliness of service measures for Staffing and Position Classification. I was surprised to learn that so many regions were apparently more efficient than we were, so I called several of my colleagues in an effort to learn what they had done to improve timeliness. In virtually every case, they said that keeping the personnel actions out of their logs for as long as possible was the key to their success. So, for example, if a recruit action came in with anything missing or any mistakes, they promptly shipped it back to the originating office, thus taking it off their books until the action had been perfected and returned.

Our practice had been to work informally with originating offices and do pen-and-ink and similar changes to incomplete or erroneous requests for personnel action, typically resolving the matter by phone rather than sending an action back. However, as we continued to hover close to the bottom of the regional rankings, our Regional Administrator made it clear that he was not happy. My boss, the Assistant Regional Administrator for Administration, quickly surmised that it would be better for him, for me, and for my staff if we moved up the regional ratings latter very rapidly. So, as other regions had told me they were doing, we started sending actions back to the originating office if they weren't letter-perfect, thus stopping our clock. Sure enough, we rose in the rankings to the extent that we were consistently at or near the top. Had we improved customer service? Hardly. What we had done was learn to play the game, at the expense of our customers.

Robbie noted in his March 10 article that W. Edwards Deming, the father of total quality management, had "advised us in the 1970s – 80s that individual metrics don't teach us how to do our jobs better. They teach us how to keep up with a bean count."

My example above seems to fit Robbie's theory very well. We disregarded teamwork (in terms of working cooperatively with the offices we serviced, as well as with other regions, for the benefit of the agency as a whole) and made life more difficult for our customers. As Robbie speculated, the individual metrics did serve to undermine the very mission they were designed to support. Now, we actually looked for opportunities to send actions back to the originating offices so we would look better against the other regions. Our focus, in handling requests for personnel action, shifted from constantly searching for ways to better serve our customers to how we could best protect ourselves from looking bad against the "How do you stack up?" reports.

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There is an old management saw that goes "What gets measured gets managed," and I think there is a great deal of truth to it. In the DCAA example, a number of managers and supervisors clearly elected to track auditors in terms of such minutiae as the font they used in reports and the typographical errors they made rather than on the quality and accuracy of their audits. Whether the managers and supervisors did that in a good-faith effort to comply with the Government Performance Results Act, the President's Management Agenda, and Office of Personnel Management and agency guidance, or for more nefarious reasons – and I will admit here that I have grown steadily more cynical about my former employer, the Federal government, not of the overwhelming majority of competent, dedicated and well-meaning managers, supervisors and employees, but of some of the political appointees who set agency policy.

Whatever the reasons, I have talked to many managers and supervisors who say they spend so much time trying to figure out what metrics to apply to their subordinates and how to measure them (and then in tracking those measures) that they have little time left to see what their employees are actually doing. When auditors have to be more concerned about the font they use on their reports or their typographical errors than the quality and accuracy of their audits, something is desperately wrong with the performance management system.

I suspect that the DCAA revelations are just the tip of the iceberg and that many other agencies are also "slaves to the metrics." I hope the next administration will re-examine the Federal government's approach to measuring individual performance, with the goal of ensuring that every employee's focus is on the critical work they were hired to perform, not on extraneous minutiae that actually keeps them from accomplishing that work.

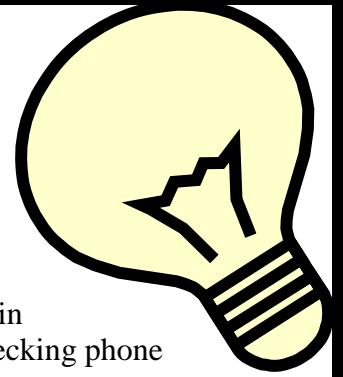
Reference Checking: An Art, Not a Science. This article is written by Steve Opperman. Any reference to "I" or "me" pertain to him as an author.

