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Secretary Rumsfeld Honors DoD Leadership, Including NSPS

In a December 13, 2006, ceremony at the Pentagon, then-Defense Secretary Donald H. Rumsfeld presented distinguished civilian and military leaders with awards for their service to the Department of Defense (DoD) during his tenure. Among the honorees were Deputy Secretary of Defense Gordon England and the NSPS Overarching Integrated Product Team (OIPT), recognized for their leadership, accomplishments, and commitment in implementing NSPS.



Secretary Rumsfeld (front, third from right) with members of the NSPS OIPT and NSPS Program Executive Office (Click for names)

“The Department’s Personnel System is being modernized to provide a new flexibility in the way that civilians are being hired, promoted, and assigned,” Secretary Rumsfeld noted. “I want to recognize my friend and colleague Gordon England, who has been the moving force behind the new National Security Personnel System. We are, as a Department, very fortunate that you’re here, and that you are who you are.”

Secretary Rumsfeld’s award describes NSPS as “the most ambitious reform of its kind in a quarter-century, projected to greatly enhance the effectiveness and security of our nation for years to come.” The NSPS philosophy and its flexible architecture provide full support to our nation’s military leaders and warfighters, and to our critical defense mission. -NSPS Program Executive Office

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Supreme Court Is Expected to Rule in *Osborn v. Haley*

A recent court case addresses issues concerning Federal employees' immunity from a tort lawsuit based upon incidents that occurred in their performance of official duties. The Supreme Court heard arguments in *Osborn v. Haley* early in the Court's 2006-7 term.

Pat Osborn, a private sector employee, sued Barry Haley, a Federal employee, in state court. The plaintiff alleged that Mr. Haley influenced her employer and got her fired. The most significant issue the Supreme Court has before it is whether the United States (U.S.) Attorney General can certify that a Federal employee was acting in the scope of his or her employment at the time the alleged incident occurred, simply by denying that the incident ever took place.

The Westfall Act (codified at Section 2679 of title 28, U.S. Code) immunizes Federal employees from liability for torts committed within the scope of their employment. The Act allows the Attorney General to certify that a Federal employee acted within the scope of his or her employment during the period in which an alleged incident occurred.

Scope-of-employment certification means the Federal Government substitutes itself as the defendant, instead of the employee named in the suit. Any civil action or proceeding resulting from the alleged incident is removed from the jurisdiction of the state court to the Federal district court, and the subsequent proceeding is brought against the U.S. Once the Federal Government acts as the defendant in the case, the courts also administer the provisions of the Federal Torts Claim Act.

The Westfall Act permits the plaintiff to contest the scope certification. However, such actions have led to non-uniformity ("splits in the circuit courts") about how the courts should evaluate the scope certification. Knotty questions include the following:

- Can the district court resolve disagreements over the material facts underlying the alleged liability, or will the courts accept the plaintiff's allegations of such disputed facts? (See *Melo v. Hafer*, 13 F.3d 736, 742-43 (3d Cir. 1994).)
- Does a Federal court have authority to remand a case if it finds the substitution inappropriate, or does the Civil Service Reform Act, which provides a framework for personnel policies and procedures, limit or preclude tort claims against Federal employees?

Osborn v. Haley focuses on jurisdictional issues and on the standard a Federal district court applies when reviewing scope-of-employment certifications. The *Osborn* litigation does not challenge the fact that the Westfall Act provides absolute immunity for Federal employees who are sued in their personal capacity for common-law torts, provided they are acting at least within the outer perimeter of the scope of their employment. Here are two examples of how broad the "outer perimeter" can be. In previous cases, immunity from tort liability has applied when an employee reasonably interpreted ambiguous guidance. Immunity has also been found to apply when an employee acted in error due to the employee's own simple negligence.

When advising management about adverse actions, Employee Relations Specialists should—as usual—adhere to the regulatory and procedural processes involved. This will ensure they are acting within the scope of their employment and, as such, they would be immune from personal liability. -Labor and Employee Relations



Pandemic Influenza ("Flu")

Preparation Is Power

History has recorded many large-scale outbreaks of disease. In the 20th century alone, three pandemic flu viruses killed over 40 million people. The most recent pandemic occurred in 1968. Scientists and health authorities say the concern is not "if" a pandemic will occur again, but "when."

Pandemic flu is a global disease outbreak, for which humans have little or no immunity, that would cause mass, severe human illness or death. Such diseases spread quickly and easily across multiple populations due to significant human interaction and lack of immunity.

