

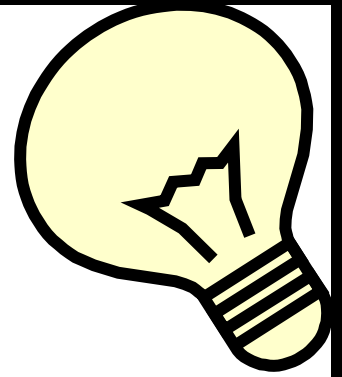
The

Illuminator

Shedding Light on the HR World

8-2009

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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, the Maneuver Center of Excellence (MCOE) civilian transition, etc.).

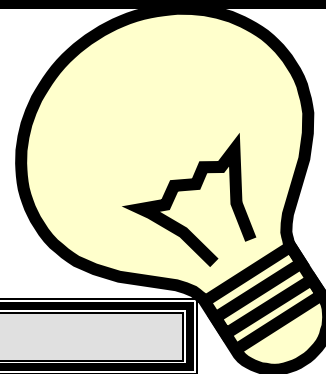
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Retirement, Life/Health Insurance, TSP, Social Security and Such

New Hires to get 5 Percent Match. Federal new hires who formerly had to wait six months to a year to get matching government contributions to their 401(k) plans will soon be eligible to get the government contribution shortly after they go on the payroll. Automatic enrollment in the Thrift Savings Plan for those new employees will begin next spring.

Currently, some new civil servants have to wait anywhere from six to 12 months to become eligible for matching agency contributions, depending on when they were hired. New employees - virtually everyone hired under the Federal Employees Retirement System - who contribute the maximum of 5 percent of their own money get a 5 percent employer match right off the bat.

The new perk means all new hires will get a head start on those matching contributions, which can be worth as much as 5 percent of their biweekly pay.

Backers of the change made sure that the Roth option will be part of the Thrift Savings Plan (TSP). Under the Roth TSP option there are no income limits on the amount of contributions. This will obviously benefit higher-income individuals who, under a Roth IRA, might not be able to contribute much or anything on an after-tax basis due to income limits on that program.

The immediate contributions feature was part of the so-called tobacco bill signed into law last month. In addition to giving the Food and Drug Administration more power over tobacco products, the bill contained several riders to make the Thrift Savings Plan even more attractive.

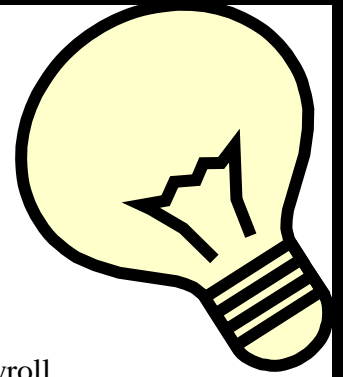
Federal, postal and military employees have more than \$215 billion invested in their TSP accounts, and they continue to add an average of \$1.5 billion to their accounts each month.

The biggest change affecting all these investors will be the addition of a Roth option to the TSP in mid-2011.

Right now the TSP operates like a traditional 401(k) plan, permitting investors to contribute money (via payroll deduction) on a pretax basis. That means that when they withdraw money from their accounts they will pay taxes on contributions and earnings based on their post-retirement tax bracket.

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The Roth TSP option (it is not a Roth IRA) will also allow investors to make contributions to their retirement accounts with after-tax money, again via payroll deduction. Using that method, the money in their Roth accounts will be tax-free when they start withdrawing it, no matter how much the account is worth and what their tax bracket is.

Another change allowed under the new law would permit TSP investors to channel some of their payroll contributions into mutual funds outside of those already offered on the regular TSP menu. At present, investors are limited to stock-index funds (the C, S and I funds) that track the U.S. and international markets, a bond (F-fund) and the G-fund, which is unique to the federal TSP. The G-fund is invested in special U.S. Treasury securities, which have never registered a loss.

TSP investors also may invest in a series of "target" funds comprising a combination of the C, S, I, F and G funds weighted according to the date when investors believe they will start withdrawing their money. The fund mix, which is rebalanced daily, gradually gets more conservative as investors near their target date.

Some TSP investors have been champing at the bit to be given the option to invest in riskier funds that specialize in things like gold, technology and real estate or funds that target specific geographic areas or even specific countries.

Officials who run the TSP are moving cautiously in this area, as they do not want to undermine the highly successfully structure of the TSP. Many financial advisers, including index-fund founder John Bogle of Vanguard fame, praise the TSP because of the options it offers, the availability of the G-fund and its low administrative fees.

More than a million former federal workers still have TSP accounts. The TSP also remains a popular place for people to park money they already have in 401(k) plans or retirement accounts from former employers.

Get an Estimate. One of the most important tools available to federal employees in preparing for retirement is the official retirement estimate. These estimates are available to employees in a variety of situations, such as those thinking about retiring after a full career, contemplating an offer of an early retirement, involved in a divorce, facing separation due to a disabling condition, or planning to resign and eligible for a deferred retirement benefit.

