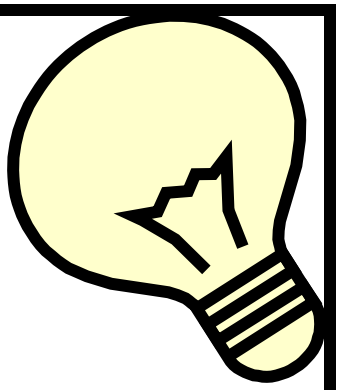

The Illuminator

Shedding Light on the HR World

6-2012 Article Directory

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

Employment-Related News

Prohibited Personnel Practice of the Month

Management-Employee Relations

Training, Self-Development, and Personal Improvement

This publication is issued to ensure the Fort Benning commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Monthly issuances will contain updated information on specific employment topics (i.e., compensation, recruiting procedures, travel entitlements, classification issues, the USA Staffing, 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, FEDSmith, and the ABC-C Newsletter. Obviously, the articles/information may be available elsewhere; the compilation is strictly for the convenience of the Fort Benning stakeholders

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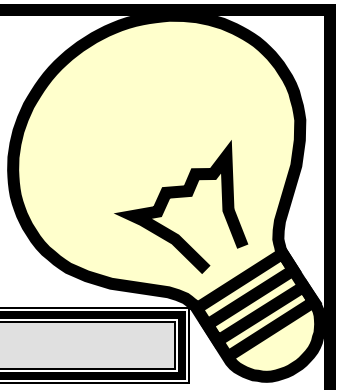


Retirement, Life/Health Insurance, TSP, Social Security and Such

Social Security Tax Tactics. When you receive Social Security benefits, are they subject to income tax? Maybe, or maybe not, or maybe just in part. The issue is very complicated but some seniors can enjoy tax savings by trimming their other reported income. Generally, the best candidates for tax savings are retirees with income roughly in the $30,000-$60,000 range.

Retirees with very low income won't owe tax on their Social Security benefits. At the other end of the spectrum, upper-income retirees will owe tax on 85% of their benefits. Say that Joan Martin receives $20,000 a year from Social Security. If Joan's total income is $100,000 a year, then $17,000 of her Social Security benefits (85% of $20,000) will be added to her taxable income.

Within that $30,000 to $60,000 range, more of your benefits will be taxed as your income increases up to the 85% maximum. Conversely, holding down your income, within that range, will result in less tax on your Social Security benefits. You might want to convert your traditional IRA to a Roth IRA and take capital gains before you start taking Social Security benefits; subsequently, you'll have less income to report and you may reduce the tax on your benefits.

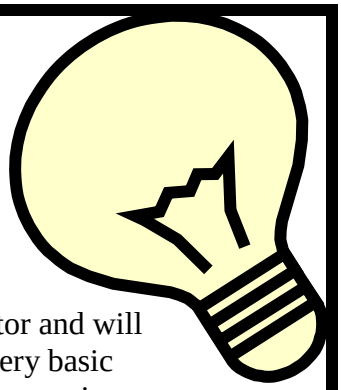
Phased Retirement Plan Falls out of Defense Bill. The House has set aside a proposal to allow federal employees to phase into retirement, a plan some see as an innovative cost-saving measure that could also allow older staff members the opportunity to help train younger ones.

Rep. Stephen F. Lynch (D-Mass.) offered the proposal as an amendment to the defense spending bill, but the amendment was not among those accepted by the Rules Committee for consideration during House floor voting this week.

The plan, initially proposed by the Obama administration, would allow retirees to continue to work for the government part-time while receiving both a prorated annuity and a prorated salary.

The proposal has made progress on other avenues, however, having passed the Senate in March as an amendment to a transportation bill. In April the House Oversight and Government Reform Committee approved it as a freestanding bill with bipartisan support.

“I will continue to push for this TSP/phased retirement proposal to become law whether that is in the form of other legislation or as a stand-alone bill,” Lynch said in a



statement. “The TSP lump sum transfer proposal is popular in the private sector and will bring parity for retiring federal workers. The phased retirement option is a very basic and commonsense feature that will save taxpayers millions and will allow us to retain our most skilled and experienced workers.”

Under the proposal, phased retirement would be offered at management’s discretion. Eligible retirees typically would work half-time, collecting half of the annuity they have accumulated plus half of the salary for the position. However, with agency approval they could work between 20 percent and 80 percent of the time, with both the annuity and the salary adjusted accordingly.

Currently, with some exceptions, federal retirees who return to work for the government receive their full annuity but have their salaries reduced by that amount.

Another part of the proposed amendment would have allowed employees who separate from the government for retirement or other reasons to invest in the Thrift Savings Plan the value of unused annual leave due to them.

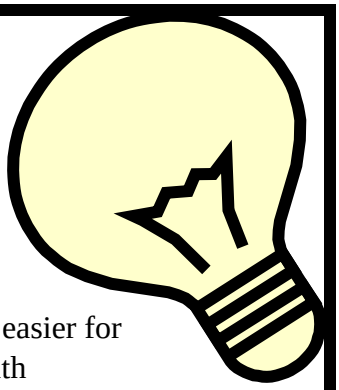
That language also was part of the bill passed last month by the oversight committee, and further was included in a spending-cutting bill that passed the House last week, but that the Senate does not plan to consider.

Legislation Aims to Help Feds Save More for Retirement. Senator Daniel Akaka (D-HI) has introduced legislation that would encourage federal workers to save at least five percent of their pay in the Thrift Savings Plan.

Dubbed the Save More Tomorrow Act of 2012, the legislation follows the private sector model of automatic enrollment in 401(k) plans to encourage higher savings and participation rates. It builds upon the Thrift Savings Plan Enhancement Act of 2009 under which all federal employees are automatically enrolled in the TSP (unless they opt out) by increasing the default employee contribution rate in the 2009 Act of three percent of basic pay to at least five percent.

The bill would authorize the Federal Retirement Thrift Investment Board to pair the current auto enrollment of three percent of pay with an automatic escalation of one percent per year for at least two consecutive years after the first year of an employee's enrollment in the TSP.

The private sector model being mirrored in this bill is the one established under the Pension Protection Act of 2006, legislation which encouraged companies to automatically enroll their employees in 401(k) plans at no less than a three percent savings rate and automatically escalate the rate by at least one percent per year for at least three years.



In a statement, the Senator said, "The Save More Tomorrow Act will make it easier for new TSP participants to save for retirement. Pairing automatic enrollment with automatic escalation in 401(k) plans has proven effective in increasing private sector savings rates. Congress should incorporate this best practice into the TSP."

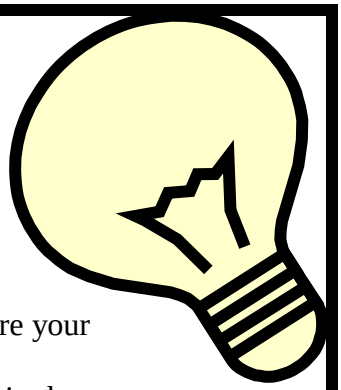
The Save More Tomorrow Act would only increase the savings rate for new federal employees who enroll in the TSP but do not raise their contribution rate enough to reach the goal Congress set of having most federal employees contributing at least five percent of basic pay. Currently about nine percent of federal workers under FERS and enrolled in the TSP contribute less than five percent, so the bill is mostly targeting that group to increase their contributions.