The avian flu virus H5N1 is now being monitored around the world—especially in Indonesia, Africa, and Europe, where it has occurred in poultry and wild birds. People who have contracted avian flu have come in direct contact with affected birds; the virus has not spread from human to human. A Web site managed by the Department of Health and Human Services, www.pandemicflu.gov, provides pertinent

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Pandemic Flu: Agencies Must Weigh Human Capital Implications

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facts, as follows: general information about avian flu; location of occurrences; detailed information on how individuals can prepare; and Federal, state, and local preparations.

Federal agencies must plan to deal with the potential human capital implications of such events. In a flu pandemic, the DoD mission is to preserve U.S. combat capabilities and support Government efforts to save lives, reduce human suffering, and slow the spread of infection. Since our people accomplish our mission, a pandemic flu outbreak is likely to compromise the Department's ability to accomplish its objectives.

To prepare for a possible pandemic, many actions have already been taken throughout Government and within the Department. Work will continue to ensure the highest levels of preparedness.

The Homeland Security Council's *National Strategy for Pandemic Influenza Implementation Plan* requires Federal agencies to perform specific tasks. The Department has the lead on several tasks, and the DoD *Implementation Plan for Pandemic Influenza* outlines how these will be accomplished, among other preparations.

Tens of thousands of people die annually from the flu, even when a pandemic flu event has not occurred. Any kind of flu can negatively affect the workforce and possibly interrupt the flow of goods

and services. However, in a country or region where *pandemic* flu is occurring, current planning assumptions include a 40 percent absenteeism rate that may last from 6 to 12 weeks. Managers and supervisors must consider these figures when planning for such an event and ensure that planning for a pandemic is included in continuity of operations plans.

“ONCE AGAIN, NATURE HAS PRESENTED US WITH A DAUNTING CHALLENGE: THE POSSIBILITY OF AN INFLUENZA PANDEMIC. WE HAVE AN OPPORTUNITY TO PREPARE OURSELVES, OUR NATION, AND OUR WORLD TO FIGHT THIS POTENTIALLY DEVASTATING OUTBREAK OF INFECTIOUS DISEASE.”
 — PRESIDENT GEORGE W. BUSH, NATIONAL STRATEGY FOR PANDEMIC INFLUENZA

Many resources are available to assist in organizational planning for prevention and preparedness for a pandemic health crisis. Together with the Chief Human Capital Officers Emergency Preparedness Subcommittee (chaired by the Under Secretary of Defense for Personnel and Readiness), the Office of Personnel Management (OPM) has released a guide, *Human Capital Planning for a Pandemic Flu Episode*, available at www.opm.gov/pandemic. DoD-specific information is available on the official DoD pandemic flu Web site at <https://fhp.osd.mil/aiWatchboard/index.html>.

Guidance and information for the DoD civilian workforce, supervisors, and managers are available at www.cpms.osd.mil/disasters. This Web site provides fact sheets and posters that may be printed and posted throughout work areas to encourage healthy habits that help stop the spread of germs and viruses. (For example, health experts estimate that over 40 percent of all flu

cases could be prevented simply by hand washing.)

The CPMS site will continue to be updated with helpful tools for supervisors and managers, including the *Civilian Human Resources Pandemic Influenza Guide*, slated for release by February. Learning about preparedness actions and informing the workforce will help safeguard the workforce and enable the Department to continue its mission in the event of pandemic flu. —Policy and Strategy Support



CPMS Courses in Arlington

Dates exclude travel time. [Click](#) to register or for more information.

ADVANCED BENEFITS. A 4 ½-day workshop for experienced Employee Benefits Specialists, retirement counselors, and others who have advanced beyond the trainee level in benefits administration (prerequisite: Retirement Systems and Benefits Programs or similar course). Extensive exercises and case studies, plus a desk reference guide for each participant (March 12-16; July 16-20).

BENEFITS FOR STAFFERS. A 3 ½-day course for Staffing Specialists. Federal benefits and retirement program information; hands-on exercises (April 10-13; August 21-24).
 —Benefits and Entitlements



Leadership Resources

Based on input from Federal agencies across Government, OPM has created the Online Library of Federal Leadership Programs, a comprehensive catalog of programs that will ease development of leadership skills in employees at all levels.

