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Court Decision Released on NSPS Challenges

On May 18, the United States Court of Appeals for the District of Columbia (D.C.) Circuit released its decision in *AFGE v. Gates* (formerly *AFGE v. Rumsfeld*) regarding the adverse actions, appeals, and labor relations portions of NSPS.

The Court reversed the judgment of the District Court and upheld all aspects of the regulations in the appeal. The Court found that the manner in which NSPS was designed and implemented provided appropriate due process and employee protections (<http://pacer.cadc.uscourts.gov/docs/common/opinions/200705/06-5113a.pdf>).

The Department of Defense (DoD) cannot implement the decision until the Appeals Court issues a “mandate” to the District Court. This happens after the 45 days expires for the unions to appeal the decision by seeking a rehearing with the Appeals Court. The unions have publicly stated they intend to seek a review by the full D.C. Circuit. If the Court grants the review, the mandate will not be issued, and the District Court injunction would remain in place.

It is too soon for the Department to make any changes in its implementation plan. The Department remains committed to NSPS implementation and training and will continue with its current path to bring an additional 90,000 employees into the Human Resources (HR) system in fiscal year 2008.

For further information on the District Court decision, please visit the NSPS home page (<http://www.cpms.osd.mil/nsps>).
 -NSPS Program Executive Office

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Implementation Begins for New GS-0800 Standard

The Office of Personnel Management (OPM) has released for implementation the new Job Family Standard for Technical Work in the Engineering and Architecture Group, General Schedule (GS) 0800.

This standard cancels the Department of Transportation Position Classification Guide for Electronics Technician Positions and the GS-0818, Engineering Drafting Series. The new standard covers these occupational series:

- 0802, Engineering Technical;
- 0809, Construction Control Technical;
- 0817, Survey Technical;
- 0856, Electronics Technical;
- 0873, Marine Survey Technical; and
- 0895, Industrial Engineering Technical.

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Authorizing Special Needs Family Members Travel Overseas

HR practitioners who service overseas installations need to be familiar with DoD Instruction (DoDI) [1315.19](#), Authorizing Special Needs Family Members Travel Overseas at Government Expense, December 20, 2005. On August 2, 2006, the Deputy Under Secretary of Defense for Civilian Personnel Policy (DUSD(CPP)) issued a memorandum on the topic. Here are selected highlights from the Instruction.

DoDI 1315.19, Subparagraph 5.4.7., requires HR representatives “to advise civilian employees or selectees of the availability of services overseas to meet the special needs of family members, according to enclosure 6.”

Subparagraph 5.4.8. describes what can happen if a DoD Component receiving early intervention services or related services from another Military Department to meet special needs of family members fails to coordinate an assignment with the Military Department responsible for providing the services. Under certain circumstances, the Component may be required to provide services itself or be asked to reimburse the responsible Military Department for the cost of providing them.

Enclosure 3 of DoDI 1315.19, Subparagraph E3.1.4., states that, “DoD civilian employees are selected for positions outside the United States based on job requirements and merit factors” and further provides that non-selection “shall not be based on the individual having a family member with special needs.”

Enclosure 6, Subparagraph 6.2.1., requires HR representatives to provide information on requirements of this Instruction when recruiting for overseas positions. They shall—

E.6.2.1.2. Provide information on the availability of medical and educational services, including a point of contact for the applicant to query about specific special needs. This information must be contained in any document used for recruitment for overseas positions.

Enclosure 6 says selection for an overseas position must remain unaffected by the special needs of a civilian employee’s family member(s). The emphasis is on providing the civilian employee or selectee with comprehensive medi-

(Continued on page 3)

Survivor Benefits and LWOP-US

A basic employee death benefit (BEDB) may be paid to eligible survivors of employees covered by the Federal Employees Retirement System (FERS). Specific eligibility requirements must be met. This article discusses BEDB and what happens if an employee dies while on leave without pay (LWOP) for active duty military service (nature of action LWOP-US).

Suppose an employee had been called to active duty military service (Title 10) after working only four months of Federal civilian service. The employee was covered under FERS and placed in an LWOP-US status while serving on active duty. After serving approximately three years, the employee dies.