Studies have shown that automatic enrollment encourages greater investment in a retirement savings program such as the TSP. Professors Richard Thaler of the University of Chicago and Shlomo Benartzi of UCLA said in a statement, "Automatic enrollment is a great way to help people overcome inertia and start saving for retirement, however many employees get stuck at that initial 3 percent rate and stay there. This proposal will encourage Federal employees to gradually increase their saving rates by 1 percent a year, while maintaining everyone's flexibility to opt out. This option, common in private 401(k) plans, is an important improvement to offer Federal employees."

Akaka also hopes that the legislation would encourage lower income federal workers to save more for retirement. He noted in a statement that lower income workers are the ones who can least afford to forego saving for retirement, yet are the most likely to not contribute to their TSP plans. He said that this group of workers often cites automatic enrollment in the program as the main reason they are participating.

"Fortunately, the vast majority of the Federal employees are responsibly saving for retirement, exhibiting average savings rates that are far greater than the private sector. However, I am concerned that the most financially vulnerable Federal employees, individuals earning less than $25,000 a year, are saving at a lower rate that will hinder their ability to retire with dignity. We should build on the success of the Thrift Savings Plan Enhancement Act by making it as easy as possible for employees to increase their contributions," said Akaka.

At first blush, policies that help pay the costs of extended nursing care make perfect sense. Bills add up quickly when you can no longer take care of yourself and your needs exceed what family and friends can provide. Nursing homes, assisted-living centers and home care all are expensive, and there is no telling for how long you may need the



service. Buying a long-term-care insurance policy can be a way of making sure your future physical needs will be met. Policies designed in partnership with state governments also give individuals and their families a way to protect savings in the event of burdensome care costs that stretch on for years.

Critics, however, say insurers are using scare tactics to sell their products, which come with a hefty price. For most people, these critics say, long-term-care policies are either unnecessary or cost more than their benefits are worth. They believe that a great many people would be better off essentially self-insuring or relying on government-funded programs.

Mark Meiners, a professor of health administration and policy at George Mason University, argues in favor of long-term-care insurance. Prescott Cole, a senior staff attorney at California Advocates for Nursing Home Reform, argues against

Yes: Don't Just Hope for the Best

By Mark Meiners

Being financially ready for the possibility that you will require long-term care is an important part of retirement planning. But too many people are still preparing merely by hoping for the best.

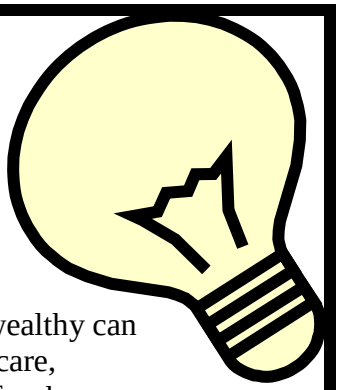
For anyone 65 and older, the odds are not in your favor. Statistics show 70% of those who reach 65 will need long-term care. With long-term care costing as much as $250 a day, it doesn't take long to completely deplete a lifetime of savings—even if you're "lucky" enough to only need it for a relatively short period of time.

For those who buy and keep their policy it is a no-regret proposition. No one who has paid premiums and receives their benefits from the policy regrets having paid those premiums. And no one ever regrets being fortunate enough to never need those benefits.

The sad fact, though, is that only seven million to eight million people have bought the insurance so far. The market should be at least twice that size by now. Certain misconceptions, and some wishful thinking, are holding it back.

Some Misconceptions

The biggest misconception is that Medicare covers long-term care. It does not. Medicaid, meanwhile, pays for various kinds and amounts of long-term-care services and support—for the poor. But many states are cutting back on Medicaid benefits, and access to good care is always uncertain.



That isn't to say long-term-care insurance is right for everyone. It's not. The wealthy can be reasonably sure their savings will be enough to pay directly for long-term care, whatever its duration. And despite concerns about quality, Medicaid is there for the poor

But what about consumers with midlevel savings—in other words, most people? These consumers need long-term-care insurance the most. They tend to have too little savings to pay for even a couple of years of care without impoverishing themselves and their families, and too much to qualify for Medicaid.

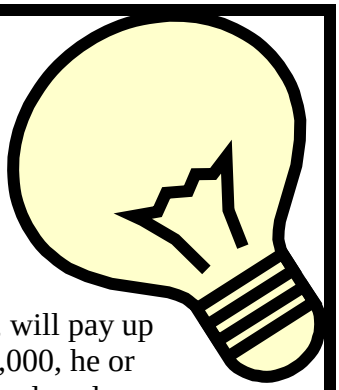
Critics of long-term-care insurance argue that many who need long-term care use it for less than 90 days, and that most policies have a 90-day deductible, meaning most owners of long-term care insurance will receive no benefits. But who wants to play those odds, hoping they'll be one of the people who only need such care for less than 90 days? And the fact is that most people who need long-term care need it for at least a year or two.

The important thing to understand is that there are a wide range of policies offering different degrees of security, but all preferable to taking the chance of being financially decimated. According to estimates done by the American Association for Long-Term Care Insurance, a typical couple buying a shared policy providing immediate benefits worth $328,500 at age 55 pays an annual premium averaging $2,700. By age 80 their joint benefit has grown to $708,000 with the built-in inflation protection. Alternatively, a typical couple buying a shared policy with $219,000 of coverage could reduce their premium by about 20% to 25%. That's a viable option for those who are worried about this risk. If more coverage is affordable, buy more coverage. But some is better than none.

In theory, it's true, if a person invested $3,500 a year instead of using it to pay insurance premiums, the investment might grow enough to cover any eventual long-term-care bill. But as nice as it sounds, most people simply won't set aside additional savings for long-term-care needs. Moreover, savings of $3,500—should the need for care come sooner than expected—will pay for only $3,500 of care.

Partnership Policies

In a worst-case scenario, a person in nursing care might outlive by many years the coverage that they purchased, wiping out his or her savings. People especially concerned about this might consider so-called Partnership Policies, developed by private insurers and state governments and offered in 40 states. These plans let people qualify for Medicaid's long-term-care benefits while they still have a good amount of savings to spend on other things or leave for their family. (Normally, a person can have no more than $2,000 in savings for Medicaid to pay their long-term-care costs.)



Partnership plans that offer to protect savings of up to $100,000, for example, will pay up to $100,000 in benefits. Then, if the purchaser has savings of more than $100,000, he or she becomes responsible for their long-term-care costs until their savings are reduced to $100,000. At that point, Medicaid will take over the expenses.

Dr. Meiners is a professor of health economics and policy at George Mason University. He can be reached at reports@wsj.com.

No: The Cost Is Too High

By Prescott Cole

Buying insurance is basically gambling. You calculate the costs, risks and benefits—and hope that you come out ahead. In the game of long-term-care insurance, however, you are playing with a stacked deck.

The industry touts scary statistics about the probability of ending life in a nursing home. It's not uncommon to see ads claiming "50% of all seniors will go into a nursing home," or "the average stay is two and a half years."

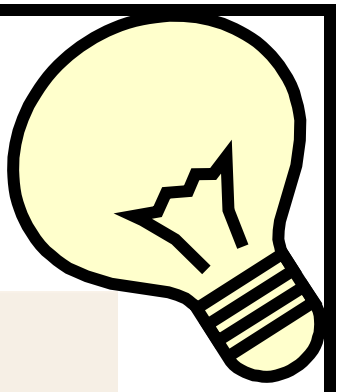
It may be more useful to learn that 67% to 70% of seniors who do go into a nursing home are discharged within 90 days, and that after two years, less than 6% of those admitted will still be there. Actually, out of 40 million American seniors alive today, approximately 1.5 million currently live in nursing homes, about 3.7%.