This searchable reference enables agencies to share leadership development resources. It will be updated regularly. -Joint Leadership Development



IT Exchange Program

The Information Technology Exchange Program (ITEP), established in the Department during 2006, enables industry-to-Government and Government-to-industry details within the IT Management field. ITEP lets Government and industry share critical IT expertise. The program's purpose is to enhance the skills of both Federal civilian and private industry IT employees through cooperative professional-development opportunities.

Nominated employees must be high-performing IT Management professionals at grade GS-11 or above (or equivalent) who are expected to assume increased responsibilities in the future. An initial ITEP assignment may be anywhere between 3 months and 1 year long. Extensions may be granted in 3-month increments, for a total of not more than 1 additional year.

A DoD Chief Information Officer
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CPMS Supports Troops Deployed Downrange in Iraq

In the fall of 2006, CPMS adopted a new military unit in Iraq, the Combined Joint Special Operations Task Force (CJSOTF), an Army company based at

home' parties and stuff, because we must remain covert." Another wrote, "We are deeply grateful. Thank you for being proactive in supporting military men and women who have to leave their families." "I wish more people back home were like you," a third soldier said.



"On the road again . . ."

Fort Bragg, NC. Previously, we supported the 3rd Battalion, 8th Marines, Lima Company, 3rd Platoon. Lima Company has now returned from Iraq to Camp Lejeune, NC.

CJSOTF comprises more than 300 soldiers. Our first shipment to them was filled with items to ease daily living plus Halloween treats, which the troops handed out to Iraqi youngsters. Two more CPMS shipments were made in late October and early December. The Home Store (part of a faith-based, non-profit organization in Lumberton, NC) also donated toys and stuffed animals that CPMS passed along to the troops.

"Tell everyone thank you," a soldier emailed CPMS. "Being in a special forces unit, we don't get the 'welcome

Our most recent contact with the troops revealed that they had a safe New Year's Day. The troops are now looking forward to some leave time in March. After that, they will return downrange to complete their deployment.

CJSOTF will be deployed downrange until at least the end of 2007. Anyone wishing to purchase gift certificates or make a monetary donation for CJSOTF (or any other troops stationed downrange)



This CJSOTF vehicle sports a "Jaws" custom paint job.

may do so by visiting this Army and Air Force Exchange Service Web site: <http://www.aafes.com/downrange/home.htm>.



CPMS Personnel-ity Profile

Canoe & Can-Do: Pam Boteler Rises to Challenge

Pam Boteler is the top American woman in sprint canoeing, a high-intensity, flat-water sport that for the past 70 years has been an Olympic event for men, but not for women. During the past 6 years, however, Pam has been at the forefront to change this—on and off the water.

In 2000, she became the first woman to compete in this sport at the USA Canoe/Kayak Sprint National Championships. Although women were allowed to participate for the first time, they were required to race against the men in the intermediate events only. Pam took the bronze medal in the singles 500-meter event and teamed with a Canadian woman to win gold in the two-person, 500-meter event. She had only dabbled in the sport the summer before and trained for a few months prior to these Nationals, but her athleticism and training in other paddle sports paid off.

For her sports achievements and her efforts to gain inclusion for women in Olympic and national competitions, Pam was recently honored by WJLA television news anchor Kathleen Matthews and the Washington Area Toyota Dealers at their annual “Tribute to Working Women” luncheon at the National Press Club.

“I’m really committed to excellence—being the best I can be, making a difference—in my personal and professional life,” Pam says. “I try to keep them in balance, because they play off each other. CPMS management seems to value and respect this, and it was definitely a factor in choosing to work here.”

Pam joined the Corporate Data Analysis (CDA) Branch of HR-BITS—the Human Resources Business, Information, and Technology Solutions Division—in September 2006. She readily admits she is still absorbing the size of DoD and the breadth of HR-BITS’ and CPMS’ mission. CDA’s current challenge, she says, “is trying to understand how best to obtain, analyze, and deliver data and information to DoD decision-makers. “Rick [Lux; Chief, CDA]



TV news anchor Kathleen Matthews and Pam Boteler

wants to lay a foundation for more of a systems-thinking approach to collecting, researching, analyzing, and sharing data and information across the enterprise. While a significant part of life in CDA involves responding to data requests, our goal is to leverage technology and communication within CPMS to develop more efficient and effective ways of getting customers what they need. We also want to do more research, analysis, workforce modeling, and forecasting that might be of greater value to decision-makers.”