In an earlier article, I opined that pre-employment reference checks, while often tricky and sometimes time-consuming, are worth the effort, citing the Merit Systems Protection Board's (MSPB) September 2005 Special Report, "[Reference Checking in Federal Hiring: Making the Call.](#)"

I agree with the MSPB Report's contention that current/former supervisors are the "gold standard" for reference checkers and with its citation of the "behavioral consistency principle – that the most reliable predictor of future behavior, such as job performance, is past behavior."

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I will focus in this article on tips for the reference checker, while addressing in subsequent articles advice for the person at the other end of the reference-checking phone call and for the applicants themselves.

The MSPB Special Report says that properly conducted reference checks several elements. I will briefly address each of these.

Job-related. If you are filling a position that has responsibility for opening a national park unit's visitor center every morning, questions about a candidate's reliability/dependability would clearly be job-related. I think it is always a good idea to ask Human Resources (HR) to review your questions in advance, and to check with your Counsel's office if you have concerns regarding the legality of questions you are planning to ask.

Based on observation of work. As a reference checker, you are seeking direct observations of a potential employee's work, not what someone has heard about that person's work.

Focused on specifics. If you are filing a position that requires strong analytical skills, it is appropriate to ask how the potential employee has demonstrated such skills, and to request examples.

Feasible and efficient. It is in the best interest of the reference checker to make the process as easy and as brief as possible for the person providing the information. Think about your highest-priority questions, such as "Would you rehire this person?"

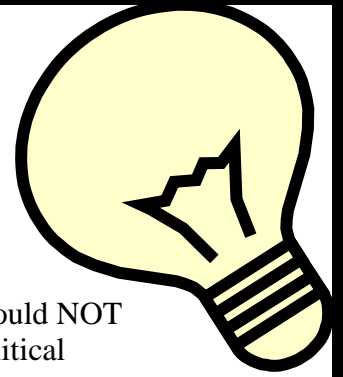
Assessments of the applicant. The MSPB Report states that "Reference checking is subject to employment regulations such as the Uniform Guidelines on Employee Selection Procedures and must conform to accepted professional measurement practice."

I believe you can meet the intent of the Uniform Guidelines, which are designed to ensure that the "total selection process" does not have an adverse impact on the employment opportunities of members of a race, color, religion, sex or national origin, and can conform with accepted professional measurement practice, by asking only questions that are job-related and by requesting the same information on all finalists.

Legally defensible. The MSPB Special Report says that "It is necessary for reference checks to meet high professional standards, and reference checkers can meet these standards within the constraints of the law." I interpret that to mean you can only ask

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questions that are related to the needs of the job being filled, and that you should NOT ask questions about an employee's age, marital status, sexual orientation, political affiliation, off-duty activities, etc.

Part of the hiring process. The MSPB Special Report notes that "The purpose of the reference check is to inform a decision about hiring. The results need to complement other assessments used in that process." I see the reference check as the logical last step before making an employment offer, and it is typically done only on the finalist(s). It will likely either confirm or raise doubts about the positive impression you have gained of the candidate. It is up to each selecting official to determine how much weight to accord to the reference check results.

There are problems and obstacles that may make reference checking difficult. Some current/former supervisors or colleagues may be reluctant to provide information out of concern for legal liability or the possibility of being confronted by the employee.

Accordingly, one key question that reference checkers are likely to be asked is "Can you promise me confidentiality?" It is my belief that you CANNOT, because your selection may trigger a grievance or EEO complaint. If so, I think the whole record of selection may be made available to the grievant/complainant, including any employment references that played a role in your decision not to select the applicant.

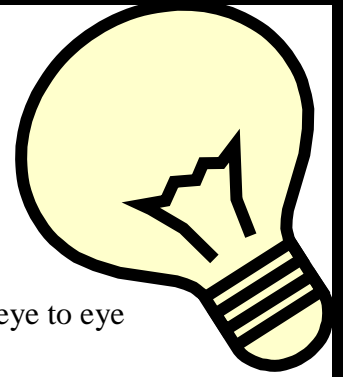
Absent assurances of confidentiality, some sources are likely to respond in a cautious manner, and their answers may be of little value to the selecting official. That's where the "art" comes into play.