Long-term-care insurance does not compare favorably with other insurance products. Using a cost-risk-benefit analysis reveals an "inverted formula": With long-term-care insurance the costs are high, the risks are low, and the benefits are low, but with, for instance, fire insurance the costs are low, the risks are low and the benefits are high.

Homeowners-insurance premiums run from $300 to $1,000 per year, whereas long-term-care insurance averages $3,500. Compare the fact that you can insure a half-million-dollar home annually for less than $800 with what you get for $3,500 in long-term-care insurance premiums and you will see that clearly the latter is not a good deal.

The 90-Day Rule

Another important point: Most long-term-care policies don't pay anything until the person has been in a nursing home for more than 90 days. If more than two-thirds of those going into nursing homes leave before 90 days are up, it is unlikely that most consumers will receive any benefits at all.



The Cost of Care

Median annual costs for various types of long-term health care in the U.S.

HOMEMAKER SERVICES
› $41,184
Provides hands-off care such as helping with cooking and running errands. Providers are often referred to as companions or personal care assistants. This is the rate charged by a non-Medicare certified, licensed agency for 44 hours of care per week.

HOME HEALTH AIDE SERVICES
› $43,472
Provides hands-on personal care, but not medical care, in the home, with assistance for activities such as bathing, dressing and transferring. This is the rate charged by a non-Medicare certified, licensed agency for 44 hours of care per week.

ADULT DAY HEALTH CARE
› $15,860
Provides social and other related support services in a community-based, protective setting during any part of a day, but less than 24-hour care. This is the rate for full-day care five days a week.

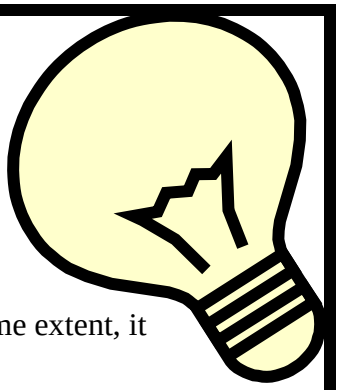
ASSISTED LIVING FACILITY
(One Bedroom, Single Occupancy)
› $39,600
Provides oversight and assistance with personal care for those who are not able to live by themselves but do not require skilled nursing care or 24-hour custodial care provided by a nursing home.

NURSING HOME
(Semi-Private Room)
› $73,000
Provides skilled nursing care and/or custodial care 24 hours a day.

NURSING HOME (Private Room)
› $81,030
Provides skilled nursing care and/or custodial care 24 hours a day.

Source: Genworth Financial Inc. 2012 Cost of Care Survey — The Wall Street Journal

Proponents argue that having a longer exclusionary period helps the insurers offer lower premiums. Another way to look at it is the lower premiums reflect the companies' view that their liability is reduced and that payouts are less likely on those policies. It doesn't matter if the policy costs less if you can't use it.



Does that mean long-term-care insurance is unsuitable for everybody? To some extent, it depends on their personal wealth.

For those with little wealth, a policy will never be suitable. They will be covered by the long-term care provided by Medicaid. For individuals with incomes of at least $250,000 a year and substantial savings, the smarter move might be to either self-insure or use their resources to pay for high-level in-home health care.

For mid-wealth individuals, the answer isn't so clear. The average annual premiums for policies sold to seniors run around $3,500 per year. But few—if any—policies pay 100% of the daily private pay rate, currently about $250 per day. Policies typically pay $150 a day. So, even a resident with a policy will have to dig into savings to pay the difference.

But instead of buying a policy and paying premiums, the consumer could set aside savings for long-term care. At $3,500 a year, in 20 years he or she could have $70,000 plus interest. In the statistical unlikelihood they end up in a nursing home, they could use these savings to pay the bills.

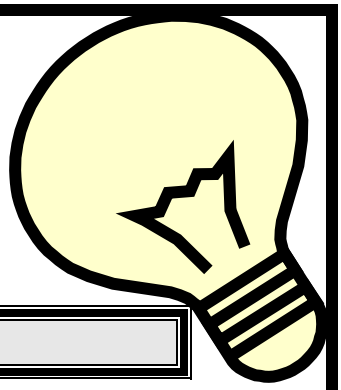
Admittedly, if a stay in a nursing home exceeds the set-aside savings, they will be worse off than if they had long-term-care insurance. On the other hand, if their stay doesn't exhaust their savings, they will have kept their money and done better than if they had insurance. It's a risk either way.

Unprofitable Partnerships

Some proponents tout Partnership Policies as a good solution for mid-wealth consumers, because they allow purchasers to retain more than the usual amount of savings and still qualify for Medicaid to pay their long-term-care costs. But before buying one of these policies, consumers need to ask two basic questions, "How long do I need to be in a nursing home before I can qualify for Medicaid?" and "Do I really want to end up on Medicaid?"

Indeed, getting onto Medicaid may be a phantom value. Even if a Partnership Policy holder were to survive in a nursing home long enough to shield their assets, would he or she really want to give up their private room to spend their remaining days in a Medicaid ward?

Buying any insurance can be considered a gamble. But with long-term-care policies, the high cost and the low probability of qualifying for benefits add up to a losing bet for most consumers.



Employment-Related News

Planned Hatch Act Reforms may Broaden. Congress is moving toward what would be the first overhaul of Hatch Act political activities restrictions on federal employees since 1993, with the House federal workforce subcommittee holding a hearing and preparing to move legislation as soon as in a few weeks. The reform measure would allow for a wider range of penalties, potentially as mild as a reprimand, when violations are found; currently, firing is the default penalty and can be reduced only to a 30-day suspension on appeal. The measure also would ease restrictions against running for partisan office by state and local government employees working in programs receiving federal funds. However, at the hearing the panel heard proposals to make further revisions designed to accommodate changes in the workplace and in technology. The Office of Special Counsel, which enforces the law, said there is confusion regarding whether employees who are tele-working are "on duty" for purposes of the stricter restrictions against political activity while in duty status, and regarding policies for use of social media, laptops or other personal electronic devices.

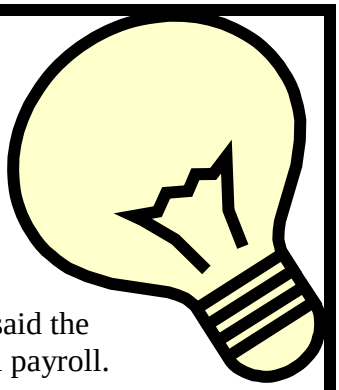
Federal Bonuses Down by 43 Billion. The federal government paid at least $439 million in bonuses to its employees in 2011, which represented a $43 million decline from the previous year, according to data obtained by the Asbury Park (N.J.) Press. Both publications are owned by Gannett.

The total amount of bonuses equates to 0.4 percent of the payroll for the surveyed employees, who represent about two-thirds of the government's 2.1 million-person executive branch workforce.

The federal government, in responding to the newspaper's Freedom of Information Act request, omitted from the salary data FBI, CIA, Defense Department and Internal Revenue Service employees, as well as employees involved in security work, nuclear materials or national security matters.

