



# CPMS EXPRESS

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June 2010

## Labor and Employee Relations: Executive Order 13522

On December 9, 2009, President Obama signed Executive Order 13522 entitled "Creating Labor-Management Forums to Improve Delivery of Government Services." Highlights of the Executive Order are the creation of a National Council on Federal Labor-Management Relations, the requirement for agencies to submit Executive Order Implementation Plans to the National Council and the requirement to establish labor-management forums at the level of exclusive recognition. Forums may also be established at other appropriate levels, agreed to by labor and management. Deputy Secretary of Defense William J. Lynn III was appointed by the President as a member of the National Council.

Consistent with the Executive Order, the Department of Defense submitted a plan to the National Council that was developed in consultation with unions representing DoD employees. Among the items discussed in the implementation plan were the development of a baseline survey to measure the current state of labor relations within the agency, plans to work with agency unions to establish labor-management forums at appropri-

ate organizational levels, and efforts to establish metrics and benchmarks to monitor improvements in productivity, cost savings, and labor-management satisfaction. Many of the details regarding these implementation efforts are in the process of being jointly developed with agency unions. As mentioned earlier, the Executive Order requires labor-management forums at the level of exclusive recognition. With that in mind, where bargaining relationships exist, the parties should start the process to establish their local labor-management councils.

On April 6, 2010, Deputy Secretary of Defense William J. Lynn III issued a memorandum reiterating the agency's commitment to promoting cooperative and productive labor-management relations. The memorandum contained guiding principles that recognize the important role civilian employees play in supporting the mission of the Department, the key role collective bargaining plays in ensuring a healthy and engaged civilian workforce, and the need for collaborative labor-management relations to improve the way the Department does business. Collaborative involvement in-

cludes pre-decisional involvement which will change the way policies and programs have been developed in the past.

The Executive Order calls for agencies to engage in pre-decisional involvement with labor unions to the fullest extent practicable on all workplace matters whether or not those matters are subject to a duty to bargain under the Federal Service Labor-Management Relations Statute. Pre-decisional involvement requires that labor unions be brought into the planning process regarding the development of organizational policies and programs. It is not enough that they be engaged just prior to implementation. While there is no one-size-fits-all approach to pre-decisional involvement, to the extent practicable, activities should integrate unions into the planning process.

If you have any questions regarding the Executive Order, labor-management forums, or pre-decisional involvement please contact your activity or Component Labor Relations staff.

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## CPMS Job Announcements



Administrative Support Assistant  
GS-0303-06 Closing Date: 6/09/2010

Human Resources Specialist  
GS-0201-14- Closing Date: 6/14/2010

Human Resources Specialist (Labor/Employee Relations)  
GS-0201-13 Closing Date: 6/16/2010



## CPMS CIVILIAN BENEFIT TOOL

The Civilian Personnel Management Service has developed a Civilian Benefits Tool on our agency website, [www.cpms.osd.mil](http://www.cpms.osd.mil). The Federal Employee Benefits tool permits prospective employees, new employees, and current employees to calculate their complete benefits profile. A variety of benefit calculations may be entered to assist the user in making informed decisions regarding their benefits. The user will be able to determine the cost of their benefits on an annual basis.

In addition to the calculator, the user will be able to obtain a wide variety of information on the following

topics: Civil Service Retirement System, Federal Employees Retirement System, Federal Employees Health Benefits Program, Federal Employees Group Life Insurance, Thrift Savings Plan, Federal Long Term Care, Flexible Spending Accounts, Federal Employees Dental and Vision Program, Transportation Subsidy, and other general civilian benefits information.

The Federal Employee Benefits tool may be accessed via the internet at <http://www.cpms.osd.mil/forms/fas/benefits/BenefitsTool.aspx>.

President Obama released a hiring reform memorandum to agency heads to improve the current hiring process. The memorandum included specific hiring reforms actions to agency heads, managers and supervisors with hiring responsibilities to begin no later than 90 days from the memorandum dated May 11, 2010. One major improvement is the elimination of knowledge, skills and abilities (KSAs). This is a welcome start to the federal hiring process!



