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## About CPMS Express

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## NSPS Participant Guides and New Training Videos Available

The Program Executive Office (PEO), NSPS, has posted several training course participant guides to the training page of the NSPS Web site (see <http://www.cpms.osd.mil/nsps/training.html>, "Training and Resources"). The guides provide easy access and helpful references for employees, managers, and supervisors prior to or following NSPS classroom training.



Participant guides can be viewed, downloaded, printed, and/or distributed. The information also serves as a resource for the general public interested in learning about NSPS. Participant guides include the following:

- Human Resources (HR) Elements for Managers, Supervisors, and Employees (Spiral 1, Version 3);
- Performance Management for Employees (Spiral 1, Version 3);
- Performance Management for Managers/Supervisors (Spiral 1, Version 3); and
- Introduction to Pay Pool Management (Spiral 1, Version 2).

The merit principles card, also on the training page, should be included with every NSPS training course. Links to complete course descriptions and requirements are listed and are categorized by course audience.



Based on important insight from NSPS Program Managers and Spiral 1.1 and Spiral 1.2 participants, the PEO has produced videos of several NSPS training courses. Video training is especially helpful for employees, managers, and supervisors who work at remote locations. New training videos include the following:

- Performance Management for Employees (Spiral 1, Version 3);
- Performance Management for Managers/Supervisors (Spiral 1, Version 3); and
- Introduction to Pay Pool Management (Spiral 1, Version 2).



Videos may be obtained from Component NSPS Program Managers. For updates on NSPS, please sign up for NSPS Web alerts on the Web site.

-NSPS PEO



## Preparation Is Power

### Pandemic Influenza Planning

Preparedness for pandemic influenza should be continuous; much can be done in advance to ensure sustainment of operations should a pandemic occur. A key part of this preparedness is ensuring that employees know what measures they can exercise to mitigate the spread of germs, and that supervisors know what steps they should take to deal with workplace instances of employee illness.

Employees must be encouraged to practice good hygiene. Measures such as washing hands, covering coughs correctly (using the forearm rather than covering the mouth with hands), and staying home when ill will mitigate the spread of germs.

These healthy habits will also help prevent the spread of seasonal flu and other viruses. Experts state that 40 percent of all seasonal flu could be prevented through exercising these preventive measures.

The Centers for Disease Control will provide guidance at the outbreak of a pandemic regarding symptom and exposure criteria that supervisors can consider when employees appear ill or are returning to work from a bout of illness.

The Office of Personnel Management (OPM) has also prepared guidance, in the form of a decision chart, to assist supervisors with appropriate actions to take when an employee appears ill or has been exposed during a declared pandemic influenza.

The OPM chart, "What a Supervisor Should Do if an Employee Appears Ill During a Declared Pandemic Influenza or Has Been Exposed to Pandemic Influenza," and other helpful guides are available at [www.cpms.osd.mil/disasters](http://www.cpms.osd.mil/disasters) under the heading, "Pandemic Influenza Information."

Employees should also be reminded about the availability of more information on other reliable Web sites, such as:

- [www.dod.mil/pandemicflu](http://www.dod.mil/pandemicflu);
- [www.opm.gov/pandemic](http://www.opm.gov/pandemic); and
- [www.pandemicflu.gov](http://www.pandemicflu.gov).

-Policy and Strategy Support



### FECA Case Management: Be Proactive

The Federal Circuit Court of Appeals upheld removal of a Department of Defense (DoD) employee who continued to receive benefits under the Federal Employees' Compensation Act (FECA) after returning to work (see *Bourm v. Department of the Army*, C.A.F.C. No. 2006-3326).

The Federal Circuit specified that its ruling in *Bourm* is nonprecedential. Our point in highlighting the decision is simply this: The FECA case manager played a pivotal role, and the ruling illustrates one of the benefits of proactive FECA case management.

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### DoD Will Perform Assessment of Leadership Competencies

The Federal Competency Assessment Tool-Management (FCAT-M) is a Web-enabled tool developed by OPM. It provides a method to assess leadership and performance management competencies of leaders across Government.

From June 11 through July 31, CPMS administered FCAT-M to a representative sample of DoD leaders – career Senior Executive Service members, as well as supervisors and managers at General Schedule (GS) 14/15 or equivalent.

An initiative in support of the President's Management Agenda, FCAT-M will allow agencies to assess the proficiency level of the current leadership cadre, identify any competency gaps, and develop plans to close them.