Rep. Dennis Ross, R-Fla., chairman of the House subcommittee on the federal workforce, promised last week to investigate federal bonuses further and may hold a hearing on the subject.

"Along with a lack of internal controls, certain agency policies may contribute to the problem of over-the-top bonuses," said Fredrick Piccolo, Ross' chief of staff. "Chairman Ross is looking at this issue as part of an ongoing effort to bring accountability to the federal workforce."



John Palguta, vice president of policy for the Partnership for Public Service, said the bonuses may appear large, but are modest given the overall size of the federal payroll.

"It's not anything that should upset anyone," he said. "We're not being extravagant here."

Palguta said the decline in bonuses awarded is a sign that agencies are tightening their belts, especially after a June memo from the Office of Management and Budget and Office of Personnel Management ordering agencies to limit their performance bonus payouts in fiscal 2012.

That memo ordered agencies to limit total spending on performance awards for Senior Executive Service members and other senior-level employees to no more than 5 percent of their aggregate salaries.

It told agencies to limit bonuses for lower-ranking employees to no more than 1 percent of their combined salary. It also told agencies to start trimming bonuses in fiscal 2011.

But the latest bonus data suggests that many agencies may have already met those goals.

OMB spokeswoman Moira Mack said that the administration is reining in spending on federal pay.

"Just as families across the country tightened their belts, the president has taken a number of actions to tighten our belts and save billions in taxpayer dollars when it comes to federal pay," Mack said. "On his first day in office, the president froze pay for senior White House appointees and thereafter froze pay for all employees governmentwide for two years. The administration eliminated bonuses for all political appointees, directed agencies to adopt more rigorous personnel management processes, and set a cap to reduce spending on awards for career staff, saving taxpayers an estimated $200 million this year alone."

Mack said the administration's federal pay policies will save more than $3 billion this year, and more than $60 billion over the next decade. Most of those savings are expected to come from the two-year pay freeze.

The bonus data also showed 84 Federal Aviation Administration employees received bonuses of at least $42,500 last year. FAA said those and other bonuses were part of a grievance settlement, reached in early 2011 with the National Air Traffic Controllers Association, over a classification change for an Atlanta facility.

FAA said it agreed to a one-time payment of $6 million distributed to current and former air traffic employees in the facilities, and those payments were listed as bonuses.

NATCA declined to comment on the grievance.

Prohibited Personnel Practice of the Month

PROHIBITED PERSONNEL PRACTICE OF THE MONTH

Number 7
Nepotism

(7) appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative [father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister] of such employee if such position is in the agency in which such employee is serving as a public official [an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency] or over which such employee exercises

jurisdiction or control as such an official;

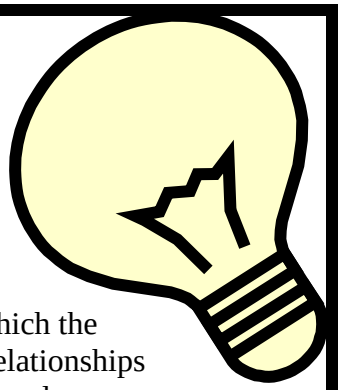
Where can I find this provision?

It was part of the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111. Like the other prohibited personnel practices (PPP) discussed in this series, it is codified at 5 U.S.C. § 2302(b). Nepotism is addressed at prohibited personnel practice number 7. Specific restrictions on the employment of relatives are also set forth at 5 U.S.C. § 3110, which pre-dates the codification of prohibited personnel practices.

What is the purpose of this provision?

Nepotism comes from the Latin word for "nephew" and is defined as patronage bestowed or favoritism shown on the basis of family relationship. The civil service system is based on the idea that employees should be selected through fair and open competition and promoted on the basis of their individual merit. Since the passage of the Pendleton Act of 1883, to which the Merit Systems Protection Board (MSPB) traces its own roots, favoritism based on family relationship has been frowned upon; with the Civil Service Reform Act of 1978, it was specifically proscribed. The proscription is not absolute. Rather it tracks the general societal construct that, other than in family-run private businesses, favoritism towards relatives is fraught with potential conflicts that might impede any meritocratic enterprise. In order to limit even the appearance of improper favoritism towards relatives, this provision assures that public officials cannot use their influence to advance their relatives in hiring or career advancement. It does not prohibit family members from honorable public service, but simply proscribes improper influence by their relatives in derogation of the merit system.

For prohibited nepotism to occur there must be the act of advocacy. For example, in Wallace v. Department of Commerce, 106 M.S.P.R. 23, ¶ 2 (2007), Wallace was a high-ranking official who became aware that her sister was interested in a position that fell under Wallace's authority. Wallace notified senior management that her sister was interested in applying for the vacancy and that "she was recusing herself from any input or involvement in the hiring process for the position and further sought… guidance on how to ensure that a fair and impartial selection could occur." Wallace's sister was ultimately selected for the position, but the Board held that the PPP of nepotism did not occur because the agency "failed to establish that Wallace's mere presence in the chain of command" at the time of the selection constituted a violation of the nepotism statute. Id. at 69. In other words, the necessary advocacy or act to further the sister's employment was missing from this case. The Board made a similar finding in Alexander v. Department of the Navy, 24 M.S.P.R. 621, 625 (1984), where it found that the person to whom the appellant mentioned that his daughter was looking for a job was not his subordinate and there was no evidence that he "spoke in favor of, recommended, commended, or endorsed" his daughter's employment.



It is, perhaps, interesting to note that the proscription against nepotism, for which the relevant relationships are so clearly defined, does not include some modern relationships which, though not spousal, are similarly close, e.g., cohabitating unmarried couples (regardless of sexual orientation). Improper favoritism involving such relationships would be prohibited under some other PPP, e.g., PPP number 6. Nor does PPP number 7 extend to the hiring of friends and acquaintances. See Special Counsel v. Nichols, 36 M.S.P.R. 445, 455 (1988).

How does the issue of prohibited nepotism arise in MSPB cases?

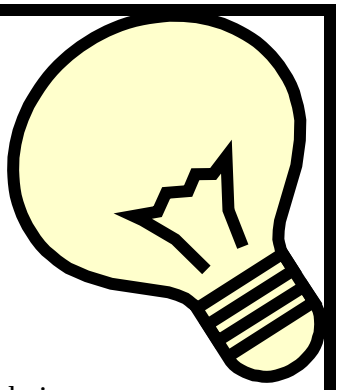
It arises most frequently in one of two ways: as a charge upon which an employee has been disciplined for violating the prohibition (or an agency's internal disciplinary prohibition that is similar to the PPP), or as an affirmative defense that an action taken was taken in reprisal for the appellant having blown the whistle on someone for a nepotism violation. An example of the latter is Hudson v. Department of Veterans Affairs, 104 M.S.P.R. 283 (2006), where the Board found that the appellant made a non-frivolous allegation that he made a protected disclosure because a reasonable person in his position could believe that his supervisor was violating 5 U.S.C. §§ 2302(b)(7) and 3110 by employing her son and/or assisting in the advancement of her son by giving him preferential treatment in training, assuming that those allegations are true.

How do I pursue a claim that someone violated this provision?