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You need to contact the Army Benefits Center for Civilians to request an estimate. Here are some pieces of information you might be asked to provide:

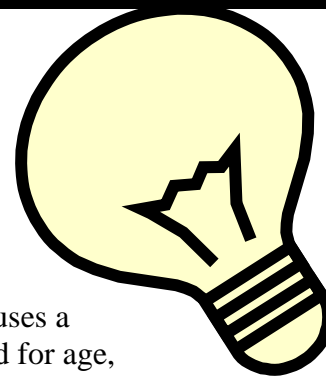
- * Name, address, Social Security number, date of birth
- * Anticipated date of retirement
- * Type of retirement (regular voluntary, law enforcement, disability, etc.)
- * Current retirement system
- * Whether you've ever taken a refund of your retirement contributions, or repaid refunded contributions
- * Survivor benefit needs (full, partial or none)
- * Prior military service and military service deposits

Here are the top 10 reasons to request an estimate at least a year before your retirement date:

1. To document your service. This is the most important benefit of an annuity estimate. Remember that the service computation date you might be familiar with was calculated to determine how much annual leave you should get. It's not necessarily the same date that will be used to figure your retirement benefit. If the date on your estimate is different from the one on your personnel action statement form (SF 50) or your leave and earnings statement, then you should find out why there is a discrepancy. It could affect your retirement eligibility and the amount of your benefit, not to mention the speed and accuracy of the processing of your retirement application.
2. To identify deposits due. Sometimes employees have periods of service when they did not contribute to their retirement. This could be due to working in a type of service not covered by retirement contributions (such as military service, a temporary appointment, or seasonal work). Also, sometimes employees' contributions were refunded if they left government and then came back. A retirement estimate can inform you of how much you owe in deposits to fill such gaps and what happens if you don't pay them.
3. To find out how much money you will get. You may want to request estimates for two different dates, between six months and a year apart, to show the benefits of working a little longer. Your length of service and the average of your highest three years of salary are used to compute your retirement benefit. Both factors are affected by the date you choose to retire.
4. To show survivor benefits. Your estimate can be computed to include potential benefits for a surviving spouse or insurable interest.

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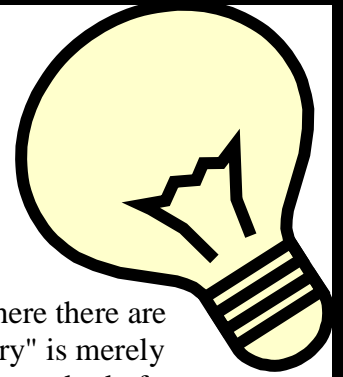
5. To see what will reduce your benefits. Choosing survivor benefits causes a reduction in your retirement benefits. There also might be a reduction applied for age, unpaid deposits and other factors. These reductions generally are permanent and affect the amount of retirement income subject to income taxes.
6. To show what will be withheld from your monthly benefit. A retirement estimate can reflect the monthly withholding for health benefits, life insurance and sometimes even taxes. The details on your estimate will depend on the software your agency uses. Remember that retirement contributions, Thrift Savings Plan contributions and Social Security taxes are not withheld from your retirement benefit.
7. To find out how much life insurance you will have. Most estimates show the current value of your coverage under the Federal Employees Group Life Insurance plan and the options you can continue into retirement.
8. To see how much unused sick leave is worth. If you are entitled to credit for unused sick leave under the Civil Service Retirement System, then your estimate will show how many hours were used to compute the credit.
9. To see your FERS supplement. If you are taking an unreduced, immediate retirement under the Federal Employees Retirement System, you will be entitled to a supplement designed to bridge the time between your retirement and the age at which you qualify for Social Security. Keep in mind that the supplement might be subject to an earnings limit.
10. For peace of mind. Requesting a retirement estimate will let you know whether your agency's estimate of your future benefits is about what you thought you'd receive. If you attend a pre-retirement seminar, you'll learn the math involved in computing your retirement (don't worry, it's only second-grade level). If there are discrepancies between your agency's estimate and what you think you are entitled to, you can try to work them out before your retirement date.

Keep in mind that your agency cannot provide a final retirement computation, since that task falls to the Office of Personnel Management. Since OPM will not finalize your computation until after you have retired, you must rely on your agency's estimate for planning purposes. Be sure to ask plenty of questions if something doesn't look right, or if there are things you just don't understand.

New Developments in Federal Disability Retirement. When the law "works", it is indeed a benefit to society. Now, cynics will view the "working of law" as that which benefits one side of the equation, while undermining or damaging the "opponent's" side of the case. Thus, according to this perspective, every case, every decision, every statute

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is simply the natural consequence resulting from the adversarial process – where there are winners and losers. A corollary of this view encompasses the idea that "history" is merely that which is written by the prevailing power-structure, and that no objective standard of historical analysis exists, but merely subjective perspectives combined with power, position, and advantage.

Yet, as the Aristotelian view is that man's essence is constituted by his rational nature, so the evolution of case-law, expanded, delineated and explained by Court decisions rendered over time, reveal that rationality and reasoned approaches to complex problems reflect a logical structure. Legal refinements pursuant to the initial passage of a statute are the inevitable evolving process of the law. When the application of rational principles and the rules of logic reflect a reasoned perspective, it tends to benefit society as a whole.

A recent case, decided on July 15, 2009, reflects a rational, reasoned approach, and benefits all Federal and Postal employees who become disabled while employed by the Federal Government, and who find a need to file for Federal Disability Retirement Benefits under FERS or CSRS. Yes, it is a case decided by the U.S. Court of Appeals for the Federal Circuit, where there were two "litigants", and yes, one side won, and the other side lost.