The MSPB Report notes that "Reference checking specialists suggest a sequencing strategy for questions based on the rapport that develops between reference checker and reference provider as the discussion proceeds. An interview should begin with fact-oriented questions... (and) can progress to more evaluative discussion of the employee's past performance and competencies. Finally, the discussion should address the applicant's developmental needs. Discussion of more sensitive information, such as potentially inappropriate workplace behavior, should occur late in the interview as well." I think this is great advice for reference checkers.

There are at least a couple of other complications that you may run into: One is the possibility that the current supervisor would like to get rid of the employee and will therefore give you a glowing reference in hopes that you will take the employee off his/her hands. It is legitimate to ask the supervisor about the employee's most recent performance evaluation, and/or to probe for specific examples of superior performance/accomplishments. You may occasionally even run into the opposite situation: where the current supervisor thinks so highly of the employee that she/he will try to discourage you

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from hiring that person, or where the supervisor and the employee don't see eye to eye and the supervisor hopes to block the employee's efforts to get a new job.

Your best course of action in these situations is to ask good follow-up questions that encourage the supervisor to provide examples, positive or negative. I would also advise you not to rely on just one source of information if it is feasible to get more than that.

A final "tip" is to focus all of your attention on the answers that are being provided to you, listening very carefully for changes in tone of voice, hesitancy to answer, etc. In my experience, when a current or former supervisor or associate of your potential employee is genuinely enthusiastic about their experience with that employee, that enthusiasm tends to come through loud and clear, even over the phone.

I don't think there is any such thing as "foolproof" reference checking, and I will admit to having gotten "burned" a few times when doing it, but I believe that, as in many other areas of work and life, reference checking skill improves with practice. If you are well-prepared and exercise both diligence and common sense, you should be able to acquire enough information to adequately augment what you have already learned about the candidate via her/his resume, job interview, etc. If that just isn't possible, you may have to decide whether to go with what you do know about the candidate or to see if you can gather better background information on another finalist.

Union Notification of Changes Involving Bargaining Unit Civilians. – Frequently work place changes are implemented without proper union notification. These "changes" to the workplace could include, but are not limited to, change to an office space – for a group of employees or an individual, location or dimension; establishment of new procedures, rearrangement of work schedules, movement of parking areas, and change to how leave is requested. Implementation without proper notification is a seemingly innocent indiscretion; however, it is a direct violation of the local labor-management agreements and could escalate to an unfair labor practice (ULP)* being levied against the installation. Modifications to established practice/policy, no matter how minor or large in scale, require notification of the local union. Public Law 95-454 (Chapter 71 of Title 5 of the US Code, 7117) advises management has a positive obligation to meet and negotiate in good faith over changes affecting bargaining unit members.

A bargaining unit is a group of employees who are represented by a labor union in their dealings with Agency management. Supervisors, management officials, confidential employees, or employees engaged in personnel work, investigative work, or work directly affecting national security are excluded from the bargaining unit. Employees

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entitled to representation by the bargaining unit do not have to be dues-paying members to be afforded representation. Accordingly, notification of any change for any employee not specifically excluded from representation must occur even if the affected employee does not pay union dues.

In order to initiate the process of negotiating with the Union(s), management must notify, in writing, their servicing HR Specialist at the Civilian Personnel Advisory Center (CPAC) of the proposed change **before** notification to unit employees. CPAC staff will work directly with the union to determine if bargaining is required. If the union requests bargaining over the change in a timely manner, management **must** delay implementation until the negotiations are completed. If the union response is not timely, the union has waived its right to negotiate. In this instance management may implement the change. CPAC staff will make the determination as to whether the request for negotiation is timely.

The unions on Fort Benning are the Federal Employees Metal Trades Council for blue collar workers; the Employees International Union for Non-Appropriated (NAF) employees; and, the American Federation of Government Employees, AFGE, Local 54, for white collar employees.