The Office of Special Counsel (OSC) receives and investigates claims of prohibited personnel practices, including this provision. 5 U.S.C. § 1214(a)(1)(A). If OSC concludes that there has been a violation, it may request that MSPB impose discipline against the violator. Id. § 1215. The case will be heard by an administrative law judge who will make an initial decision that can be appealed to the Board. 5 C.F.R. § 1201.125. An individual employee also could raise this provision as an affirmative defense to an adverse action by an agency that is within MSPB's jurisdiction, such as a removal. 5 U.S.C. § 7701(c)(2)(B). Absent an otherwise appealable matter, MSPB does not have jurisdiction to hear a claim by an individual (as opposed to OSC) that prohibited personnel practices have been committed. See Gaugh v. Social Security Administration, 87 M.S.P.R. 245, ¶ 7 (2000); Wren v. Department of the Army, 2 M.S.P.R. 1, 2 (1980), aff'd, 681 F.2d 867, 871-73 (D.C. Cir. 1982).

What penalties may MSPB impose for violations of this provision?

The penalties MSPB may impose include reprimanding, suspending, demoting, or removing the offender from Federal employment; prohibiting the offender from working for the Federal Government for up to 5 years; and imposing a fine of up to $1000. 5 U.S.C. § 1215(a)(3).



Has MSPB studied this practice?

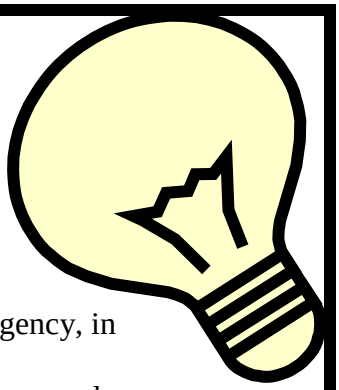
Yes. For over 30 years MSPB has surveyed Federal employees to determine their perceptions of the incidence of prohibited personnel practices in the Federal civilian service. Results of survey items pertaining to nepotism were most recently summarized in the 2011 report, Prohibited Personnel Practices: Employee Perceptions. According to this report, perceived violations of this provision have decreased steadily in the last 15 years. In 2010, only 1.7% of Federal employees who responded to MSPB's survey reported that they had been personally affected by someone advocating for a relative. Id. at 32. This may explain the paucity of cases substantively addressing nepotism issues.

Management-Employee Relations

Federal Legal Corner: Damages for Privacy Act Violations. In Federal Aviation Administration v. Cooper, No. 10-1024, 566 U.S. __ (2012), the United States Supreme Court faced the question of whether an individual whose rights under the Privacy Act are violated is entitled to damages for mental or emotional distress. Since the Privacy Act allows for recovery of "actual damages," this case called upon the court to decide if emotional distress damages fall within the definition of "actual damages." The court in a 5-3 decision held that emotional distress damages are not available as "actual damages" under the Privacy Act.

In this case, Cooper, a licensed pilot, failed to disclose his HIV diagnosis to the FAA at a time when the FAA did not issue medical certificates to persons with HIV. In 1994, however, he applied for and received a certificate, but he did so without disclosing his HIV status or his medication. He renewed his certificate in 1998, 2000, 2002, and 2004, each time intentionally withholding information about his condition.

When Cooper's health deteriorated in 1995, he applied for long-term disability benefits under Title II of the Social Security Act. To substantiate his claim, Cooper disclosed his HIV status to the Social Security Administration (SSA) which awarded him benefits. The Department of Transportation, the FAA's parent agency, launched a joint criminal investigation with the SSA, known as "Operation Safe Pilot," to identify medically unfit individuals who had obtained FAA certifications to fly. The DoT gave the SSA a list of names and other identifying information of 45,000 licensed pilots in northern California. The SSA then compared the list with its own records of benefit recipients and compiled a spreadsheet, which it gave to the DoT. After reviewing Cooper's FAA medical file and his SSA disability file, FAA flight surgeons determined in 2005 that the FAA would not have issued a medical certificate to Cooper had it known his true medical condition. Because of these fraudulent omissions, the FAA revoked Cooper's pilot certificate, and

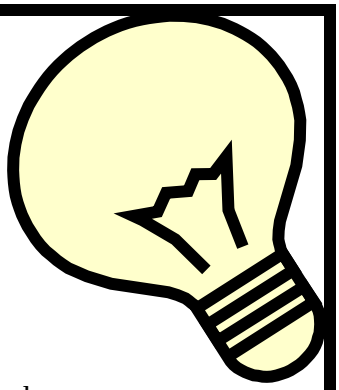


he was indicted on three counts of making false statements to a government agency, in violation of 18 U. S. C. §1001. Cooper ultimately pleaded guilty.
Claiming that the FAA, DoT, and SSA violated the Privacy Act by sharing his records with one another, Cooper filed suit in a United States District Court alleging that the unlawful disclosure to the DoT of his confidential medical information, including his HIV status, had caused him “humiliation, embarrassment, mental anguish, fear of social ostracism, and other severe emotional distress.” The court held that Cooper's rights under the Privacy Act were in fact violated, but found that Cooper could not recover damages because he had only asserted that he suffered emotional distress damages and not any actual monetary damages. A United States Court of Appeals reversed this finding of the district court and held that emotional distress damages did meet the definition of "actual damages" under the Privacy Act. The Supreme Court reversed.

The Supreme Court held that the Privacy Act did not unequivocally authorize damages for mental or emotional distress. Because a waiver of "sovereign immunity" – the legal doctrine that the government can only be sued to the extent it consents to be sued – must be unequivocally expressed in the language of the statute, any ambiguity must be construed in favor of the government's immunity.

In reviewing the term "actual damages" in the Privacy Act, the court found this term to be ambiguous. The court noted that although the term "actual damages" is sometimes understood in the law to include non-pecuniary harm such as emotional distress, it has also been construed more narrowly to refer only to monetary harm. Because of the different interpretations given to the term, the court decided that determining its meaning under the Privacy Act required an examination of the context of the type of harm remedied in a suit claiming a Privacy Act violation.

The Supreme Court analogized the interests sought to be protected under the Privacy Act to those protected by defamation and privacy lawsuits. The court found that under such lawsuits, damages are typically limited to actual monetary damages which must be specifically pleaded and proved. The court further found that Congress's failure to provide recovery for "general damages" – which would have included emotional distress damages – indicates Congress's intent to decline to authorize recovery for emotional distress damages. While finding that the court of appeals' interpretation of the Privacy Act, and the interpretation that Cooper urged, was not inconceivable, the court held that because any ambiguity must be found against a waiver of sovereign immunity, that recovery of emotional distress damages would not be permitted.
Although the court held that emotional distress damages are not recoverable under the Privacy Act, the court certainly seemed to intimate that actual monetary damages associated with emotional distress – such as the cost for psychiatric and/or psychological therapy and prescription medications – would meet the definition of actual damages and thus be recoverable.



* This information is provided by the attorneys at Passman & Kaplan, P.C.,

Group Sees Gains in Telework Gains in Federal Workforce. Telework Exchange says participation in its recent "telework week" shows the practice is catching on and that organizations are getting better at it and getting more out of it.

The promotional event had an 80 percent increase in participation over 2011, with 67,000 federal employees signing up (8,000 from GSA). Based on the number of pledges, the Telework Exchange says the event altogether cut over six million commuting miles, 3,453 tons of emissions, and over $5.5 million in commuting costs.

It estimates that each pledge could save about $4,000 in commuting costs by tele-working two days a week for a year. It also claims participating organizations improved productivity in telework compared to 2011, and it said the number of organizations encountering technical problems fell from one in three in 2011 to one in five in 2012.