But the mere fact that there are winners and losers does not mean that the proper law was not decided; rather, when a decision is rendered with structural compliance with statutory authority, with reasoned principles delineated concisely, one may objectively declare that the "law" is working. It represents a "good day" when Federal and Postal employees are reinforced with "the law". The principles expounded may not immediately benefit the Federal or Postal employee today or tomorrow; but when the need for filing for Federal disability retirement benefits comes to fruition, the benefit of today's good law will be there for you.

Before I briefly discuss the "new" case, however, let me set the scene with what I consider a consistent, reasoned and logical "foundational" case – almost a precursor of the present case. Previously, I had written a number of articles on the recent case of *Vanieken-Ryals v. OPM*, 508 F.3d 1034 (Fed. Cir. 2007), precisely because it represented a major (and, in my view, a correct) decision which "toppled" an irrational imposition of a baseless standard championed by OPM -- that there is a distinction to be made between "objective" as opposed to "subjective" evidence concerning validity of medical findings (example of the absurdity: How do you prove the existence of pain?)

While an MRI may show a given physical condition, you cannot prove that such a physical condition equates to pain, leaving aside any quantification of such pain. Indeed, all that can be shown would be, at most, a 1-to-1 correspondence between an image of a dysfunction which exists simultaneously with a private sensation known as

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"pain". Similarly, how do you prove the existence of Major Depression? Anxiety? Panic attacks?). Thus, the false imposition by the Office of Personnel Management of a legal standard (which, by the way, is not delineated in any statutory authority, as pointed out by the Court in *Vanieken-Ryals*) was correctly swept away by the Federal Circuit Court.

Further, *Vanieken-Ryals* stood for the proposition that, so long as a Disability retirement applicant's treating doctor arrives at the medical opinion based upon "established diagnostic criteria" which are "not inconsistent with generally accepted professional standards", unless OPM can attack the credentials or veracity of the medical opinions, proper probative weight must be given both by OPM and by the Merit Systems Protection Board in reviewing, evaluating, and rendering a decision on a Federal disability retirement application.

Vanieken-Ryals stands for the important proposition that, absent a statutory basis, a federal agency (i.e., The Office of Personnel Management) will not be allowed to arbitrarily impose legal standards which are non-existent, which were never mandated by Congress, and which are not grounded in a sound, legally-defensible, rational basis.

Now, [*Reilly v. OPM*](#), decided July 15, 2009 by the United States Court of Appeals for the Federal Circuit, has toppled another idol of a false standard imposed by OPM: that medical documentation which post-dates separation from Federal Service may be considered near-irrelevant in evaluating and reviewing a Federal disability retirement application.

This has never made sense, for at least 2 reasons: First, since a person is allowed to file for Federal disability retirement benefits within 1 year of being separated from service, why would medical documentation dated after the separation be considered irrelevant? Second, and certainly logically connected to the first reason, medical conditions rarely "appear" suddenly. Most conditions are progressive and degenerative in nature, and indeed, that is what the Court in *Reilly* argues. "The field of forensic medicine abounds with examples of subsequent medical examinations relevant to a prior condition," the Court in *Reilly* argued, citing the classic example that "inferences about prior intoxication can be drawn from blood alcohol tests conducted at a later time." Further, where "proximity in time, lay testimony, or some other evidence provides the requisite link to the relevant period the subsequent evidence can be very probative of a prior disability."

Thus, what the Court in *Reilly* is stating, is that it makes absolutely no logical sense to allow a Federal or Postal employee under FERS or CSRS to have the legal right to file for disability retirement benefits within one (1) year of being separated from service, and yet have the probative weight of medical reports post-dating the separation completely undermined by OPM's baseless assertion that such medical documentation fails to address the medical conditions during the time of Federal service.

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Here, a *caveat* is in order: This is **not** to say that medical reports and documentation no longer needs to address and "relate back" to the period of Federal service; the disability retirement applicant still needs to create the tripartite nexus between (a) the Federal position, (b) the medical condition, and (c) the inability to perform the essential elements of (a) because of (b). This obviously requires medical documentation which "relates back" to the period of Federal service.

What the case **does** do, however, is to reverse OPM's arbitrary and capricious methodology of reviewing post-service medical documentation as being irrelevant and immaterial merely because it fails to directly address the medical conditions during the time of Federal Service. Certainly, progressively degenerative conditions can be reasonably argued to have previously – on the spectrum of linear time – impacted and prevented the performance of essential elements of a job if the doctor can describe the severity of the present condition and compare it to a prior point in time – during the time of Federal Service.

Furthermore, as a practical matter, it is still important to try and obtain the proper medical documentation during the period of Federal Service, for pragmatic reasons:

1. often, health insurance is an issue, and while reinstatement of health insurance normally occurs upon approval of a disability retirement application, temporary loss of health insurance may lead to greater difficulty in obtaining proper medical documentation from one's treating doctors, and
2. doctors often show some trepidation in "relating back" medical conditions, supposing it to reflect negatively upon their medical integrity – often a byproduct of having been subjected to depositions or cross-examinations in other legal contexts.

In conclusion: *Vanieken-Ryals & Reilly* are two recent cases which provide greater legal muscle for the Federal and Postal employee in filing for Federal disability retirement benefits. They represent needed legal refinements in the "evolving" process of law. Both cases strengthen the position of Federal and Postal employees in filing for disability retirement benefits. Grant another win for the Federal employee, the law, and the process of law. *Reilly* expounds a rational, logical opinion, citing ample legal precedents and providing sound reasoning – reinforcing the philosophical view that, indeed, Aristotle was fundamentally right after all -- that man's essence is still constituted by his rational nature.