Certain requirements must be met for a surviving spouse to be eligible to receive BEDB. The deceased employee must have completed at least 18 months of creditable civilian service and died while subject to FERS. In this case, the active duty military service does not count toward the 18-month requirement, because the employee did not return to

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Application Period Is June 1, 2007—May 31, 2008

New GS-0800 Job Family Standard

(Continued from page 1)

DoD policy requires Components to apply newly released classification standards to vacant positions upon receipt and to all other encumbered positions within one year of receipt. For the GS-0800 standard, the one-year period began on June 1; it will end on May 31, 2008.

Subchapter (SC) 511, Classification Program, of DoD Civilian Personnel Manual 1400.25-M [provides](#) that within the Department, official receipt of newly released classification standards is considered to occur five business days after the standard appears on the OPM Web site. In this case, OPM electronically released the new standard on May 25.

-Classification and Pay





Survivor Benefits and LWOP-US

(Continued from page 2)

the civilian position of record and make the necessary military service deposit.

Therefore, the surviving spouse is not eligible for BEDB, because the employee had not completed 18 months of creditable civilian service. A lump sum credit of the employee's unrefunded retirement contributions would be paid to the designated beneficiary.

If the employee had worked for four months under FERS, was then placed on LWOP-US for 11 months while serving on active duty, immediately returned to the civilian position of record (under FERS) for 11 months, once again was placed on LWOP-US for active duty service, and then died, the survivor would be eligible to receive BEDB.

In this situation, the employee exer-

cised his reemployment rights after the first period of active duty service. If the employee paid the military deposit for that period of service, then that first period of military service would count toward meeting the 18-month requirement for creditable civilian service.

The key is exercising reemployment rights and making the military service deposit.

Also important is the fact that the employee was on LWOP-US at the time he died. If he had separated from his civilian position for that second period of military service rather than going on LWOP-US, the survivor would not have been eligible for BEDB even if the 18-month requirement was met.

-Benefits and Entitlements



Ruling Affects VEOA

The Merit Systems Protection Board recently decided a case that affects eligibility for veterans applying for Veterans Employment Opportunities Act (VEOA) appointments under merit promotion procedures. The impact is discussed below.

Based on the Board's decision in *Jolley v. Department of Homeland Security*, the plain language of title 5, United States Code (U.S.C.), Section 3304(f)(1) provides that all VEOA eligibles, regardless of their location, may apply when—

- A vacancy is advertised under merit promotion procedures; and
- The hiring agency will accept applications from outside its own workforce.



Impact Analysis

Prior to this decision, OPM policy had limited VEOA eligibles to the same area of consideration as other applicants. OPM did not appeal the decision. In May, OPM informed agencies of the ruling's impact on the prior OPM policy.

Revisions to the *VetGuide* and *VetsInfo Guide* on OPM's Web site are being considered but may take some time. Meanwhile, staffing specialists are advised to be very sensitive to veterans' applications with regard to announcement areas of consideration.

-Staffing and Development



Special Needs Family Members Travel Overseas

(Continued from page 2)

cal, dental, and educational information about the overseas area where the position is located. Thus, the individual can make an informed choice about accepting the position. The selectee must not be subject to coercion or any other kind of pressure to decline a job offer because he or she has a family member with special needs.

When the gaining HR representative notifies a selectee of pending appointment for an overseas position, the representative must query that individual,

using criteria provided in enclosure 4, to determine whether a family member has special needs.

If so, the selectee completes one or more prescribed forms relating to those special needs. Subparagraph E6.2.2.1.2.3. provides that, "Failure of a civilian employee or selectee to complete" the prescribed form(s) "shall preclude the processing of an application for family travel and command sponsorship."

-Staffing and Development





Defense Employee & Labor Relations Symposium Attendees Say DELRS Is a Good Deal

Field Advisory Services Labor and Employee Relations Division (FAS-LERD) held its first DELRS May 15-17 in St. Louis, MO, with 250 DoD and Federal agency attendees.

Keynote speakers included DUSD(CPP) Patricia S. Bradshaw and CPMS Director Brad Bunn. Special guest speaker was Jack Jacobs (Colonel, United States Army, retired). Now an on-camera military analyst for NBC, Col. Jacobs gave an inspiring presentation, advocating and thanking civilians for service to our nation and highlighting veterans who had received the Medal of Honor for military service.