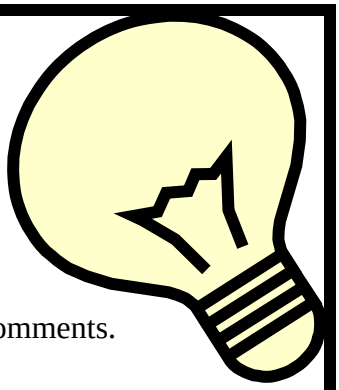
The organization's sponsors include companies that sell equipment suitable for use in tele-working.

Threats Against Co-Workers Lead to Navy Employee's Removal. Can a federal employee get in trouble by making statements to coworkers that they "better watch their backs," …."it ain't no fun when the rabbit's got the gun,"….that he was "getting gang members to come to Albany, GA to confront someone…just waiting for a name?" (Opinion p. 2)

As reported in a recent appeals court decision, a Financial Technician with the Marine Corps Logistics Command in Albany, Georgia found out that the answer to that question is "yes." (*Moore v. Department of the Navy*, CAFC No. 2012-3009 (nonprecedential), 3/13/12)

After making these kinds of comments to coworkers, the Navy's Criminal Investigation Division looked into the matter. The coworkers indicated they felt unsafe working with Moore. The result was a 10-day suspension without pay for "Conduct Unbecoming a Federal Employee and Insubordination." (p. 2)

Before the suspension even took effect, Moore made some more "disruptive and threatening statements, accusing coworkers "of conspiring against him, of being cowards, and of interfering with his finances, and also threatening to interfere with their finances." (p. 3) When Moore's supervisor ordered him to stop making the comments, Moore not



only did not comply, he "instead responded with laughter and disrespectful comments. …" (p. 3)

This time, Moore was placed on administrative leave while his more recent conduct was investigated. Citing Moore's actions as "causing a hostile work environment…" the report found:

"11 out of 13 of Mr. Larry Moore's co-workers believe they are working in a hostile environment. All of the co-workers interviewed said Mr. Moore has been a disruption in the workplace. Some of the comments Mr. Moore has allegedly made show a total disrespect for supervisors…The overwhelming majority of the Branch feels anxious and believes things will be the same or worse if Mr. Moore returns to his current position." (p. 3)

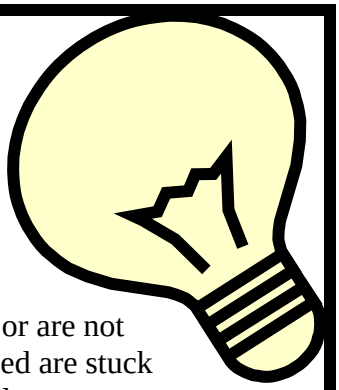
The agency kicked up the discipline and this time removed Moore. He appealed to the Merit Systems Protection Board but it sustained the removal. So Moore took his case to the appeals court, offering several arguments as why the MSPB was wrong—there was no proof of a nexus between his conduct and the efficiency of the service (the court found there was sufficient proof of nexus); error on the part of the MSPB in admitting certain testimony (the court finds no error); harmful procedural error by the Navy (the court agrees with MSPB that the Navy followed all required procedures in removing Moore); failure of the MSPB to consider his argument that the Navy enforced an IRS tax levy on his salary (which the court found of no relevance); and so on. (pp. 7-11)

In short, the appeals court has now affirmed the actions of the Navy and the MSPB's review and Moore remains off the payroll permanently.

Moore v. Navy (12-3009)

What's Missing in Latest Effort to Improve Employee Performance. The yellow flags are out. Watching the attacks on the federal workforce is like watching a slow-motion video of a crash in a NASCAR race. You know how it has to end: Eventually, the cars stop moving and debris is strewn all over. The federal crash promises to unfold slowly for at least another year.

A former Marriott executive commented that if someone wanted to bankrupt a company that serves the public, they would do exactly what's happening to the federal workforce. Freezing compensation, cutting staff and restricting hiring undermine employee commitment to a job and to an employer.



Older workers retire and take knowledge with them. Those who cannot retire or are not offered a buyout start a job search. The better qualified leave. The less qualified are stuck and know it. Those who stay are expected to take on added duties. Morale and performance deteriorate. All of this can snowball when there is no light at the end of the tunnel.

As the situation deteriorates, it will adversely affect the "brand" of government as an employer. Already there is evidence that new graduates are turning away from federal careers. A 2011 survey of college students by the National Association of Colleges and Employers found that only 2.3 percent plan to work for the U.S. government after they graduate. And this is at a time when jobs for new graduates are not plentiful. Agencies have also experienced turnover among new graduates.

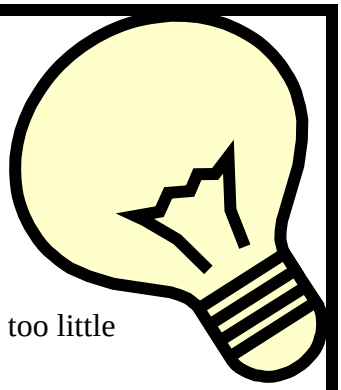
New graduates are not unique, however. Virtually all employees want the same things. Studies show employees want to know what's expected, they want to be challenged, they want feedback and support to develop their skills, they want to be respected, and they want to be recognized for their contribution — all elements of effective performance management and employee engagement.

In the best of times, the management of performance has been a cause of concern. Two decades ago, the Government Performance and Results Act introduced proven business practices. Technology has helped, but agencies are still working to resolve the people problems. The Senior Executive Service performance system has been reconfigured several times. Agencies have changed the way employee performance is managed countless times.

The latest initiative — GEAR (Goals, Engagement, Accountability and Results) — promises to drag out the effort to develop more effective practices at least two or three years.

A pilot program at four agencies, GEAR calls on agencies to create a culture of ongoing, continuous feedback between managers and employees. GEAR recommends, but does not require, that managers hold quarterly reviews with employees to improve communication and alert employees to any ongoing performance problems.

The focus on performance has to start at the highest agency levels. That responsibility cannot be delegated to a union-management committee or to a human resources office. Performance is a management problem, not an HR problem. GEAR correctly recognizes that managers are a key, but that is not new. Thousands of experienced, proven specialists



have been moved over the years to supervisor and manager positions with far too little support or preparation.

GEAR also highlights the need to make high performance and employee engagement a cultural priority. That is apparent to anyone who has worked in the private sector. These are people problems, but their solution rides on top leadership; human resources is on the sidelines carrying the playbook and the Gatorade.

But GEAR is mistaken on a fundamental conclusion. The acceptance of accountability is basic. However, anyone who has managed people knows that accountability has to be linked to consequences. Without consequences, there will always be employees who avoid accountability.

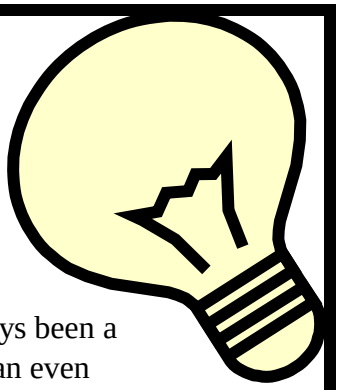
Another problem: The transition to more effective performance management has to be managed as organizational change. Success in the "trenches" where it happens will depend on the skills of regional HR specialists. This will be a new, demanding role for many.