For additional information on the requirement to notify and negotiate with the union of changes to personnel policy, please contact your servicing HR Specialist.

* For additional information on ULPs, see the September issue of Tips and Tidbits located under bulletins on our website at <https://www.benning.army.mil/Cpac/Index.htm>..

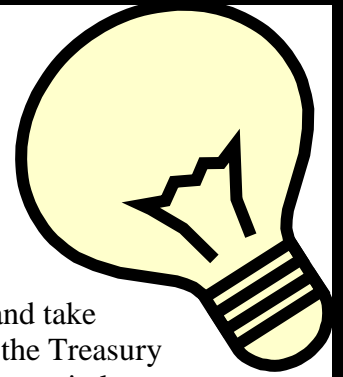
Learning to Lead. Defense Department civilians who want to move up to leadership positions may find themselves rappelling from towers with Marines and soldiers and practicing water safety survival with the Navy.

The experiences are part of the department's 10-month Executive Leadership Development Program. In February, when the department debuts its new Defense Senior Leader Development Program, it will remain part of the overall leadership development plan. It is one of a number of agency and government-wide education programs aimed at preparing employees for the Senior Executive Service and other high-level positions.

While agencies make the opportunities available, getting in can be tough, and managers must be proactive in pursuing them, program and agency officials and program participants said.

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“Employees must be engaged in the work of the organization, perform well and take initiative to discuss their career goals with managers,” said Rochelle Granat, the Treasury Department’s deputy assistant secretary for human resources and chief human capital officer.

A good place for ambitious employees to start looking for leadership development opportunities, including SES candidate development programs, is the Office of Personnel Management’s searchable catalog, www.opm.gov/fedldp. The site can be particularly helpful because some agencies’ programs are open to employees at other agencies, not just their own.

But OPM relies on agencies to provide updated information for the site, and the information is not always the most current, so managers are encouraged to go beyond the site in their research.

Opportunities vary

Treasury and other big departments such as Defense and Homeland Security offer both internal and vendor-provided leadership development programs, but opportunities within some bureaus or subagencies may be greater than others, depending on financial resources, differing requirements and other factors.

For example, IRS, Treasury’s largest bureau, has an array of programs including mentoring, preparation for front-line management, executive readiness and an SES candidate development program.

“Other bureaus are considerably smaller and their leadership development programs are scaled accordingly,” Granat said in a written response to questions.

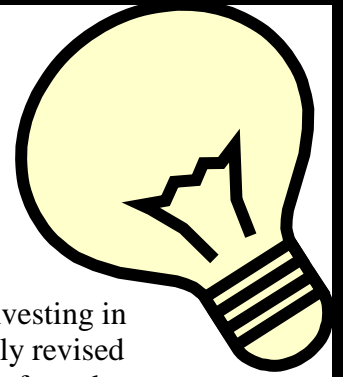
Candidates from throughout Treasury are referred to the IRS executive readiness program because the departmentwide leadership training program, an 18-month program for new executives and GS-15s started in 2003, is on hold.

“Based on management and participant feedback, the human capital office determined that its leadership programs in general needed to be redesigned to develop a more comprehensive approach,” Granat said.

Candidates are also referred to ongoing programs of the Treasury Executive Institute, where executives, candidates and senior managers from all bureaus can attend a variety of vendor-provided seminars, some of which are one day, and network. The institute, founded in 1983, exposes participants to best practices in leadership models, new technologies and other areas.

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Treasury also is establishing a chief learning officer position, emphasizing investing in employee and leader training and development as an imperative in the recently revised four-year human capital strategic plan, and evaluating whether programs are of good quality and value, among other initiatives.

“The goal to close leadership competency gaps and strengthen the focus on leadership development is paramount to ensure that we have effective leaders and the bench strength to offset the coming retirement wave,” Granat said.

