



CPMS EXPRESS

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OPM drafts Regulations

OPM finished work on draft regulations implementing a new section of the Federal Employees' compensation Act. The section establishes a death gratuity payment of up to \$100,000 for federal employees who die of injuries incurred in connection with the employee's service with one of the branches of the Armed Forces in a contingency operation. This bill also contains a provision for retroactivity for employees who died on or after Oct 7, 2001.

DSLDP Kicks Off Its Inaugural Orientation and Program Activities

The new Defense Senior Leader Development Program (DSLDP) sponsored its first Orientation and course activity (Seminar 1) for Class of 2009 participants, the week of February 8-13, 2009 at the DoD Executive Management Training Center, Southbridge, Massachusetts. Designed to support continuity of leadership (one of the Department's top transformational priorities), DSLDP is DoD's program to develop senior civilian leaders to excel in the 21st Century joint, interagency, and multi-national environment.

Ms. Marilee Fitzgerald, Office of the Under Secretary of Defense for Civilian Personnel Policy (CPP), provided the opening remarks. She discussed how important it is to have a structured leader development program that ensures our civilian leaders have learning opportunities to equip them for leadership roles in an Enterprise-wide (joint and national security) environment. She also linked the importance of DSLDP as it relates to the Department's overall talent

management priorities.

At the outset, the participants engaged in an interactive introductory icebreaker exercise to get to know each other. This was followed immediately by orientation, which showcased the program content detailing the program's mission, elements, objectives and goals. Participants also attended their initial session with an executive coach, who will work with them throughout their time in DSLDP. In addition, they met with their Component representatives.

During the rest of the week, participants attended Seminar 1, the first of four Defense-focused Leadership Seminars that they will receive at various phases of the program. This first Seminar covered strategies for joint leadership development. The participants were actively engaged and eager to learn. Ms. Kathleen Ott from CPP, our Seminar 1 Executive Sponsor, discussed the Functional Community Manager and Expeditionary Workforce initia-

tives. The participants provided her with a wealth of strategic recommendations to consider for implementation. The array of renowned guest speakers, executive panelists, Georgetown University faculty and other facilitators helped produce a dynamic and multi-faceted Seminar that further developed the participant's joint leadership competencies.

Orientation and Seminar 1 was a wonderful beginning to this 2-year cohort and competency-based developmental program for these 36 highly capable civilian leaders. The next cohort event is Seminar 2, Interagency Leadership, May 4 - 8, 2009 in Southbridge, MA. Prior to then, participants will be meeting with their DoD Talent Development Executives, taking on-line national security foundation courses to prepare them for senior-level Professional Military Education, finalizing their initial Individual Development Plan (IDP) and commencing other activities delineated on their IDP.

Office of Personnel Management Delays Time-In-Grade Implementing Rules

On March 5, 2009, the Office of Personnel Management (OPM) postponed issuing rules to abolish the one-year time-in-grade (TIG) requirement for Federal employee promotions. The regulations, which allow federal employees to climb the career ladder faster, were scheduled to take effect on March 9, 2009, but OPM's decision will delay their implementation for sixty days. Under current rules, employees in competitive service General Schedule positions at grade levels 5 and above must serve 52 weeks in a grade before becoming eligible for promotion.

The new rule eliminates the 52-week condition, provided employees meet occupational and job-related specialized experience qualification requirements.

OPM originally proposed abolishing the TIG requirements to allow agencies more leeway in recruiting and retaining highly qualified employees in tight labor markets. OPM also touted the new rules as a tool to help agencies implement workforce flexibilities such as paybanding and other demonstration projects without obtaining time-in-grade

waivers.

Postponement during the Presidential transition period will allow OPM to review union contracts to ensure no disparate treatment between union and non-union employees. Eliminating the TIG restriction does not alter management's responsibility to ensure that promotions are merit-based, and based on an individual's relative knowledge, skills, and abilities for a particular position.