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ITEP Sunsets in 2007

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(CIO) Web site, <http://www.dod.mil/nii/itep/factsheet.htm>, is available to assist in implementing ITEP within the Department. This site contains:

- Policy documentation and the implementing issuances that constitute the overarching DoD ITEP Plan;
- A link to OPM’s ITEP policy and guidance; and
- A link to the Industry Advisory Council Web site, which is hosting private-sector personnel detail opportunities.

Before proceeding, DoD Components must submit their ITEP plan and point-of-contact information to the Office of the DoD CIO. For more information, call (703) 604-1489, extension 155 or 108.

The E-Government Act of 2002, Sections 209(b)(6) and (c) (Public Law 107-347), December 17, 2002, established a sunset date of December 17, 2007, for ITEP. Organizations interested in using ITEP need to move forward promptly.

To promote ITEP, managers in implementing organizations might publicize the program in the media or even personally contact companies known for their IT expertise.

Implementing organizations may not approve any initial details or grant new extensions after the sunset date of December 17, 2007. However, individuals serving on a detail or extension that began on or before that date may complete the assignment in full. —Policy and Strategy Support





Agencies Will Provide Financial Education

OPM recently issued Benefits Administration Letter (BAL) [06-107](#), transmitting the *Guide to Planning Financial Education Fairs*. This *Guide* instructs agencies on how to sponsor successful events aimed at bringing together the basic information about Federal employee benefits and the broader financial needs of employees, especially their need to plan for retirement.

Previously, Congress required OPM to develop and implement a strategy for the financial education and literacy of Federal employees. The statute is the Thrift Savings Plan Open Elections Act of 2004 (Public Law 108-469), December 21, 2004. In October 2005, OPM released its [strategy](#), which outlines the roles of OPM and employing agencies. OPM will serve as a capacity builder, coordinator, and catalyst. Agencies are primarily responsible to deliver retirement financial education and support financial literacy.

CPMS will work with DoD Components to develop a Department-wide framework for providing financial education. Train-the-trainer, on-site training, and distance learning are all possibilities. We will contact headquarters-level Component representatives soon to discuss these and related matters. BAL [06-105](#) summarizes findings of a 2005 Federal workforce survey on employee attitudes and actions toward retirement planning. The findings are an excellent starting point to develop agency strategy for retirement financial education. —Benefits and Entitlements



For Pam Boteler, Energy Management Is Key

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With a new year beginning, we asked Pam how people with a sedentary lifestyle could improve their fitness level.

“I’ve found that new ways of thinking, along with lifestyle changes, are really needed to create new habits and make them stick. Think about your life as a whole—physically, mentally, emotionally, and spiritually. Try to see what (or who) gives or takes energy away from you, and pay attention to the things you are exposed to every day.

“It’s not about time management for me anymore to fit in quality training; it’s about energy management and filling my life as much as possible with positive things, activities, and people. I can then be more razor focused on the things I want and need to do to not only stay fit, but stay at the top of my sport.

“Avoid New Year’s resolutions. They are fleeting. You have to have a reason for doing something: a greater, intrinsic purpose—more than just looking better in jeans. I’ve learned that change doesn’t happen until it’s more painful *not* to change. It’s much easier to figure out ‘how’ to do something once you’ve figured out your own ‘why.’”

CAREER BRIEF

Education: Bachelor of Arts in religion/philosophy (minor in psychology), 1990, Elizabethtown College, PA.

Experience: 1991-1992: Personnel Management Specialist, GS-5 (target 12), National Naval Medical Center, Bethesda, MD. 1992-1993: Management Intern, GS-7, National Institutes of Health (NIH), Bethesda. 1993-1995: Grants Management Specialist/Budget Analyst, GS-9, National Institute of Environmental Health Sciences, NIH, Research Triangle Park, NC. 1995-1998: Budget Analyst, GS-11/12, National Institute on Alcohol Abuse and

Sprint canoeist Pam Boteler won the 500-meter event at the 2003 Canadian Masters National Championships.



Alcoholism, NIH, Rockville, MD. 1998-2004: Director of External Affairs (GS-13/14), Office of the Inspector General, Department of the Interior, Washington, DC. 2004-2006: Management Analyst, GS-14, Office of the Chief Human Capital Officer, Department of Homeland Security, DC. *September 2006-Present:* Management Analyst, GS-14, CPMS, Arlington, VA.

CPMS Employment

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

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