From Day One. In this economy, the federal government is becoming the employer of choice for many recent college graduates and laid-off private sector employees. I thought it might be useful to provide a list of the most important things to know about federal retirement from the first day on the job.

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Set a retirement goal. This might seem a little premature at the beginning of your career, but having a long-range plan will help you figure out what you need to do now and in the future to achieve your goals. You will certainly have to make adjustments along the way, but knowing your destination will make it a lot easier to get there. In that spirit, here are three Web sites to become familiar with immediately:

- [Office of Personnel Management Retirement Information and Services](#)
- [Thrift Savings Plan Retirement Calculator](#)
- [Social Security Retirement Estimator](#)

Be aware that you have a federal retirement benefit. Besides Social Security benefits and investments in the Thrift Savings Plan, federal employees who are covered under the Federal Employees Retirement System are vested for a government retirement after completing five years of civilian federal service. Disability and death benefits are available for employees with 18 months of service.

Get acquainted with the TSP. New employees will be automatically enrolled in the federal government's version of a 401(k) when they are hired, but until then, it's up to you to join when you become eligible. The TSP offers a variety of investment choices. You will receive agency-matching funds on the first 5 percent of salary that you contribute biweekly. After three years of service, the automatic 1 percent agency contribution is vested and will be included in your account even if you leave federal service. The important thing is consistently saving for your retirement, regardless of where you are employed. To learn more, go to the [TSP Web site](#).

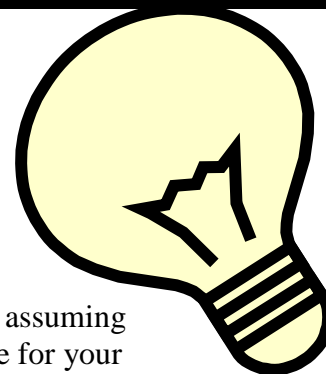
Check with a retirement specialist at your agency regarding past federal civilian and military service. Any prior federal service could be creditable toward your retirement benefit. This might include work as a seasonal employee or Peace Corps volunteer years ago. The service already should be credited toward your annual leave service computation date, but to have it count toward retirement, you might need to stop by your agency's retirement office.

Consider the benefits you've already accumulated toward retirement from past employers. Social Security taxes paid while working in the private sector are no different from the Social Security taxes you pay as a federal employee. These benefits accumulate throughout your career, whether you spend it in government or in a mix of private sector and federal jobs. Keep in mind that it's also possible to transfer money from a past employer's 401(k) plan or roll over an Individual Retirement Account into the TSP.

Beware of the Social Security "tilt." Social Security most likely will still exist when you retire, but if you plan to rise through the ranks during your federal career and earn progressively higher salaries, you probably will not have more than 25 percent

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replacement of your pre-retirement income from Social Security -- and that's assuming there are no big changes to the program. Don't underestimate the need to save for your retirement.

Sick leave is short-term disability insurance. Don't abuse sick leave. You never know when you'll need it. It is not unusual for an employee to take annual leave instead of sick leave in order to preserve their sick leave for a future illness or injury. You earn three months of sick leave for every five years you work. That's 104 hours per year. After 20 years of federal service you will have earned a full year of sick leave. Keep in mind that as you approach retirement, an unforeseen illness or injury could force you into leave without pay or disability retirement unless you have a comfortable cushion of sick leave in the bank.

File your beneficiary designation forms. This applies not only to retirement benefits, but Federal Employees Group Life Insurance, TSP benefits and unpaid compensation. Be sure to update your forms throughout your career to reflect marriage, divorce, death, birth of a child or other important life events.

Keep a personal personnel folder. This should include copies of personnel actions, beneficiary designations, insurance enrollment and other documents that will be permanently filed in your official personnel folder. You never want to lose track of these documents. While you are a federal employee they will serve as a reference and a reminder for you to review your benefits. When you leave, they provide dates, job titles and other information you might need in future job searches. The federal government does an excellent job of maintaining these records on your behalf, but the person who cares the most about your history is you.

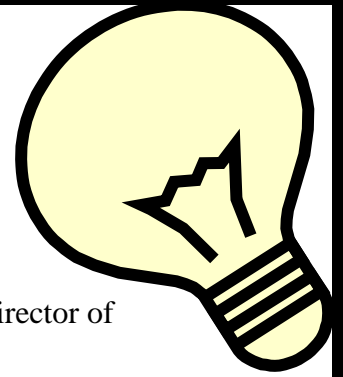
Facelift of New TSP Website Stays on Schedule. Thrift Savings Plan officials said they are on track to debut a more user-friendly Web site in 2010, following a trial run this fall.

A beta version of the redesigned Web site will be available in the fall to a random sample of participants who log on to the [current site](#), officials said during the Federal Retirement Thrift Investment Board's monthly meeting. TSP Director Gregory Long expects to have the upgraded version online in the first quarter of 2010, depending on comments from users.

The redesigned site will include a section to guide TSP participants through life-changing events such as relocation or marriage. The site also will offer enhanced access to individual account profiles and a revamped retirement calculator, according to TSP administrators.

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"It's going to be a very drastic change," said Pamela Jeanne Moran, deputy director of external affairs for TSP, during the meeting.

The redesign is part of a broader technological upgrade. Other projects include improving the plan's computer network and backup capabilities to prepare for "unexpected needs driven by crisis," according to a report from TSP officials to the board.