Homeland Security’s Customs and Border Protection will award a new contract for a leadership institute program that will start in early fiscal 2009, said Janis Oehmann, director for leadership and organization development. The program most likely will be a five-week course over nine months for GS-14s and 15s who want to move into more difficult positions.

CBP also has a traditional candidate development program, but the new leadership institute will be “one of our key preparation grounds,” Oehmann said. The curriculum will center on OPM’s executive core qualifications but also will address managing change and transition in a law enforcement organization.

The new institute will help participants advance into SES and improve performance in their current job, Oehmann said. The agency will track participants’ progress afterward.

The agency considers employees who have had success and diversity in their careers to be competitive for the institute and other development programs, Oehmann said.

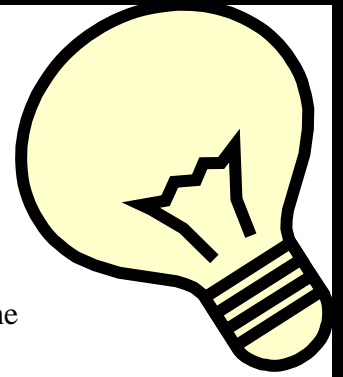
We “require that folks view their work here as an opportunity for lifelong learning,” she said. “It’s not just the formal classroom education and programs that count. But at the agency and in senior leadership — look at the types of jobs one has held, the diversity of experience both in terms of job and tasking, as well as geographical diversity — all of that is taken into account when considering applications to a development program.”

As part of their succession plans, most agencies have their own candidate development programs for managers with their sights set on SES. They do not run the programs all the time but on an as-needed basis, depending on how many vacancies they project they will need to fill and when, said Renee Roman, deputy associate director of OPM’s Center for Leadership Capacity Services.

OPM certifies agency SES candidate development programs that meet certain requirements. For example, one requirement is that a participant work in a four-month assignment outside his or her usual job to develop in a particular area. Another

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requirement is 80 hours of interagency training on various topics, meaning the participants would be from multiple agencies to reflect a wider perspective.

Government-wide program

In addition, OPM runs a government-wide SES Federal Candidate Development Program, www.opm.gov/fedcdp, which has participants from a variety of agencies in each 12-month training and development phase.

The federal and many of the agency candidate development programs include a mentoring component and time with an executive coach, Roman said.

The first government-wide program began in July 2005, and included 12 candidates from six agencies. Participants are now being selected for the next program, which begins in October.

Some agencies have developmental programs other than those for SES candidates, and they are intended for a wider audience including grades under GS-14, or that emphasize material specific to their missions. OPM has helped the Defense Finance and Accounting Service develop a financial management curriculum, for example.

Other avenues

Agency SES candidate development programs are not enough by themselves to completely meet either the needs of agencies or of managers looking to become senior leaders, Roman said. That's why OPM's Federal Executive Institute in Charlottesville, Va., and its Management Development Centers and the USDA Graduate School are important, she said.

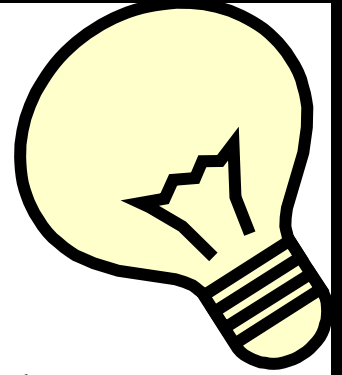
"Only so many people out of a competition get to participate" in the SES candidate development programs, Roman said. "If you don't have additional opportunities for individuals to work on their own individual skills and to be able to gain leadership development, then you're going to leave a whole lot of people behind."

Last year, more than 1,700 federal employees went through FEI's Leadership for a Democratic Society, which can be another avenue into SES. About 5,600 employees went through seminars, of 65 kinds available, at the Management Development Centers in Shepherdstown, W.Va., and Aurora, Colo.

The Grad School offers a yearlong executive potential program for GS-13s through GS-15s and four SES developmental seminars for GS-14s and 15s.