Data from FCAT-M will help agencies focus investments in training and development on the most critical needs. In addition, each individual's results should prove useful to the leader (and his or her supervisor) in discussing strengths and identifying potential areas for continuing development.

Aggregate results of the DoD-wide assessment will be available in September. For further information on FCAT-M, go to the Joint Leader Development Division Web page at <http://www.cpms.osd.mil/JLDD>.

-Joint Leader Development





## Educators Exposed to DoD Career Opportunities

Late last spring, representatives of 43 area high schools and 36 area colleges participated in a DoD civilian career and opportunities symposium.

The Arlington, VA, symposium showcased Federal Government – especially DoD – career opportunities. The goal was to have the educators instill and underscore public service as a career choice for their students.

Eight organizations partnered with the Recruitment Assistance Division to inform educators about DoD scholarships, internships, fellowships, and career opportunities. These organizations included the National Geospatial

Intelligence Agency, Army, National Security Education Program, DoD Education Activity, Naval Academy, Defense Contract Management Agency, OPM, and the American Society for Engineering Education.

“Come work for DoD – we offer adventures and opportunities rarely found in the private sector,” encourages Patricia S. Bradshaw, the Deputy Under Secretary of Defense for Civilian Personnel Policy (DUSD(CPP)).

“Our employees take pride in their positions, and they are making a difference and finding ways to serve their county.”

*(Continued on page 4)*

## Health Savings Accounts

A high deductible health plan (HDHP) with a health savings account (HSA) provides traditional medical coverage and a tax-free way to save for future medical expenses.

HSAs consist of allotments from both employees and health plans. An HSA provides employees greater flexibility and discretion over how they use their health care benefits.

Beginning on September 2, employees enrolled in an HDHP may make pre-tax allotments to their HSA through MyPay (or other applicable method). An HSA allotment election will continue until the employee modifies or revokes it.

Employee may modify the HSA allotment at any time after enrollment, as long as the change is prospective and in accordance with the administrative procedures established by the Defense Finance and Accounting Service (DFAS).

The 2007 maximum contribution is \$2,850 for self-only coverage and \$5,650 for self and family. Employees 55 or older may make an additional catch-up contribution of \$800 in 2007.

Allotments applied to the health plan also count toward the maximum contribution limit.

Employees must ensure compliance with Internal Revenue Service (IRS) rules. DFAS will not verify eligibility or ensure contributions are within annual limits.

-Benefits and Entitlements



## Agency Prevails with Good FECA Case Management

*(Continued from page 2)*

The parties agreed that Ms. Bourm was entitled to workers’ compensation while recovering at home from an on-the-job injury. However, after returning to work fulltime, she received compensation payments for more than a year.

This double dipping led to her removal for wrongful receipt and retention of workers’ compensation benefits. She appealed to the Merit Systems Protection Board (MSPB), which found that the removal was reasonable and no harmful procedural error had occurred.

She proceeded to the Federal Circuit Court of Appeals, contending that MSPB erred in finding that the agency proved its charge. The agency never told her to return any compensation checks received after returning to work,

she said, so her double dipping was an honest mistake.

The court said MSPB’s finding that the agency proved its charge—

is supported by substantial evidence. For instance, among the evidence presented was testimony by a *FECA case manager* at the agency, who stated that he personally provided Ms. Bourm with a document *informing her that she was required to return* any compensation check received for a period during which she had worked (*Ibid.*, pages 3-4; emphasis added).

Finally, through separate proceedings, she was required to repay the workers’ compensation she wrongfully received.

-Injury and Unemployment Compensation





## Fear Not: The Supreme Court's *Wilkie* Decision Gives Individual Federal Employees a Measure of Protection

Angst-ridden mobster Tony Soprano famously feared RICO Act prosecution—as well he should, since he and his “soldiers” were practically poster boys for RICO (*r*acketeer-*i*nfluenced and *c*orrupt *o*rganizations).

Few HR practitioners fret about RICO, but you need not be a wise-guy to appreciate the Supreme Court's *Wilkie* decision. This June 25 ruling gave individual Federal employees a measure of protection from racketeering lawsuits.

The court also rejected allegations that the official acts in question amounted to *constitutional* torts. (In January, the court upheld the long-standing precedent that insulates Federal employees from the cost and effort of defending themselves in litigation based on *common law* torts which they commit – or have been alleged to commit – in the scope of their Federal employment.)

Briefly, here are the case facts in *Wilkie et al. v. Robbins*. A rancher filed a lawsuit alleging that Bureau of Land Management (BLM) officials took reprisal actions against him for refusing to grant BLM an easement for access to the ranch he had purchased.