Also during a recent meeting, the chief executive officers of Barclays Global Investors and BlackRock Inc. discussed with the TSP board the planned merger of the two investment giants. Barclays is currently the investment manager for the TSP, and is nearing the end of a three-year contract, with an option to extend for another year. Tom Trabucco, the TSP board's external affairs director, said a merger would likely have little effect on the retirement plan's participants. The plan's investment management firm has been through two mergers before, he noted, and has kept many of the same managers in the San Francisco office.

In his presentation, Chief Executive Officer Laurence Fink said BlackRock had a history of sound investment and risk management, and it focuses solely on investment management to avoid conflicts of interest. Once the merger is complete, the new company will be one of the largest investment managers in the country.

Vegas Odds. There has been some debate lately in Washington over the cost of sending federal employees to conferences in places with glitzy reputations, such as Las Vegas. After all, should federal workers fly to typically expensive cities on the government dime during a recession?

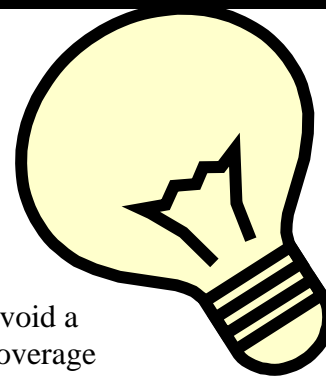
The answer is not that black and white, especially considering the annual federal per diem rates the General Services Administration publishes every October. According to GSA, the maximum per diem rates for Las Vegas in fiscal 2009 range from \$169 to \$190, while the maximum rate for Chicago is between \$221 and \$282. Chicago is reportedly among the cities that agencies are considering for conferences as an alternative to vacation destinations like Las Vegas.

Sure, Sin City has cultivated an image of extravagance over the years, but it also has decades of experience handling conferences of all sizes and is an area geared to tourism. That ensures it has enough competition to accommodate any budget, according to some travel experts.

"Las Vegas is one of the best-priced meeting facilities' towns in the United States," said Jack Riepe, a spokesman for the Association of Corporate Travel Executives.

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Riepe noted that many of the organization's members have said they would avoid a destination like Las Vegas now, solely to steer clear of any negative media coverage associated with the city's "fun" reputation -- even if it means spending more money on an alternate location.

Traveling to Chicago or Denver for a conference might save the government in airfare costs compared to a Las Vegas trip, but that's not necessarily the case with other cities. For instance, GSA's CityPairs database <<http://apps.fas.gsa.gov/citypairs/search/>> shows that the maximum rate for a trip from Ronald Reagan Washington National Airport to Lambert-St. Louis International Airport in Missouri could cost as much as \$584, compared with \$269 for a similar trip to McCarran International Airport in Las Vegas. Airfare to Milwaukee, Detroit and Phoenix also can be more expensive than a flight to Las Vegas.

Uncle Sam isn't the only one under scrutiny these days for employee travel costs.

Earlier this year, private companies that received federal money as part of the Troubled Asset Relief Program faced a backlash over travel to resorts. In response, the U.S. Travel Association and the National Business Travel Association developed model policies for its members, including limits on how much to spend on such conferences relative to a company's marketing budget and employee compensation.

"Meetings are where people convene, where they learn from their colleagues, increase their productivity, develop strategies," said Geoff Freeman, senior vice president of the U.S. Travel Association, claiming that the debate over specific locales can be confusing to businesses, and obscure the benefits of meeting and talking with others at a conference.

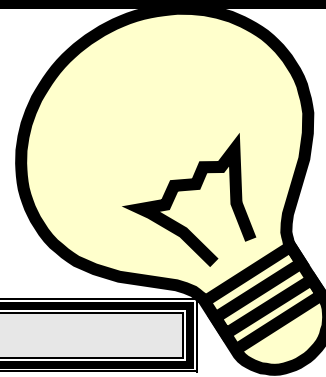
But taxpayer watchdog groups aren't letting up on the issue.

"No one is saying, forever and ever, you can't do this," said Leslie Paige, a spokeswoman for Citizens Against Government Waste. "Is it necessary, this year? ... If they can do this training in a more efficient way, they should do it."

Rahm Emanuel, chief of staff for President Obama, stressed in a letter to Senate Majority Leader Harry Reid, D-Nev., that the White House wants agencies to take a hard look at taxpayer-funded travel, and ensure that the benefits justify the price. The administration, however, does not want them to avoid specific states, sites or resorts. Reid, defending his tourism-reliant state, on Monday sent a letter to agency heads asking them to reverse any policies discriminating against particular cities as conference destinations.

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Employment-Related News

House Passes 2 Percent Raise. The House passed legislation that includes a 2 percent pay raise for federal employees.

The raise, included in the fiscal 2010 financial services appropriations bill, is only one of a number of competing pay raise proposals advancing in House and Senate appropriations bills. The Senate Appropriations Committee backed a 2.9 percent raise for civilian employees in 2010 in its version of the financial services appropriations bill on July 8. The House and Senate Armed Services Committees have included a 3.4 percent raise for members of the armed services in their versions of the fiscal 2010 Defense authorization act.

Both the House and Senate budget resolutions included resolutions supporting the principle of parity in pay increases for civil servants and members of the military. President Obama proposed a 2 percent raise for civilians and a 2.9 percent boost for service members in February.