More than 30 experts presented seminars on diverse topics. Course materials are available online at http://www.cpsm.osd.mil/faslerd/delrs/delrs_inreview.aspx.

Participants commented that presentation quality and applicability to the workplace were factors in DELRS' success. The nominal price range of \$400-460 for DoD employees also made DELRS more accessible. Privately run training conferences that cater to Federal labor and employee relations practitioners usually charge tuition of nearly \$1,000.

"I believe we have achieved a symposium of comparable quality," said FAS-LERD Director Darryl Roberts. "The difference is that we know our clientele intimately and can provide a more tailored training environment."

-FAS-LERD



NSPS Questions? Ask FAS!

Q. An employee was promoted to a GS-11 position in November 2006 and competitively reassigned to a GS-11, target 12, position in December 2006. His position converted to NSPS as a YA-1, target 2, position in January 2007. How long must he wait for promotion to the next pay band?

A. OPM qualifications standards and specialized experience requirements still apply to NSPS positions (see DoD Civilian Personnel Management Service *Guidance for Pandemic Influenza*).
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Evacuations and Safe Havens

In August 2006, OPM issued interim regulations (71 Federal Register 47692) regarding locality-based comparability and evacuation payments. These regulations took effect on September 18, 2006. Title 5, Code of Federal Regulations (CFR), Part 550.409 permits an agency to order its employees to evacuate from their worksites and perform work at home during a pandemic health crisis.

The agency may designate an employee's residence (or an alternative location mutually agreeable to the agency and the employee) as a safe haven and provide evacuation payments under 5 U.S.C. 5523. Chapter 12 and Appendix I of the Joint Travel Regulations, Volume 2, have been updated to provide further guidance on authorized evacuations.

Evacuated employees may be assigned to perform work considered necessary or required to be performed during the period of evacuation without regard to the grade, level, or title of the employee. However, the employee must have the necessary knowledge and skills to perform the assigned work.

An employee's failure or refusal to perform assigned work may be a basis for terminating evacuation payments, in addition to disciplinary action.

Currently, additional special allowances may be paid to an evacuated employee to offset any direct added expenses incurred as a result of the employee's evacuation under 5 U.S.C. 5523(b) and 5 CFR 550.403(c). OPM has determined similar authority is appropriate during a pandemic health crisis.

The interim regulations at 5 CFR 550.409(b) permit the head of an agency, in his or her sole and exclusive discretion, to grant special allowance payments (e.g., broadband Internet access) based on a case-by-case analysis, to offset the direct added expenses relative to performing work from home or alternative location during a pandemic health crisis.

The DoD Civilian Human Capital Guidance for Pandemic Influenza provides DoD-specific information on this issue. The *Guide* is now in coordination, and its release is anticipated this summer.

-Policy and Strategy Support





EHRI Advances with Revised Training Form

OPM has created a Government-wide electronic system to capture HR information, including training data. This system is known as the Enterprise Human Resources Integration (EHRI).

According to OPM, the ability under EHRI to collect and analyze detailed training data Government-wide can help agencies determine if they are using training funds effectively. The data could serve to enhance succession planning and reduce critical skills gaps, among other purposes.

To support the collection of training data for EHRI, OPM recently revised Standard Form (SF) 182, Authorization, Agreement, and Certification of Training, to include 26 training data elements that must be reported. Monthly reporting will begin no later than December 2007.

SF 182 will replace Department of Defense Form (DD) 1556. In the near future, data from SF 182 or from an automated learning management system (LMS) solution will be loaded into the Defense Civilian Personnel Data System (DCPDS) to electronically send training data to OPM. DCPDS has been modified to accept the 26 data elements, which were previously provided to the field. The modified DCPDS form became available during the week of June 17.

To prepare for this reporting requirement, organizations must:

- Begin the change to SF 182 vice DD 1556 (the transition suspense date is to be announced);

- Input and upload all completed training instances to DCPDS for transmission to EHRI; and
- Ensure by September 30 that their LMS can capture the 26 mandatory training data elements and that they are ready to upload those into DCPDS.

Organizations should start preparing now to transition to the SF 182.