## Changes to the Family and Medical Leave (FMLA) Entitlements

The National Defense Authorization Act (NDAA) for FY 2010 has made several significant changes to the FMLA entitlements for Federal Employees covered by the Office of Personnel Management's (OPM) FMLA regulations. The changes were effective October 28, 2009.

The changes include a new entitlement to qualifying exigency leave for Federal employees covered by OPM's FMLA regulations to parallel the entitlements provided to employees that are covered by the Department of Labor's (DoL) FMLA regulations and expands the coverage for the 26-week entitlement for family members to care for a covered service member undergoing medical treatment, recuperation, or therapy, for a serious injury or illness by amending the definitions of "covered service member" and "serious injury or illness".

Section 565(b)(1) of the Act adds a new subsection to the United States Code (U.S.C.) 6382 to provide employees with the entitlement of up to 12 administrative workweeks of unpaid FMLA leave during any 12-month period for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Section 565(b)(2) of the Act adds veterans to the definition of "covered Service Member" in 5 U.S.C. 6381(8). The new definition reads as follows: the term "covered Service Member" means—**(1)** a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in an outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or **(2)** a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.



Revisions and Amendments

## Proper Use of Voluntary Separation Incentive Pay (VSIP) Part 3: Reemployment Restrictions

This is the last in a series of three articles on Voluntary Separation Incentive Pay (VSIP), commonly referred to as a "buyout." The first two articles explained the purpose of downsizing and restructuring VSIP and the requirements for documenting their proper use. This article highlights the reemployment restrictions that apply to Department of Defense (DoD) employees who accept buyouts.

As explained in DoDI 1400.25, Volume 1702, "Voluntary Separation Programs," VSIP recipients are subject to two reemployment restrictions. They cannot be reemployed by the Department within 12 months of their separation date, and they are required to repay the full amount of the buyout, including taxes and deductions, if reemployed by any Federal agency within 5 years of separation. Both restrictions apply to all Federally compensated forms of employment, to include time-limited and intermittent appointments, as well as employment in non-appropriated fund organizations or as a government contractor.

The Secretary of Defense has authority to waive both reemployment restrictions on a case-by-case basis for reemployment within DoD. However, waiving repayment of VSIP is not legally possible unless the individual concerned is the only qualified applicant available for the position. Requests for waivers must be submitted to DoD in accordance with DoDI 1400.25, Volume 1702. It is important to note that the Office of Personnel Management (OPM) does not have jurisdiction over the Department's current VSIP authority, which is codified in section 9902(f) of title 5, U.S.C. Therefore, waiver authorities granted by OPM do not apply to DoD buyouts paid after September 30, 2003.

When a VSIP recipient is rehired and the repayment restriction is not waived, the servicing Human Resources Office (HRO) is responsible for notifying the servicing Defense Finance and Accounting Service payroll office that the employee is subject to VSIP repayment by submitting a payroll remedy ticket and providing copies of the employee's separation and reemployment Notices of Personnel Action. The servicing payroll office will notify the former payroll office, which will then issue the debt letter to the employee and make arrangements to collect the debt.

## TSP RETURN RATES

**End of May 2010**

FUND	CLOSE	YTD
G	13.2990	1.37%
F	13.8385	3.78%
C	13.0207	1.49%
S	17.5407	6.56%
I	16.2114	(12.55%)
L 2040	15.3365	1.91%
L 2030	15.2296	1.49%
L 2020	15.1495	1.11%
L 2010	15.3243	0.68%
L Income	13.9775	0.70%

The Civilian Assistance and Re-Employment Division reviews VSIP reemployment actions when conducting Priority Placement Program evaluations. Based on reviews during the last 2 years, it is apparent that some HROs have been less than diligent in screening rehires to identify buyout recipients. Consequently, they failed to impose the VSIP reemployment restrictions. It is imperative that HROs implement appropriate measures to ensure that these restrictions are properly and consistently applied.