Noncompetitive Appointment of Certain Military Spouses Versus The Military Spouse Preference Program

On September 25, 2008, the President signed Executive Order 13473 (73 FR 56703) allowing agencies to make noncompetitive appointments of spouses of certain members of the armed forces under certain circumstances. The proposed rule would permit noncompetitive permanent, term, or temporary appointment of military spouses. The regulation does not provide a *hiring preference* for military spouses, *nor does it establish a selection priority* for these individuals. Specifically, agencies are authorized to appoint noncompetitively, the spouse of a Service member serving on active duty in the armed forces who has received permanent change of station (PCS) orders; the spouse of a 100 percent disabled Service member whose disability resulted from active duty in the armed forces; or the unremarried widow or widower of a Service member who was killed while on active duty in the armed forces. The spouse remains eligible for a noncompetitive appointment for a maximum of two years from the date of the (a) Service member's orders authorizing a PCS; (b) the documentation showing the Service member is 100 percent disabled; or (c) the documentation showing the Service member was killed while on active duty. This rule would facilitate the entry of military spouses into the Federal civil service as part of an effort to recruit and retain skilled members and to recognize and honor the service of military members injured, disabled, or killed in connection with their service.

The aforementioned proposed rule is different from the Military Spouse Preference (MSP) program derived from Title 10, United States Code, Chapter 88, Subchapter I, Military Family Programs, Section 1784,

"Employment Opportunities for Military Spouses" (d) Executive Order 12721, "Eligibility of Overseas Employees" which is intended to lessen the career interruption of spouses who relocate with their military spouses. The MSP program is a Department of Defense (DoD) program. It applies only to DoD vacancies. Military spouses are eligible to request MSP hiring preference regardless of current employment status. MSP applies only if: the spouse was married to the military sponsor prior to the reporting date to the new assignment; the relocation is based on a PCS and not the separation or retirement of the military sponsor; the vacancy is within the commuting area of the permanent duty station; and the spouse is among the "best qualified" group and is within reach for selection. MSP hiring preference does not apply, however, when preference, if granted, would violate status or regulations governing veterans' preference or nepotism.

Detailed guidance on the MSP program is available in the DoD 1400.25-M, Subchapter 315, Employment of Spouses of Active

Duty dated September 19, 2007 at:

<http://www.cpms.osd.mil/ASSETS/BI62563E-CA204DA1A190E60B6A080019/ml400315.pdf>

Additional information is forthcoming regarding the proposed rule on noncompetitive appointment of certain military spouses.



National Security Professional (NSP) Update: New Code for Identifying Component-Designated Positions

Executive Order 13434, dated May 17, 2007, implemented the National Security Professional Development (NSPD) program. Component representatives identified NSP positions in their Departments. To meet the criteria, NSP positions must focus on national security issues (including

home-land defense) and have interagency or state and local coordination, planning, or execution responsibilities in carrying out their duties.

To support the NSPD initiative, the Defense Civilian Personnel Data System (DCPDS) was modified with a new position field (NSP Indicator). This field should not be coded as an NSP position unless requested by Component headquarters. Processors should not confuse the NSP acronym with the National Security Personnel System (NSPS) data elements as they are not related.

As the NSPD initiative matures, additional guidance will be issued from CPMS as to how the program will be supported by DCPDS. If there are any questions, please direct them to the DoD NSPD Implementation Office, at nspd@cpms.osd.mil or contact Karen Spracher. She can be reached at DSN 426-5879, (703) 696-5879, or Karen.Spracher@cpms.osd.mil.

Defense Labor and Employee Relations Symposium

The Labor and Employee Relations Division (LERD) is preparing for the third offering of the Defense Labor and Employee Relations Symposium (DELRS), on April 6-10, 2009, at the Omni-CNN Center in Atlanta, Georgia. Registration begins on Sunday, April 5, 2009.

DELRS 2009, "Developing Excellence - Building Capability for the Future," again affords labor and employee relations practitioners, attorneys, managers and supervisors, human capital officers, administrators and human resources specialists a unique opportunity to hear practical information and learn from premier

subject matter experts in the Federal and Private sectors.

This year, over 25 topics will be offered, including a mock arbitration hearing; recent amendments to the Americans with Disabilities Act; case preparation, such as securing and using expert witnesses, fundamentals of discovery, and conducting administrative investigations; and, case updates from the Federal Service Impasses Panel, the Federal Labor Relations Authority, the Merit Systems Protection Board and the Equal Employment Opportunity Commission.

New this year is the addition of continuing legal education credit (CLE). Currently, DELRS is approved for

CLE credits in Vermont, Missouri, Florida and California. We are awaiting approval from Colorado, Illinois, Minnesota, Texas, and Virginia, and will apply for certification in additional states upon request.