The President's Management Advisory Board correctly highlighted the need for "strong involvement of senior leadership in performance management," and that is even more critical in change initiatives. The 1990 recession gave corporations a reason to discard unproductive practices. With leadership, the budget crisis and organizational restructuring represent a similar opportunity for government.

Suitability: When Conduct and Character Come Into Question. "Suitability" refers to identifiable character traits and conduct sufficient to decide whether an individual is likely or not likely to be able to carry out the duties of a federal job with appropriate integrity, efficiency, and effectiveness.

The interests of the national security require that all persons privileged to be employed in the departments and agencies of the government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States. Suitability adjudication is not new, and the requirements for making suitability determinations in federal agencies is found in 5 CFR 731.

The appointment of each civilian employee in any department or agency of the government is subject to investigation. The scope of the investigation will vary, depending on the nature of the position and the degree of harm that an individual in that position could cause.



The Illuminator
6-2012

The responsibilities of a suitability adjudicator in human resources have always been a very responsible position, but in the last few years these duties are taking on an even greater importance as more background investigations are being returned with some issue requiring closer scrutiny towards the person's fitness for continued employment. When people are desperate, they will commit acts that do not conform to society's norms or expectations. The role of the adjudicator is to determine whether these acts are acceptable to the position for which the person is being considered. An unfavorable suitability determination can result in the cancellation of eligibility, debarment from federal service up to three years, and removal.

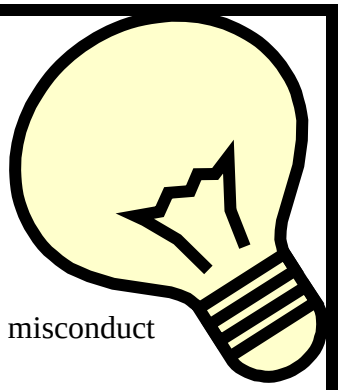
One of the nation's founding fathers, Thomas Jefferson, said it best: "When a man assumes a public trust, he should consider himself as public property."

Elliot Richardson became more famous when he resigned as Attorney General for refusing to comply with President Nixon's directive to fire the special prosecutor, Archibald Cox, during the Watergate scandal. He said: "Public service is a public trust. The highest obligation of every individual in government is to fulfill that trust. Each person who undertakes the public trust makes two paramount commitments: to serve the public interest and to perform with integrity."

America is facing a crisis in character. We are reminded of this everyday in the news as witnessed by the various actions involving the Secret Service, GSA's lavish conference expenses, Bernie Madoff, the abuses by members of the clergy, insider trading by members of Congress because the law affecting everyone else did not apply to them, and much more.

In 2010 the University of Central Florida found itself amidst a cheating scandal that prompted the school to issue an ultimatum to the students involved. Hundreds of students were offered the opportunity to come clean, take an ethics course and to retake an exam, or be expelled. One student interviewed on Good Morning America expressed a different view. He accused the university of a witch hunt. In his opinion, "This is college. Everyone cheats, everyone cheats in life in general. Are they trying to teach us some kind of moral lesson?" Sadly, his opinion just may be a growing reflection of society as ethics failures are becoming far too common place.

Years ago a major tire manufacturer risked everything when they did a cost benefit analysis on the cost of a recall on known defective tires or the payout from a wrongful death suit. This confidential study made its way into the hands of a plaintiff's attorney and the wrongful death suit mushroomed into a class action suit nearly destroying the



corporation. Its market share and stock price plummeted when this corporate misconduct became public.

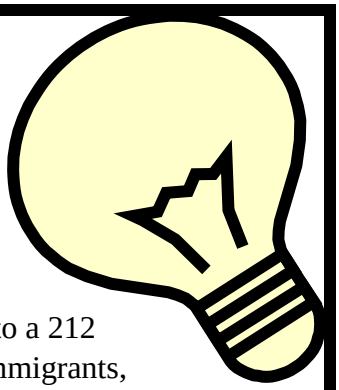
These problems are not unique to the public sector as resume fraud is a large issue to the companies as well. In fact, a whole new industry in the private sector has been established to look into a person's past just as government does with its NACI, MBI or BI investigations.

In 2001 Christian Timbers did a study of 7,000 résumés and found that nearly 25% contained at least one major misrepresentation. A 2004 Korn Ferry study found that the most frequently fabricated information included the reason leaving the last job (67.8%) and applicant accomplishments (68.2%). A 2003 SHRM study found that 53% of all applications contained inaccurate information. A 2005 report issued by ADP Screening and Selection Services found that when checking references, 49% revealed discrepancies between the application and the reference's statements.

Resume fraud is also a growth industry whereas a 2010 Bears Guide to Earning Degrees by Long Distance reported that diploma mills are a $500 million annual business. There are an estimated 400 diploma mills in operation, with another 300 websites offering counterfeit degrees. Some glaring celebrities caught up in the web of their own deceit are:

- May 2007 — Dean of Admissions Marilee Jones resigns from MIT after it is learned she falsified her credentials 28 years earlier.
- December 2001 — George O'Leary lands his dream job as head football coach at Notre Dame, and resigns five days later because he claimed a master's degree and football experience he did not have.
- February 2006 — David Edmondson resigned as CEO of Radio Shack when it is discovered he misstated his academic background.
- March 2004 — Laura Callahan resigns from Department of Homeland Security after it is learned that her claimed degrees, including a Ph.D., were acquired from Hamilton University, a diploma mill in Wyoming.

In 2010 a former Monterey Institute instructor is arrested after allegedly lying about his credentials. The instructor lectured on counterterrorism, and claimed he was a retired colonel in the Army's Special Forces.



In another celebrated case a federal attorney was found guilty and sentenced to a 212 month prison term for taking nearly one-half million dollars in bribes from immigrants, who were promised immigration benefits that would allow them to remain in the US. The attorney worked for Immigration and Customs Enforcement.

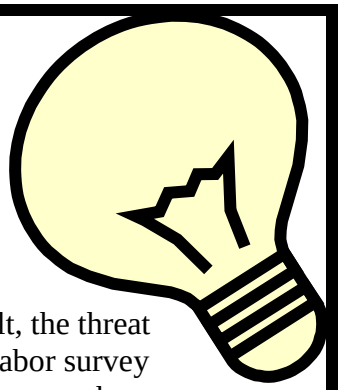
The impact of fraud of any kind is exorbitant to both industry and government. The Association of Certified Fraud Examiners reported in 2004 that fraud cost US companies more than $660 billion annually, and organizations, on average, lose about 6% of its total revenue annually to fraud by its own employees.

Under 5 CFR 731.202(b) a suitability adjudicator is looking at specific factors to include misconduct or negligence in employment; criminal or dishonest conduct; material intentional falsification in examination and appointment process; refusal to furnish testimony and to cooperate in the investigations/adjudicative process; alcohol abuse; illegal use of narcotics drugs, or other controlled substances; knowing and willful engagement in acts against the US government; and any statutory or regulatory bar such as striking against the government. All of these issues are very serious, and the Office of Personnel Management (OPM) has delegated a great deal of authority to agencies in making suitability determinations. However, whenever it can be demonstrated that there was a material and intentional falsification in the examination and appointment process, OPM will retain authority over the outcome when such misconduct is identified.