Darryl Perkinson, president of the Federal Managers Association, said he was hopeful that the Senate's proposed raise would prevail in negotiations between the two chambers. "Given the state of the economy and unemployment levels in the private sector, we are grateful Congress is considering a pay raise for federal employees this year," Perkinson said. But he said he was disappointed that the House was moving away from the precedent of preserving pay parity.

Other leaders of federal employee groups have echoed Perkinson's comments in recent weeks. Colleen Kelley, president of the National Treasury Employees Union, said last week that she thought it was unlikely that Congress would pass equivalent raises for civilians and service members this year.

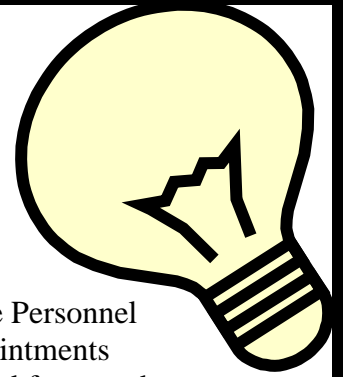
Who May Apply for Vacancy Announcements: The Area of Consideration (AOC).

The AOC is the group of applicants from whom resumes will be accepted for vacant positions and is prominently listed in the "Who May Apply" section of the vacancy announcement. The AOC is decided upon jointly by management and HR specialists and must be broad enough to ensure high quality candidates are included. When applying for positions if applicants fall outside the AOC, they will not be eligible for referral. Below is an explanation of each of the possible groups of applicants which may be used in various combinations to form the AOC.

- a. DA Career/Career-conditional employees – Department of Defense employees serving on a Career or Career Conditional appointments.

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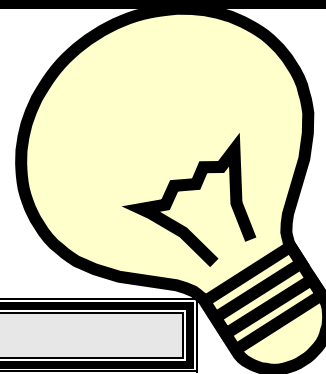


- b. Defense Civilian Intelligence System (DCIPS) – Civilian Intelligence Personnel Management Systems (CIPMS) employees currently serving on appointments without time limitation or those who have been involuntarily separated from such an appointment without personal cause within the preceding year
- c. Interagency Career Transition Assistance Plan (ICTAP) – current or former employees displaced from non-DOD agencies.
- d. Veteran’s Employment Opportunities Act (VEOA) of 1998 – preference eligibles or veterans separated after substantially completing 3 or more years of continuous active service performed under honorable conditions.
- e. Executive Order 12721 – employees who have worked as an appropriated fund Federal employee overseas while a family member of a civilian employee, NAF employee or uniformed service member serving overseas. These candidates must have accumulated 52 weeks creditable service, received a fully successful or better performance rating and returned to the U.S. from the overseas tour of duty and must meet time requirements.
- f. NAF/AAFES – employees currently serving on a NAFI or AAFES position without time limitation or employees who have been involuntarily separated from such appointment without personal cause within preceding year. Must be or have been serving continuously for at least 1 year in a NAFI or AAFES position.
- g. Transfer Eligibles – current permanent, competitive service, non-Department of Army Federal civilian employees.
- h. Reinstatement Eligibles – former employees who attained Career status on a permanent, competitive Federal appointment; or Career-Conditional status with reinstatement eligibility. A former competitive service tenure group 1 Federal employee; a former competitive service career-conditional tenure group 2 Federal employee who has less than a 3-year break in service.
- i. 30% Disabled Veterans – prior military service members with a disability rating of 30 percent or more.
- j. VRA Eligibles – This category includes disabled Veterans; or Veterans who have been awarded a campaign badge, Armed Forces Expeditionary Medal separated veterans are defined as those who have separated from active service within the last three years.
- k. Employment Program for People with Disabilities – candidates who have a physical or mental impairment that limits one or more major life activities and has been certified by the State Department of Vocational Services.

At a minimum the smallest AOC that management may request is DA Career/Career-conditional employees.

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Management-Employee Relations

Union Leaders Defend GS System, Up to a Point. Presidents of the two largest federal employee unions launched a defense of the General Schedule pay system that the Bush administration attempted to eliminate and the Obama administration, at a minimum, wants to reenergize.

Yet their defense was not without caveats. Both spoke to the need to modernize the familiar 60-year-old GS system that covers most of the 2 million federal workers.

National Treasury Employees Union President Colleen M. Kelley and American Federation of Government Employees President John Gage told the opening session of an "Excellence in Government" conference that while the GS system can be improved, it is far better than the Pentagon's National Security Personnel System. The Pentagon system was the model for the kind of pay-for-performance operation the Bush administration wanted to spread throughout the government.

"The GS system, it is a system that is not perfect," Kelley told the meeting, which was sponsored by the Government Executive Media Group. Then she added: "It is a system that is fair. It is understandable. . . . It is transparent," all qualities the NSPS stands accused of lacking.

Critics of the NSPS are not limited to union leaders. A committee of the Defense Business Board, a group of private sector executives advising the Defense secretary, issued an interim report last week that called for a "reconstruction of the NSPS." The report called it "complex," "confusing," "lacks transparency" and has "limited promotion opportunities."

Gage told the government workers at the conference in the Ronald Reagan Building that the General Schedule "is basically a good system," but that a new performance management program could be incorporated into an updated pay classification arrangement.