Don't miss this opportunity to network with others in the labor and employee relations field, and acquire the skills, tools, and knowledge necessary to be successful in your career, and an important contributor to your organization. Additional information and on-line registration is available at: http://www.cpms.osd.mil/faslerd/faslerd_delsrll.aspx



Reemployment in Federal Service

The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2004 (November 24, 2003), changed the procedures for reemployed annuitants who are rehired by the Department of Defense (DoD). Under this Act, reemployed annuitants within DoD are not considered employees for purposes of Title 5 U.S.C., Chapters 83 (Civil Service Retirement System (CSRS)) or 84 (Federal Employees Retirement System (FERS)). Consequently, there are now two categories of reemployed annuitants in DoD: 1) those rehired before November 24, 2003, and 2) those rehired after November 23, 2003.

In a recent Merit Systems Protection Board (MSPB) case, reemployed annuitants are employees' for the purpose of FECA and are entitled to statutory rights to restoration. Reemployed annuitants generally have no rights of appeal to the MSPB, according to 5 U.S.C. 3323(b)(1). The only exception is where they are entitled to restoration rights based on a compensable injury.

The U.S. Court of Appeals, Federal Circuit recently highlighted this exception in a case where a reemployed annuitant recovered from a compensable injury, but

the Component failed to restore the employee to his prior position. The MSPB held that a reemployed annuitant lacks restoration rights, and the petitioner failed to establish his right to file an appeal. The Federal Circuit disagreed, ruling that although a reemployed annuitant's at-will employment status may make him vulnerable to termination upon restoration, the statutory right to restoration nonetheless protects the reemployed annuitant from termination predicated on a compensable injury. The court noted that the petitioner was already classified as an "employee" under the Federal Employees' Compensation Act

(FECA) for purposes of receiving Office of Workers' Compensation Programs benefits. Neither the FECA nor the restoration provision, 5 U.S.C. 8151(b)(1), in particular expressly excluded reemployed annuitants.

Detailed guidance is available in the Office of Personnel Management Web site at <http://www.opm.gov/retire/post/life/reemployment.asp> and Case name: *Delalat v. Department of the Air Force*, 109 LRP 9270 (Fed. Cir. 02/23/09).

The American Recovery and Reinvestment Act of 2009

President Barack Obama signed the 2009 Economic Stimulus Plan on February 17, 2009. This new bill includes changes that directly impact Federal health benefit provisions. Former employees who were involuntarily terminated between September 1, 2008 and December 31, 2009 and elected Temporary Continuation of Coverage (TCC) are now eligible to receive some relief. These individuals will receive assistance with payments of 65% to offset the costs of their TCC health insurance premiums. This premium relief will continue for

up to nine months or until the enrollee is eligible for other group coverage, Medicare, or their 18 month TCC period ends whichever comes first. Eligible individuals will fall into two categories: Those who ELECTED TCC at the time of their termination and those who DID NOT. Those individuals who elected TCC may elect to receive premium assistance for the lesser of nine months or the remaining time of their TCC. The second group must be given a NEW 60 day enrollment opportunity to elect TCC. Inter-

ested individuals are responsible for demonstrating their eligibility, notifying their health plan, and also notifying their former agency upon becoming eligible for other group health coverage.

Agencies are responsible for identifying and notifying former employees eligible under this new provision within 60 days of enactment of the law and must provide assistance to those eligible individuals. While the new law provides for premium assistance, it does not extend the 18

month period for TCC coverage.

There are some tax implications for individuals with incomes exceeding \$125,000 or a total family incomes exceeding \$250,000 who receive premium assistance. Those falling into these income groups may be subject to additional taxes. There is also good news for the employers of these former employees. The legislation provides for reimbursement of the subsidies and employers will receive credit for premium assistance beginning with the first quarter of 2009.

New Direct Hire Appointment Authority For Veterinary Medical Officer Positions

Effective February 12, 2009, the Office of Personnel Management (OPM) approved a Direct-Hire Authority (DHA) for Veterinarian Medical Officer (VMO) positions at the GS-701-11-15 grade levels (or equivalent) nationwide to include overseas territories and commonwealths including Puerto Rico, Guam, and the Virgin Islands. The DHA is authorized due to "a growing shortage of veterinarians nation-

wide, particularly veterinarians who care for animals raised for food, serve in rural communities, and have training in public health" according to the Government Accounting Office (GAO).