For more about EHRI, take a look at *HR Line of Business* (LOB), the OPM communications letter that provides regular updates to the HR LOB stakeholder community. Page 3 of the June issue contains EHRI announcements and an EHRI status update.

-HR Business, Information, and Technology Solutions



Savings Education

OPM recently posted on its Web site a Federal Ballpark E\$timate calculator. This fast, user-friendly program lets you estimate how much you need to save for a comfortable retirement.

Additionally, OPM has developed a Web page (<http://www.opm.gov/benefits/savings/savings.htm>) with a variety of tools and resources for personal financial planning, to include—

- How to buy Treasury bills, notes, bonds, inflation-protected securities, and savings bonds;
- How to prevent identity theft and what to do if it occurs; and
- How to make investment choices, plus information about popular investment products.

We urge you to check out these items and, as appropriate, publicize them to the workforce.

—Benefits and Entitlements



NSPS Questions? Ask FAS!

(Continued from page 4)
ian Personnel Manual 1400.25-M, SC1950, Staffing and Employment, paragraph SC1950.5.3). To meet the minimum qualifications requirement for a YA-2 position, he must have one year of specialized experience *at least* equivalent to YA-1.

Since there is no time-in-grade restriction, his specialized experience could be Federal or non-Federal. However, “the quality of experience must clearly demonstrate the possession of the knowledge, skills, abilities, and/or

competencies necessary for successful job performance” (SC1950. 5.3.1.2).

This means that the year of specialized experience for more complex positions in the YA-2 pay band might need to be at a higher level to ensure he is able to successfully perform the duties of the position. As with any qualifications determination, you should be prepared to explain why he has or has not met the specialized experience requirement.

Click for frequently asked questions. -Staffing and Development





Hiring Heroes in Texas

More than 250 service members and their families attended the March 27 Hiring Heroes career fair at Fort Sam Houston, TX. Opening remarks were made by OPM Director Linda M. Springer and DUSD(CPP) Patricia S. Bradshaw.



At the March 27 event in Texas

“Today is about celebrating our service members and the talents and skills they bring to the table,” Ms. Bradshaw said. She thanked the 68 participating employers for “putting your money where your mouth is in hiring our talented service men and women.”

A total of 81 on-the-spot job offers were made, and more offers were extended later.

-Recruitment Assistance



CPMS Personnel-ity Profile

FAS' Andrew Jenson Enjoys Northern Virginia

“As the middle child of five,” says Andrew Jenson of the FAS Staffing and Development Branch, “I learned early to be a peacemaker, a skill that has served me well throughout my life.

“I grew up in Oregon City, OR, where my parents still live. In 2003, I received a Bachelor of Arts degree from Brigham Young University in Provo, UT. My major was international relations, with a business management minor.”

“After graduation, I entered the Army intern program as an HR Specialist, GS-7, target 11, at Fort Huachuca, AZ. My wife Michelle and I decided to remain there after I completed the internship in 2005.

“At that point, I was placed on the Fort Lewis team, providing recruitment and placement services to the installation and medical center at Fort Lewis, WA. Having spent some time at Fort Lewis during my internship, I was able to develop good working relationships with the managers and on-site HR advisors.

“In spring 2006, Army HR Specialists spiraled into NSPS. Though not without its challenging moments, going through the conversion process and working under NSPS became valuable experiences for me when I assumed my current position.

“When CPMS offered me this job in January, it was an offer I couldn't refuse! My wife grew up near Harrisburg, PA, and in college I had an internship in Washington, DC, so we

both were comfortable with moving to the National Capital area. We and our daughters (two-year-old Sophia and two-month-old Elanor) live in Reston, VA, which has a nice family atmosphere—lots of parks and pools.

“We're also thrilled at all the cultural events and historical sites that are available here to broaden their horizons as the children grow older. Already we've taken Sophia to see the panda cub at the National Zoo and the Cherry Blossom Festival on the National Mall.

“The city bus stops right outside our door, which makes commuting to work quick and easy. It's also inexpensive, since CPMS provides a transit subsidy. My father, a transit system manager in Portland, OR, is proud.

“At installation level, I didn't always have time to research the tough questions. Now in CPMS, I enjoy helping HR Specialists in the field by delving into the files, doing the research, and discussing the finer points with my co-workers,” Andrew says with a smile.



CPMS Employment

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

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