Establishing and maintaining an effective suitability program is just as vital to the overall human resources strategic plan as any other major HR goal. Too often supervisors and managers resist terminating a person, who has been found to be unsuitable, because their current performance, conduct and reliability are satisfactory. Current satisfactory performance should not be confused with suitability. If a person's past or present character is in serious doubt, and could adversely affect the integrity and efficiency of agency operations, then that person should not be considered suitable for continued employment. This conclusion will only occur after a careful and objective analysis of all relevant information.

Protecting the interests of the Federal Government against fraud, waste and abuse should be the paramount responsibility of everyone, and there must be a consensus and commitment to this outcome.

MSPB Studying Violence in the Federal Workplace. The Merit Systems Protection Board is studying violence in the federal workplace and looking for ways to reduce it.



It's preparing a report that considers forms of violence such as physical assault, the threat of assault, harassment, intimidation, or bullying and cites a 2005 Bureau of Labor survey that found higher rates of workplace violence among state and local government workers that have similar job descriptions and work in similar contexts as many federal employees.

A higher percentage of government workers work directly with the public, work with violent or unstable persons or in high crime areas or guard valuable goods and property, MSPB said. However, so far it has concluded that the most common perpetrators of violence in the federal workplace are other federal employees, and it argues agencies may need to give more attention to violence prevention efforts.

"The seeds that may spark a violent outburst by an employee may be rooted in conflict with other employees or supervisors, conflict with customers, or conflict outside the workplace such as daily economic or personal pressures," MSPB notes.

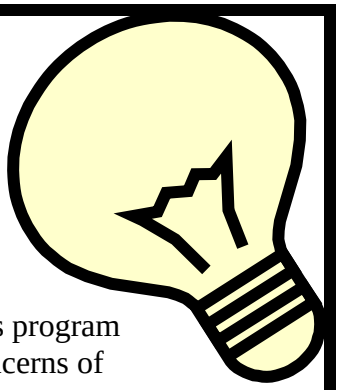
It said that while most federal employees feel their agencies take sufficient steps to ensure their safety from violence in the workplace, agencies may need to do more. In its upcoming report it plans to outline actions federal organizations can take to reduce the number of violent incidents in the workplace – which it estimates costs organizations billions every year.

It also cites the FBI's Workplace Violence - Issues in Response and the National Institute for Occupational Safety and Health's Workplace Violence Prevention Strategies and Research Needs as good resources to consider mitigation strategies.

Training, Self-Development, and Personal Improvement

OPM: New hiring programs to start in July. The Office of Personnel Management will officially launch new hiring programs for students and recent college graduates July 10.

The three-tiered Pathways Programs will consist of an Internship Program for current students, a Recent Graduates Program for people who have received a degree in the last two years or veterans who got a degree in the last six years, and the existing Presidential Management Fellows Program.



OPM has shortened the probationary period for those in the Recent Graduates program from two years, as originally proposed, to one year in an effort to address concerns of federal unions.

Robert Shriver, OPM's deputy general counsel for policy, said unions felt it wasn't fair to have those new hires serve under a longer probationary period than employees hired under the standard competitive process.

Some federal managers — including former Homeland Security Department Chief Human Capital Officer Jeff Neal — told Federal Times they liked the two-year probation that was part of the now-defunct Federal Career Intern Program (FCIP) because it gave them more time to evaluate new employees after their training. Neal said Border Patrol agents and other law enforcement officers, for example, require several months of training before they can be properly evaluated.

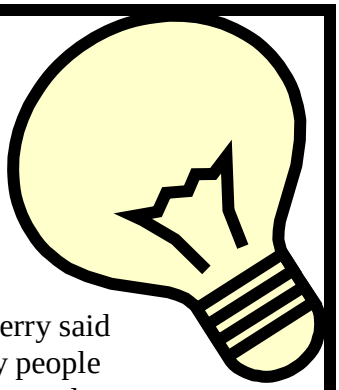
OPM tried to find a compromise by starting employees who come through the Recent Graduates program with a one-year probation, but only after they finish a structured training program that is specific to their job. Shriver said OPM is now working with agencies on memorandums of understanding that spell out which jobs have training that will require a delayed probationary period.

But Todd Wells, executive director of the Federal Managers Association, said his group still prefers a two-year probation period.

OPM's compromise "leaves a ton of leeway as to when the so-called training is complete," Wells said. "In theory, it would absolutely be fine with managers. But a two-year probationary period simplifies everything for everyone, and there's no misunderstanding for any party as to when [the training] started and was completed."

Managers will need to choose whether to convert a Recent Graduate hire to the competitive service once the probation period is done, and if they do not, the employee will lose his job. Under the standard hiring system, a manager must choose to fire an underperforming new hire before the probation period is done.

Berry said people who graduated from college since December 2010, when President Obama signed an executive order directing Berry to create Pathways, will be grandfathered into the Recent Graduates Program. Their two- or six-year window to apply will begin when the program launches July 10, Berry said.



OPM has the power to set caps on how many people can use Pathways, but Berry said he's not taking that step now — partly because he doesn't yet know how many people might be hired under the programs. Berry hopes agencies will start to hire new graduates later this year under Pathways, but expects the program to accelerate in spring 2013.

Berry said agencies must announce Pathways job vacancies on USAJOBS.gov to make sure they are open to all. FCIP was criticized because its vacancies often were not announced on USAJOBS.

Berry stressed that veterans' preference rules apply to Pathways job vacancies.

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

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

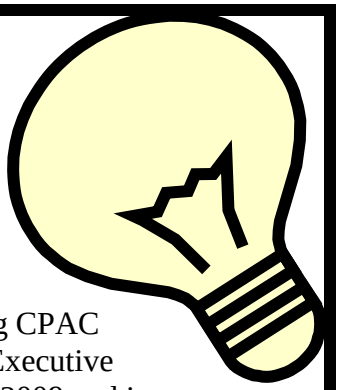
Also available under the auspices of CES are the Action Officer Development Course (AODC), Supervisory Development Course (SDC), and Management Development Course (MDC), all available on-line as correspondence courses.

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

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

For additional information on the CES, please click on the link below, contact your servicing HR Specialist, or refer to Tips and Tidbits 3-2007.

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



Employment Briefings for Military Spouses. Members of the Fort Benning CPAC staff conduct regular briefings for military spouses to outline the benefits of Executive Order (EO) 13473. Executive Order 13473 became effective September 11, 2009 and it is intended to provide military spouses an opportunity to obtain employment with the Federal government. The briefings detail spouse preference and eligibility; outline how to apply; confirm which documents should be submitted; and, provide general tips on resume completion. The briefings are conducted the third Wednesday in the month from 1000-1130 April through October, December, and February. Locations of the briefings vary and are disseminated through various media sources.

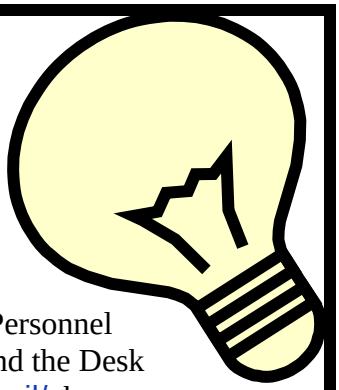
The June briefing will be held on 20 Jun in McGinnis-Wickham Hall in classroom W110.

Anyone seeking additional information or interested in attending should contact Deb Quick, 706 545-3517.

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

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

In addition, to the ART Users Guide, there is a Defense Civilian Personnel Data System (DCPDS) Desk Guide which provides how-to information about tasks and functions that



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

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Fort Benning CPAC
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