## Solicitation for the Defense Senior Leader Development Program (DSLDP) Class of 2011

On March 30, 2010, the Under Secretary of Defense (Personnel & Readiness) issued a memorandum to Components to open the call for nominations for the DSLDP Class of 2011, which will run from February 2011 through Spring 2013. DSLDP is the senior-level component of our overall effort to ensure the deliberate development of civilian leaders with the Enterprise-wide perspective critical to meeting all Department of Defense (DoD) missions. DSLDP was codified in DoD Instruction 1430.16, "Growing Civilian Leaders". Also, Deputy Secretary Lynn issued a memorandum affirming DSLDP as DoD's premier development program for senior civilian leaders. This program is designed for those who are leading high performing organizations and programs today, and have the

potential and motivation to assume more responsible senior leadership positions across the Enterprise within the next few years.

DSLDP was created in response to the Department's evolving challenges. The program institutes a competency-based approach to the deliberate development of senior civilian leaders with the Enterprise perspective needed to lead organizations, people and programs, and achieve results in the Joint, interagency, and multi-national environments. The program's learning opportunities include: Senior-level Professional Military Education; individual development (to include a required experiential activity, such as a developmental assignment) that strengthens the Enterprise-wide perspective, hones talents

and closes identified competency gaps; and Defense-focused leadership seminars, each focused on a current critical issue, and designed to ensure application of critical leader competencies in the joint environment.

To be nominated for the annual admission to DSLDP, an individual must be a permanent, full-time civilian employee of the Department of Defense, GS-14 or 15, or equivalent; with a minimum of one year of significant experience in supervising people that was acquired no more than five years ago. Candidates must also possess a baccalaureate degree from an accredited college or university. Components are requested to submit nominations, in rank order, to the Civilian Personnel Management Service, Leader and

Professional Development Division, Leader Development Programs Branch no later than September 10, 2010.

The nomination package and more information on DSLDP can be found at: [http://www.cpms.osd.mil/lpp/DSLDP\\_Program.aspx](http://www.cpms.osd.mil/lpp/DSLDP_Program.aspx).



## NSPD Human Resource Community of Practice Established

Established by Executive Order 13434 dated May 17, 2007, the National Security Professional Development (NSPD) Program is a government-wide initiative to develop a cadre of professionals who possess a broad understanding of our national security objectives beyond their own agencies' missions and the knowledge, skills, and experience necessary to lead and execute coordinated, effective national security operations. A National Security Professional (NSP) is an employee of an executive agency who plans, coordinates, or participates in activities relating to the national security of the United States that require significant interaction and engagement with other executive agencies. There are currently over 300 members of the Senior Executive Service and over 900 employees in grades GS 13-15 (and equivalent) filling NSPD-designated positions within the Department of Defense (DoD).

A Human Resource Community of Practice has been established in support of the NSPD Program. The community, facilitated by Juan Jackson, NSPD Human Resource Advisor, will disseminate program information, leverage best practices to increase the proper identification of NSPD positions within DoD and enhance the accuracy of coding of these positions in the Defense Civilian Personnel Data System (DCPDS) and identify strategies to increase NSP training completion rates for the required orientation courses.

If you would like to receive updates on the Human Resource Community of Practice or have NSPD HR-related questions, please contact the DoD NSPD Implementation office, at [nspd@cpms.osd.mil](mailto:nspd@cpms.osd.mil) or Juan Jackson at DSN 426-0248, (703) 696-0248 or [juan.jackson@cpms.osd.mil](mailto:juan.jackson@cpms.osd.mil).

Additional information on the NSPD program is available at: [http://www.cpms.osd.mil/lpp/NSPD/NSPD\\_index.aspx](http://www.cpms.osd.mil/lpp/NSPD/NSPD_index.aspx).



## Health Care Reform

On March 23<sup>rd</sup> of this year, President Obama signed into law the "Patient Protection and Affordable Care Act," Public Law 111-148. There are several major provisions that will have an impact on the Federal Employee Health Benefit Program and will affect federal employees, retirees and eligible family members. Under the Affordable Act, adult dependent children will have coverage up to age 26. This new change will become effective the first day of the next plan year in January 2011. Other aspects of the law will not take effect until several years later beginning in the year 2014. There will be additional information provided on OPM's website in the near future about upcoming changes as a result of the new Act. The new legislation is not applicable for extended coverage to current unmarried dependents who have reached or will reach age 22 this year. Dependents aging out this year are automatically covered for 31 days thereafter, they will be able to continue coverage for up to 36 months under the Temporary Continuation of Coverage (TCC) Program with no federal contribution.