BLM officials had played hardball as part of the negotiations – revoking his grazing and recreational use permits, for instance – in an effort to persuade the rancher to re-establish a property easement that had existed before he bought the land, but that BLM belatedly realized had never been properly recorded.

The agency's tough negotiations stance led the property owner to file suit, claiming that BLM employees had at-

tempted to extort the easement from him in violation of RICO. The rancher further alleged that his constitutional rights were infringed by various trespasses on his land.

In 1971, lawsuits for constitutional torts were upheld under certain circumstances in *Bivens v. Six Unknown Federal Narcotics Agents*. That Supreme Court ruling established the right to sue Federal employees in their personal capacity for constitutional violations.



In *Wilkie*, however, the Supreme Court determined that the Government had a right to engage in “hard bargaining.” Government employees sometimes overreach and may even have done so in this case. That was not the point, the court said in rejecting the rancher's lawsuit.

“The point is the reasonable fear that a general *Bivens* cure would be worse than the disease.” A ruling for the *Wilkie* plaintiff could have opened the judicial floodgates to claims that anything Government employees do under color of law is retaliation, the court said.

Fear of individual liability could then have deterred Federal employees from performing their official duties as IRS tax collectors, and Federal Bureau of Investigation counterterrorism agents, and... Well, you get the picture.

The Supreme Court's ruling in *Wilkie* helps to allay any such fear, as follows:

- Based on the plaintiff's retaliatory claims, the court's majority opinion acknowledged that the case holds “competing arguments,” but administrative and judicial remedies already exist to address the various injuries the plaintiff alleged;
- Where adequate remedies are available, the court has consistently declined to permit a constitutional tort action to be brought; and
- As for the alleged RICO violations, that Act does not apply when the Government itself is the intended beneficiary of the alleged extortion.

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### DoD Careers Showcased

(Continued from page 3)

With approximately three quarters of a million DoD civilian employees worldwide in 750 job categories, the Department offers some of the most exciting and interesting jobs around the globe.

Sponsored by the Recruitment Assistance Division, the symposium is one of several that will be held throughout the country.

For more information on civilian career opportunities in National Defense visit our Web site at [www.goDefense.com](http://www.goDefense.com) or call 1-888-DOD-4USA (telecommunications device for the deaf and hard of hearing, 703-696-5436).

-Recruitment Assistance





## 21<sup>st</sup> ELDP Graduating Class: 21<sup>st</sup> Century Leaders

On June 14, the Executive Leadership Development Program (ELDP) honored 48 graduates of the Class of 2007. The Arlington, VA, ceremony was hosted by the Under Secretary of Defense for Personnel and Readiness, David S. C. Chu.

Deputy Secretary of Defense Gordon R. England was present to congratulate the class. He challenged them to put into practice what they had learned over the past 10 months and spoke of the need for 21<sup>st</sup> century enterprise leaders.

The evening's keynote speaker was Marine Corps Assistant Commandant Gen. Robert E. Magnus. He assisted Patricia S. Bradshaw, DUSD(CPP), in presenting certificates of graduation to members of the ELDP Class of 2007.

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## Supreme Court Decides *Wilkie*

*(Continued from page 4)*

So, how can John Q. Citizen seek a remedy if Government employees act overzealously on Uncle Sam's behalf? In effect, is the court saying – as Tony Soprano might put it – “Fuhgeddaboutit!”?

Certainly not, but remedies come best through legislation, not litigation, said the court in *Wilkie*:

“Congress is in a far better position than a court to evaluate the impact of a new species of litigation” against those who act on the public's behalf. *[Citation omitted]* And Congress can tailor any remedy to the problem perceived, thus lessening the risk of raising a tide of suits threatening legitimate initiative on the part of the Government's employees.

As always, managers and HR professionals should exercise due diligence in performing their official duties and responsibilities.

To read the *Wilkie* decision, click [here](#).

-Field Advisory Services



## CPMS Personnel-ity Profile

### Christine Cole: CPMS Plank Holder

Crewmembers who take a new ship to sea are called “plank holders.” In nautical lore, the term dates back to the Great Age of Exploration, when Columbus and others navigated the oceans to discover new trade routes, and travel expanded worldwide.



*(Detail) Columbus Taking Possession of the New Country, L. Prang & Co. (Library of Congress)*

To raise funds for their new vessels, merchant shipbuilders sold small ownership shares to investors.

The investors then received engraved wooden plaques – planks – that identified them as owners.