A new performance management system is key to the reform of the compensation and evaluation plan for federal employees that the Obama administration wants to develop. Pay-for-performance programs emphasize job execution, while the GS system has gained a reputation for rewarding workers for longevity.

In fact, the GS also can reward performance, but that mechanism has been stunted, like crops that get too little rain. Both union leaders later cited ways to recognize superior

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employees in the GS system, through a variety of means they consider more fair and open than the NSPS model.

"The GS system provides plenty of ways to reward superior performance," Kelley said. "Under the GS, there is a framework for establishing performance levels, identifying those who meet those levels, and rewarding them. Rewards can come in the form of Quality Step Increases, under which employees with overall outstanding ratings receive a step increase in their grade without completing the waiting period."

Gage cited the bonus and time-off awards available as incentives to GS employees.

"You can be very creative in the GS system," Gage said.

John Berry, director of the Office of Personnel Management, addressed the conference's closing session <<http://www.washingtonpost.com/wp-dyn/content/article/2009/07/21/AR2009072100436.html>> , but stayed away from advancing specific policy prescriptions. He would not comment on the report to the Defense Board because it is not a final document.

But he did say that the Obama administration will "develop a performance appraisal system that gives substantial rewards to our very best workers, recognizes the good work of the vast majority of our employees, and disciplines and removes the few bad apples who have been given the chance to improve but have either failed or refused to do so."

That would be part of the "comprehensive reform, from recruitment and hiring to pay and training" Berry said the federal workplace needs.

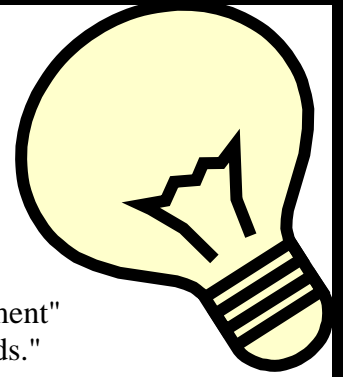
"We have, by and large, the best workers in the world, but we do not have the systems or policies we need to support them."

Much of Berry's speech, titled "A New Day for the Civil Service," <<http://www.washingtonpost.com/wp-dyn/content/article/2009/07/21/AR2009072100436.html>> was devoted to praising federal civil servants. After ticking off a list of their accomplishments, Berry said perceptions of federal employees "changed for the worse as it became fashionable for politicians of both parties to run against Washington and the boogey man of 'the bureaucracy.'"

It was a bit ironic that Berry mentioned those politicians in a building named for Reagan, who did more to dump on government than anyone, famously saying "government is the problem" in his first inaugural address.

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Berry, describing himself as the "chief people-person for the federal government" strongly defended the federal workforce, saying "It's time the denigration ends."

"I argue today that the premise of these attacks was not only misguided -- it was completely wrong," he added. "The American people were sold a bill of goods. Federal workers are not second class or inferior to workers in the private sector, and we never were."

Curiously, some of his applause lines like that one were met with silence.

Maybe some federal workers believe the bull that's been spread about them.

Read John Berry's speech here <<http://www.washingtonpost.com/wp-dyn/content/article/2009/07/21/AR2009072100436.html>> .

Misuse/Abuse of Government Equipment and Management Responsibilities.

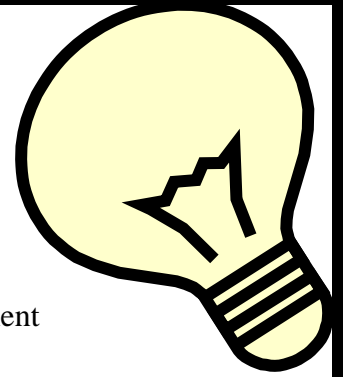
Advances in technology have significantly changed office equipment used in today's workplace. Computers, fax machines, copiers, blackberries, and cell phones have become common work tools, and as a result, there is a huge potential for misuse of this equipment for personal or outside business use. Such abuse has an adverse affect on productivity, employee morale and ultimately mission accomplishment.

While it is understood that employees periodically use government equipment for personal correspondence, contacts or issues that are necessary occurrences in their daily lives, these situations are generally not a major problem especially if the occurrences are on non-duty time and there is no additional expense to the government. Problems may arise, however, when employees begin to use too much official time and government equipment for personal use. As the Internet has revolutionized the workplace, managers and supervisors must address a growing dilemma in the misuse of government computers. Although more of the public's business is web based and necessary for job performance, employees can readily access inappropriate web sites from their computers with the click of a mouse. Supervisors may restrict personal use based on the needs of the office or if they are knowledgeable of an employee's inappropriate or illegal use. While accessing pornography is generally the first thing that comes to mind, there are many other violations that should be dealt with including:

- Online gambling
- Personal trading
- Operating a personal business
- Online shopping, including Ebay
- Playing online video games

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- Downloading/installing unauthorized programs onto government computer
- Music streaming, extremely network intensive and can overload the computer system

Employees should be reminded that the right to privacy is extremely diminished when it comes to using government-owned equipment and the organization's employment interests. A typical reminder is in the form of a banner which pops up explaining the computer policy that employees must accept before they are able to log on to the network. When defining the policy, be clear about what is appropriate or inappropriate and what action will be taken for inappropriate use.

Federal case law is clear that abuse must not be tolerated and management should take action to stop it. Supervisors must assure that employees are aware that conducting personal business on duty time and the use of government equipment for personal business is a violation of the standards of ethical conduct. When violations occur, management should assure that employees are warned about the violation and that they are made aware that progressive discipline could result from future offenses.