Department of Defense has approximately 1,000 uniformed service veterinarians primarily assigned to the Department of Army. GAO reports a total work-

force close to 3,000 government-wide. Non-DoD agencies that employ veterinarians include the Department of Agriculture's Animal and Plant Health Inspection Services, Food Safety and Inspection, Agricultural Research Service. All of these agencies have identified veterinarian positions as being hard to fill. Despite recruitment efforts and hiring flexibilities, agencies have not been able to secure qualified candidates.

In determining the need for a DHA, OPM utilized the results of workforce planning and analysis; reviewed employment trends including the local or national labor market; recognized the existence of nationwide or geographic skill shortages; surveyed recruitment initiatives, to include the use of

(continued on page 4)



DoD Retiree Identification Card

On December 30, 2005, the Under Secretary of Defense for Personnel and Readiness issued a policy authorizing an identification card for retired DoD Civilian employees. The purpose of this policy was to provide a trusted uniform credential that could be used by civilian retirees to access Department of Defense facilities (e.g. Morale Welfare and Recreation) at the discretion of the base or installation commander. The Retiree ID card has no associated benefits, nor does it guarantee access to DoD bases or facilities within the United States, its territories, or its possessions.

In December 2008, initial issuance of the Retiree ID cards began at Real-Time Automated Personnel Identification System (RAPIDS) locations; issuance will continue indefinitely. The ID is to be renewed every four years at any RAPIDS facility location.

The ID card is white, plastic, chipless, and the size of a credit card. The front of the card will have the cardholder's picture, first and last name, as well as the expiration date of the ID.

There is also an option to display the last pay grade. The back of the card has a security image of the cardholder, a barcode, and magnetic strip.

Technical support for the Retiree ID program will be provided by the Defense Manpower Data Center (DMDC). DMDC will use the Defense Enrollment Eligibility Reporting System (DEERS), to help establish eligibility for retirees and will use RAPIDS to issue the identification cards.

When retirees are in receipt of their DoD retirement pay, they may contact their local RAPIDS site for issuance. A federal or state issued picture ID and another form of ID from approved by the Office of Management and Budget list is required. Visit www.form19.com for more information on acceptable forms of identification. For information on RAPIDS facility locations, the DMDC website has a site locator at <http://www.dmdc.osd.mil/rsl/owa/home>.

Please contact the following for more information or assistance regarding Retiree IDs: For base access, contact the base or in-

stallation commander.

For RAPIDS facility locations and hours of operations, visit <http://www.dmdc.osd.mil/rsl/owa/home>

If a retiree is not listed in DEERS, he or she should contact Field Advisory Services Division (FAS), Benefits & Entitlements Branch (B&E) at (703) 696-6301/DSN or email, benefits@cpms.osd.mil.

Financial Literacy Education – A National Campaign

Did you know that the Department of the Treasury is a Federal Government leader in promoting financial literacy education? In May 2002, the Treasury established the Office of Financial Education (OFE). The primary goal of OFE is to promote access to the financial education tools that can help all Americans make wiser financial decisions. This organization places special emphasis on savings strategies, credit building and management, home ownership and retirement savings. OFE also organizes and coordinates the efforts of the Financial Literacy and Education Commission. This is a group chaired by the Secretary of

Treasury and comprised of representatives from 20 federal departments, agencies and commissions, charged with the responsibility to improve financial literacy and education across the United States.

The mission of the OFE is to ensure that not only do Americans have access to financial education programs, but that they are capable of using practical knowledge and skills to make informed financial choices throughout their lives. OFE is also responsible for developing policies for the Department of the Treasury's financial education initiative and coordinating those initiatives throughout the Department.

To achieve its goals, OFE seeks to ensure increased awareness through outreach, developing financial literacy education program standards and providing technical assistance to financial education providers, by pairing both those who provide and need financial education. OFE is committed to delivering financial education national-wide to both the general public and those with specific financial education needs.



New Direct Hire Appointment Authority For Veterinary Medical Officer Positions *(continued from page 3)*

other appointing authorities and flexibilities; considered training and development programs tailored to the position; and, surveyed the desirability of the geographic location of the positions; and the desirability of the duties and/or work environment associated with the positions.

Agencies may use competitive service career, career-

conditional, term, or temporary appointments, as appropriate, without regard to the provisions of 5 United States Code, sections 3309-3318 or 5 Code of Federal Regulations, parts 211 and 337, subpart A. Appointments are subject to public notice, to include displaced employees. Agencies are encouraged to extend offers of employment to candidates with veterans' preference. The legal au-

thority code for the SF-50 item 5-E is "BAG."