Today, the term “plank holder” applies to anyone involved in a new venture from the start. In that sense, Christine Cole qualifies as a CPMS plank holder.

She joined the DoD NAF Salary and Wage Fixing Authority Technical Staff (DoDNAFSWFATS) in 1974 as a Project Officer. Next, she switched to the appropriated fund side of wage fixing in 1978. Finally, Christine moved to CPMS with the DoD Wage Fixing Authority (DoDWFA) in 1993, the year CPMS was established.

Christine rates as something of a world traveler and explorer herself. “I'm an Air Force brat,” she says, “and my mother is English, so whenever my father had an unaccompanied tour, she would take us children back to live with our grandparents in a small town just outside of Bath.

“As an adult in the early '80s, I returned to England for five years, working on foreign national pay for the Navy in London. That job allowed me to visit Bahrain, Egypt, Germany, Greece, Italy, and Spain in an official capacity, as well as India and Israel for vacations.

“Getting to know local national employees in various countries was a delight and an education for me,” Christine says.

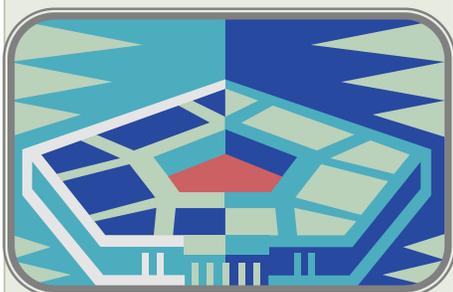
*(Continued on page 6)*



## 21<sup>st</sup> ELDP Graduation

*(Continued from page 5)*

The Department offers a variety of programs that provide training and education for tomorrow's leaders. However, ELDP is unique in giving participants extensive exposure to



the roles and missions of the entire Department. ELDP also increases their understanding and appreciation of today's warfighters, at the "tip of the spear."

Established in 1985, ELDP is designed to train future DoD leaders at mid-career (civilians at GS-12/14 and equivalent; active duty military at O-3/O-4) to recognize and respond to the issues facing the Department.

ELDP features a mix of seminars and intensive, hands-on field experiences at military facilities around the country and overseas. To date ELDP has graduated a total of 1,177 civilian and 168 active duty military participants.

The ELDP Class of 2008 will begin in October. Additional information on ELDP may be found on our Web site at [http://www.cpms.osd.mil/jlidd/eldp\\_index.aspx](http://www.cpms.osd.mil/jlidd/eldp_index.aspx).

-Joint Leader Development



## CPMS Personnel-ity Profile

### Christine Cole Has Hopscotched the Globe

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"Now in the Wage and Salary Division, we have data collectors traveling into the field and conducting locality pay surveys for Federal Wage System employees.

"Like any organization, we have some challenges, but I enjoy the people I work with here. It's also good just being part of CPMS, an organization that can help DoD HR professionals in so many ways.

"On a personal note, I live with my sister and her two teenagers in Ellicott City, MD. When I'm TDY for a week or two, it's nice knowing there is always someone in the house keeping an eye out.

"Leisure-time travel is one of my hobbies, and I also enjoy photography, which goes well with that. I like gardening and reading.

"Lately I've gotten into scrapbooking for my cousin's 7-year-old daughter, who suffered the loss of her parents not long ago.

"This area offers so many things to do. For a while, I was a regular at classes offered by the Smithsonian Institution, and I would like to get back to them.

"With beaches, mountains, museums, art galleries, and much more to explore in the national capital area or close by, a wealth of resources are available here," Christine says with a smile.

#### CAREER BRIEF

**Education:** Bachelor of Arts (major in English; minor in sociology), 1972, Virginia Tech, Blacksburg, VA. Master of Arts in English Literature, 1973, University of Missouri, Columbia, MO.

#### Experience

1973-4: Administrative assistant to two vice presidents of Ferris and Company, investment brokers in Washington, DC.

1974-8: Project Officer, UA-7 (target -12), DoDNAFSWFATS, Arlington.

1978-80: Special Projects Officer, then Analyst for the Eastern Division Chief, GS-12 and -13, DoDWFA Central Office, Arlington.

1980-5: Wage Specialist (foreign national pay), GS/M-12 and -13, Commander in Chief, U.S. Navy – Europe, London.

1985-Present: Project Officer (HR Specialist (Compensation)), GS-13 and NSPS YA-2, Wage and Salary Division, Eastern Region, Arlington.

## CPMS Employment

CPMS vacancies are posted on USAJOBS. To access employment opportunities for status candidates, click [here](#).

For other CPMS vacancies, click [here](#).