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More work needed

Carol Bonosaro, president of the Senior Executives Association, said OPM and individual agencies should do more to guide employees through the maze of development programs.

Agencies can argue they're on top of leadership development, but the question is whether, taken as a whole, programs are effective at positioning enough managers to move into the SES across government, Bonosaro said.

For instance, Bonosaro said, do programs such as FEI and Harvard University's Kennedy School of Government hold equal, more or less weight than candidate development programs when it comes to developing the next senior executives?

"Which of these is the most effective program? Which one is going to help me the most move up? How do I figure that out?" she said.

It's also hard to judge which of the agency candidate development programs are most effective without some kind of formal assessment, Bonosaro said. Statistics showing the positions held by participants or graduates are hard to come by.

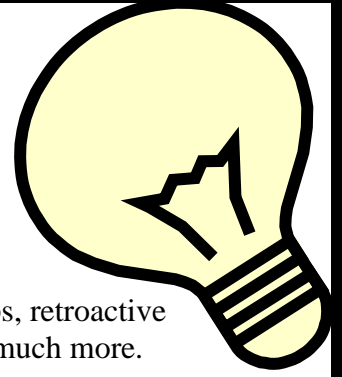
"If this were Xerox, trust me, you would know where people had been, how that had affected their career path. A lot of the companies in private industry spend a lot of time on succession planning and really managing their work force in that way, and the fact is we don't," Bonosaro said. "There's so much we don't know, it's incredible."

The NAF Corner:

Your Bi-Weekly Earning and Leave Statement: A Wealth of Information at a Glance. Each payday Nonappropriated Fund (NAF) employees receive their Earning and Leave Statement (ELS), commonly referred to as a "pay stub" from the NAF Financial Services (NFS) furnished through their employing activity or via the MyPay website. The ELS is a very important document that has a wealth of information. It identifies pertinent data that includes pay grade or pay band level and the hourly rate of pay. The ELS also identifies the shift paid as well as current and cumulative annual leave and sick leave usage. The ELS further identifies the employee's current and year to date earnings as well as deductions associated with federal and state taxes, social security, Medicare, retirement, 401K, life and medical insurance premiums, union dues, charitable contributions, and data relating to allotments. On occasion, the ELS provides announcements that may include special events or information related to payroll or benefits, such as Open Seasons or deadline dates for liquidation of use or lose annual leave. The reverse side of the statement is an explanation of the codes that are used on

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the front side of the form. These codes may include payments relating to tips, retroactive pay, cash awards, child support, tax levies, garnishments, bankruptcies, and much more.

All employees are strongly encouraged to review their ELS each payday to ensure the information is correct and accurate. In instances where errors are detected, an employee should either alert their supervisor or contact the NAF Human Resources Office to address the problem. Inaccuracies caught early are easier to correct as opposed to those discovered at a later date. For errors directly related to time and attendance, employees should contact their supervisor or the payroll clerk responsible for inputting the information into the Time, Labor and Management System. All other errors (benefits, allotments, etc.) should be addressed with the local NAF Human Resources Office.

Political Activity for Non-Appropriated Fund Employees. As we approach the national presidential election and the local elections nearly six weeks away, all Federal employees should be reminded of the provisions of the Hatch Act which prohibits certain political activity. The law that lists the provisions of what employees may or may not do is found in the Hatch Act Reform of 1993. However, the new provisions of the law that were adopted by Department of Defense for all NAF employees are listed as follows:

Employees may:

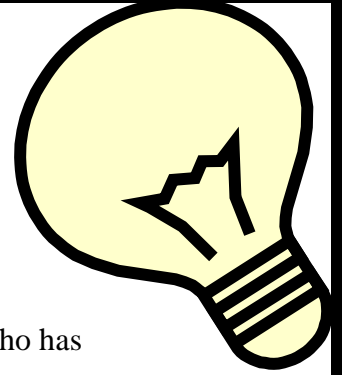
- Be candidates for public office in nonpartisan elections.
- Register and vote as they choose.
- Assist in voter registration drives.
- Express opinions about candidates and issues.
- Contribute money to political organization.
- Attend political fundraising functions.
- Join and be an active member of a political party or club.
- Sign nominating petitions.
- Campaign for or against candidates in partisan elections.
- Distribute campaign literature in partisan elections.
- Hold office in political clubs or parties.