For detailed guidance, please refer to www.opm.gov



2009 Status of Forces Survey of DoD Civilian Employees and a Quick Compass Poll of Defense Travel System Users Coming Soon!

The Defense Manpower Data Center (DMDC) will soon begin data collection on two major surveys of DoD civilian employees. The first, in March, is the 2009 Status of Forces Survey of DoD Civilian Employees (SOFSC), administered by DMDC, in accordance with 5 U.S.C 7101. In this law, Congress established a requirement for agencies to conduct an annual survey of their employees.

This survey provides policy makers with in-depth information to create better policies and programs for DoD civilian employees. This year, the survey will include topics such as overall satisfaction, quality of work life, workplace conditions, performance management, personnel services, compensation, and NSPS. Employees selected for the survey will be contacted through either postal mail or e-mail.

DMDC will also administer a QuickCompass poll of Defense Travel System (DTS) users in April. QuickCompass polls provide fast answers to a small number of questions. Employees selected for the QuickCompass poll will be contacted through e-mail only.

Participation in these surveys is considered "official business," and employees are permitted to take the survey during regular work hours and on government com-

puters. DMDC provides a way for selected participants to determine the authenticity of the survey and to hear a list of all other surveys currently being conducted by calling an official telephone line, which is available 24 hours a day, seven days a week. If you have Defense Switched Network (DSN) access, call DSN 426-7427 for a current list of all officially licensed DMDC surveys. If you do not have DSN access, call 1-703-696-7427 for the same list of DMDC surveys.

If you need any help with your survey, you can contact the Survey Processing Center, toll-

free, at 1-800-881-5307. The Center's staff will be happy to assist you.

DMDC uses state-of-the-art methods to protect confidentiality, privacy, and security. DMDC surveys comply with all DoD regulations, including those on the protection of human subjects and adherence to ethical standards in DoD supported research.

Any DoD civilian employee who participates in DMDC surveys will have their privacy safeguarded in accordance with the Privacy Act of 1974. Only group

statistics are reported. No individual data about you or any other specific people will be reported.

After DMDC surveys have been reviewed by the Under Secretary of Defense for Personnel and Readiness, briefings and reports based on the survey findings will be posted for use within the Department on the DMDC Web site at <http://www.dmdc.osd.mil/surveys/>.

We greatly appreciate your time in taking these surveys and look forward to your feedback.

Online PPP Briefings

This spring the Civilian Assistance and Re-Employment (CARE) Division will launch the first in a series of online briefings to help closing, realigning, and downsizing activities inform civilian employees about the Priority Placement Program (PPP). The narrated briefings, which will be posted on the CARE web page, will provide detailed information on all aspects of this important program.

The first briefing will address PPP registration for employees affected by reduction in force (RIF). A briefing for employees who are being separated due to declination or transfer of function, transfer of work, or management-directed reassignment out of the commuting area will be added within several weeks after the RIF briefing is launched. These will be followed by briefings for nondisplaced overseas employees and family members, military spouses, and Reserve and National Guard technicians.

While the CARE staff will continue to be available for on-site PPP briefings, the online briefings will significantly increase our capability to meet the growing demand for timely information, particularly as we approach the peak period of Base Realignment and Closure registrations

Congress Attempts to Create More TSP Participation

Rep. Stephen Lynch, D-Mass., introduced H.R. 1263 to automatically enroll new federal employees in the Thrift Savings Plan and to put 3 percent of their pay into the plan. The legislation would also create a TSP Roth option and would grant the Federal Thrift Investment Board the authority to create a self-directed investment window. It would also ensure unused sick leave is counted toward retirement calculations. A bill introduced by Rep Henry Waxman, D-Calif., H.R. 1256, contains similar provisions and passed the House Energy Commerce Committee.

2009 DoD Worldwide HR Conference Announced

Please join us for the 2009 Department of Defense (DoD) Worldwide Human Resources (HR) Conference, where DoD senior human resources managers will come together to share experiences, stay current on trends and learn more about the Department's programs, initiatives and vision. The 2009 conference will be held on July 13 - 16, 2009 at the DoD Executive Training Center in Southbridge, Massachusetts.

The theme for this year's event, "Building Strategic Capabilities", will focus on our providing a strategy for developing world class enterprise leaders and ensuring a mission ready workforce while fostering a results oriented performance culture. Additional information will be provided as it becomes available, but for planning purposes please mark your calendars.