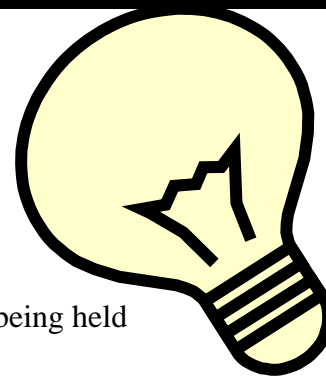
There are numerous Merit Systems Protection Board (MSPB) cases filed with charges such as "Conduct Unbecoming a Government Employee" and "Misuse of Government Equipment" which resulted in adverse action such as:

- Suspension for 35 days for having unauthorized sexually explicit files and computer games on a government computer.
- Employee removal, after previous warnings and discipline for similar offenses, for using the government computer and printer to produce a resume.
- Employee suspension for 30 days for use of office computers and telephones to conduct a personal business. The employee had used the telephone for numerous personal calls associated with the business and stored personal documents on the computer.
- An employee was removed for AWOL and misuse of official time and government telephones to conduct personal business. The employee was charged two hours AWOL for time spent on the telephone on personal business and for 39 instances of telephone abuse.

To avoid similar employee conduct issues, managers/supervisors should establish limited use procedures that address the appropriate use of government equipment to perform assigned duties and responsibilities. Sanctions for unauthorized or improper use of office equipment could result in loss of use or limitations on use of the equipment; remedial action in the form of a reprimand, suspension, removal from Federal service; criminal

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penalties in accordance with Federal law and regulations; and/or employees being held financially liable for the cost of improper use.

For additional information or inquiries, contact your HR Employee Relations Specialist for assistance.

Training, Self-Development, and Personal Improvement

Human Resources (HR) for Supervisors Course. The HR for Supervisors Course encompasses instruction applicable to the National Security Personnel System (NSPS) and the Legacy (i.e. GS) System. The course is 4.5 days long, includes lecture, class discussion, exercises; and, is designed to teach new civilian and military supervisors of appropriated fund civilian employees about their responsibilities for Civilian Human Resource Management.

The last training course for this fiscal year will be 14 – 18 Sep and registration information will be disseminated not less than 3 weeks from the course start date.

Instruction includes the following modules:

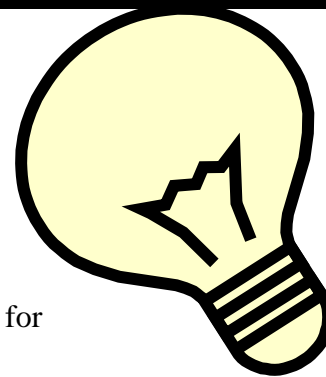
- Introduction of Army CHR which includes coverage of Merit System Principles and Prohibited Personnel Practices, CHRM Life Cycle Functions, Operation Center and CPAC Responsibilities
- Planning
- Structuring – Position Classification
- Acquiring – Staffing and Pay Administration
- Developing – Human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

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

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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 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.

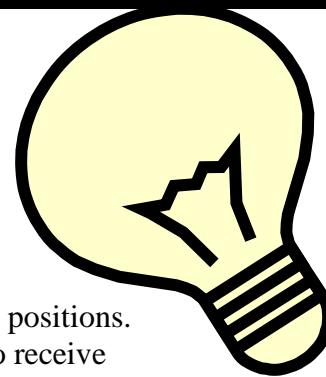
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The Reemployment of Army NAF Retirees. Army NAF retirees may be rehired by an Army NAF Instrumentality in either a regular or a flexible position.

Reemployed annuitants returning to full-time or regular part time positions will have their benefits discontinued throughout their period of employment, and these employees will be given the option of electing to rejoin the retirement plan to earn additional service credit. Should the retiree select this option, the extra service credit will be added and a new benefit computed in which case the retiree will receive the greater benefit upon [again] separating from employment.

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Benefits continue without interruption for Army retirees returning to flexible positions. The reemployed annuitant enjoys the benefits of working while continuing to receive their monthly annuity. They cannot however, participate in the Retirement Program.

If an Army NAF retiree is reemployed by a Department of Defense (DoD) NAF other than the Army, retirement benefits will also continue. However, if individuals migrate from one NAF service (i.e. Army NAF to Navy NAF or NAV NAF to Army NAF) their pre-retirement service is not creditable. Service must be in the *same* Instrumentality.

For information about returning to the workforce after Army NAF retirement, please contact your servicing NAF Human Resources Office, 545-1610.

Private Debt Garnishments: How They May Affect Employee Earnings. Pursuant to Public Law 102-94, the Defense Finance and Accounting Services (DFAS) may withhold employee wages in order to settle private debts. However, the garnishment can only be initiated if a judgment for monies owed has been entered through a decision of the courts. The law permits DFAS to garnish wages relating to child support orders, alimony orders, bankruptcy court orders, as well as state and local tax levies. Child support and alimony orders take priority over orders for collecting any other debt. The law also protects employees by limiting the amount of earnings that may be garnished in any pay period, usually 25 percent of disposable earnings, which applies regardless to the number of garnishment orders in place.

Although the staff of the NAF Human Resources Office is prohibited from accepting any type of levies or garnishments, employees may contact their servicing Human Resources Office with questions concerning existing or projected garnishment actions.

BLANCHE D. ROBINSON

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Fort Benning CPAC

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