Employees may not:

- Use their official authority or influence to interfere with an election.
- Collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee.

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- Knowingly solicit or discourage the political activity of any person who has business before the agency.
- Engage in political activity while on duty.
- Engage in political activity in any government office.
- Engage in political activity while wearing a uniform or official insignia identifying the employee's office or position.
- Solicit political contributions from the general public.
- Wear political buttons on duty.
- Be candidates for public office in partisan elections.
- Circulate nominating petitions
- Organize or manage political rallies

If you have any questions regarding prohibited or acceptable political activity, please contact your servicing NAF Human Resources Office at (706) 545-1610.

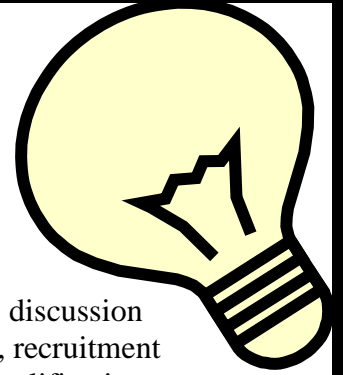
The Expedited Recruitment Process. The Civilian Human Resources (CHR) community and the AG-1(CP) Transformation Division recently completed the testing of a new recruitment process. This test, dubbed the Lean Six Sigma "Expedited" Recruitment Project, began September 2007 and focused on the staffing and classification operations and advisory service provided by the realigned Civilian Personnel Advisory Centers (CPACs). The results of the test provided a foundation from which many civilian recruitment process improvements have been made. Discussion of the process to be implemented is addressed on a macro-level below.

A key concept to be utilized within the CHR community is that each recruitment action requires a holistic "project management" approach. A single HR Specialist within the CPAC is the project manager or PM. This person participates with management in evaluating position requirements, striving to learn what the manager needs and expects in terms of work accomplishment and technical competencies. This type of approach causes an in-depth analysis, which leads to an improved process, customized to the location or stakeholder requirement. The "Expedited" package is used by the CPAC Specialist to help develop action plans that will achieve the desired end state. In short, this new process will ensure that the "right person" is in the "right seat" and at the "right time".

Under the Expedited Recruitment Process, when a supervisor identifies a need to fill a position, she/he should contact their HR Specialist. During this contact, a plan of action will be jointly developed by the supervisor and HR Specialist. All job requirements will be identified up front, thereby expediting the recruitment action and eliminating the need

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for rework or “back and forth passing” of the action later in the process. This discussion will include position description requirements, position management options, recruitment strategies, vacancy announcement options, recruitment incentives, position qualifications, skills necessary to determine the best qualified candidates, and conditions of employment. With this up-front discussion the need for the organization to fill out a gatekeeper is eliminated. Alternatively, the information that was obtained by way of the gatekeeper will be obtained during the RPA discussion.

Army-wide it takes on average approximately 128 days to fill a position, which includes all pre-RPA activities and the initiation of the RPA at the organizational level to getting a new employee on-board. Under this streamlined process, we are looking to reduce the cycle time significantly while at the same time improving overall quality of the action.

Please contact your servicing HR specialist with questions.

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.

Course dates are highlighted below. Course registration information will be disseminated not less than 3 weeks from the course start date.

- 1 - 5 December 2008
- 2 - 6 March 2009
- 1 - 5 June 2009
- 14 – 18 September 2009

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

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- Sustaining – Performance Management, Management Employee Relations, Labor Relations

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.

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

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

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you have any questions or need assistance, please contact your servicing HR specialist to arrange a time so we can come to your office to help you.

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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