

Nashville District
Human Resources Newsletter
“News You Can Use”
Issue 15-09-04
15 September 2004

The purpose of this newsletter is to keep Nashville District employees informed about personnel issues, concerns, and topics. You are encouraged to review the information and disseminate to your organization. If there are particular areas of interest that you would like to see addressed in future issues, an article of general interest, or general comments, please contact John Restey at 615-736-5538 or John.G.Restey@lrn02.usace.army.mil.

Coming Events:

**FEGLI (Federal Employee Group Life Insurance)-
OPEN SEASON—1 SEPT-30 SEPT 2004**

General News:

Training is on the move!!!

Ms. Judy Potaczek, the Nashville District training program specialist has recently been promoted to a new position in another state. Ms Judy did a great job and will be missed. The training function has moved from Resource Management (RM) to the Nashville Civilian Personnel Advisory Center. Effective immediately the new District training specialist is Ms. Rachel Owens (615-736-2165). Ms Gloria Cartwright will oversee and assist with the program. Both Ms. Owens and Ms Cartwright look forward to serving the District in this capacity.

As part of the training reorganization, Ms. Julie Reeves in Operations Division will serve as the District's coordinator and point-of-contact for the annual Training Survey and administrator for the Automated Training Management Program (ATMP). She will also serve as the central POC for all PROSPECT training, i.e., forwarding reporting instructions, requesting spaces, sending in cancellations, etc. Ms. Reeves may be reached at 615-736-7647.

A training link has been established under the Human Resource (HR) intranet website under “Training News”. Training courses and training information will be made available to the District at the HR site.

ARMY TRAINING AND LEADER DEVELOPMENT PANEL
(ATLDP)
Civilian Study

Army will soon complete a new Army Civilian Handbook. The handbook will help civilians develop a greater understanding of their contributions to the Army and service to the Nation.

TRADOC is currently developing a concept to design, implement, and sustain a Civilian Education System (CES) that will capitalize on existing military and civilian leader development programs. CES is based on leadership competencies derived from OPM competencies and competencies identified/proposed by the Center for Army Leadership (CAL). CES will initially be anchored to existing civilian leader development core curriculum courses. The CES is a key step toward implementing ATLDP-Civilian recommendations. The design, resourcing and implementation of this new school system to meet panel recommendations is the major supporting element of implementing the desired civilian leader development end state.

Fair Labor Standards Act (FLSA) Regulatory Changes Have No Impact on Federal Employees

On April 23, 2004, the Department of Labor published final rules in the Federal Register on "FairPay" revisions to 29 Code of Federal Regulations (CFR) Part 541, which defines and delimits FLSA exemptions for executive, administrative, professional, outside sales, and computer employees. Publication of the change received extensive news coverage and stimulated a thus-far unsuccessful effort in the Senate to block the new rules which take effect on August 23, 2004. The rules change provides a new salary threshold for overtime entitlement and clarifies language on exemption tests for "white collar" occupations. However, the new rules have no impact on Federal employees unless or until such time as the OPM initiates and finalizes a change to 5 CFR Part 551, Pay Administration Under the FLSA. Taken from CPOL

THE LEGISLATIVE BILL FINDER

Want to stay up to date on legislative bills effecting Federal Employees? Go to the Bill Finder at: <http://capwiz.com/govexec/issues/bills/> Currently featured is information on:

H.R. 3751 - [Federal dental and vision benefits study](#)

<http://capwiz.com/govexec/issues/bills/?bill=5189551>

H.R. 2631 - [Federal Retiree Prescription Drug Benefits](#)

<http://capwiz.com/govexec/issues/bills/?bill=2775571>

H.R. 577 - [To amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance.](#)

[<http://capwiz.com/govexec/issues/bills/?bill=3441491>](http://capwiz.com/govexec/issues/bills/?bill=3441491)

IS YOUR AKO PASSWORD MISSING?

All Nashville District employees must register in Army Knowledge Online (AKO). If you previously registered and cannot remember your password please follow these instructions:

Log onto www.us.army.mil

Select "lost your password".

Select from one of the three options.

Then AKO will send you an email confirming your new password

Instructions will tell you to click on the link provided to reset your password

Reset your password and it will take you into AKO

NEW EMPLOYEES- Log onto www.us.army.mil and select "new user"

Health and Benefits:

YOUR RIGHTS AS A FEDERAL

EMPLOYEE

ENFORCED BY

THE U.S. OFFICE OF SPECIAL COUNSEL

I. THE U.S. OFFICE OF SPECIAL COUNSEL (OSC) is an independent agency that investigates and prosecutes allegations of prohibited personnel practices (PPP).

WHAT IS A PROHIBITED PERSONNEL PRACTICE (PPP)?:

Under 5 U.S.C. §2302(b)(1)-(b)(12) a federal employee authorized to take, direct others to take, recommend or approve any personnel action may not:

- **Discriminate (including discrimination based on marital status and political affiliation).** *EXAMPLE: Supervisor Joe refuses to promote Employee Jane because Jane is a registered Republican; or his refusal is because she is a single mother. (OSC will generally defer Title VII discrimination allegations to the EEO process, rather than duplicating already existing procedures.)*
- **Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics.** *EXAMPLE: Selecting Official Joe hires Applicant Jack based on Senator Smith's recommendation that Jack be hired because Jack is a constituent; or fails to hire Applicant Jane because of Congressman Smith's recommendation based on the Congressman's friendship with Jane's parents.*
- **Coerce the political activity of any person, or take action against any employee as reprisal for refusing to engage in political activity.** *EXAMPLE: Supervisor Jane takes away significant job duties of Employee Jack because Jack will not make a contribution to Jane's favorite candidate.*
- **Deceive or willfully obstruct any**
- **Engage in nepotism.** *EXAMPLE: Second-level Supervisor Jane asks First-level Supervisor Joe to hire her son; or to promote her daughter.*
- **Take a personnel action against an employee because of whistleblowing.** *EXAMPLE: Supervisor Joe directs the geographic reassignment of Employee Jack because Jack reported safety violations to the agency's Inspector General; or because employee Jill reported a gross waste of funds to the Office of Internal Affairs.*
- **Take a personnel action against any employee because of the exercise of an appeal, complaint, or grievance right.** *EXAMPLE: Supervisor Jane places Employee Jack on an undesirable detail because Employee Jack filed an administrative grievance about his performance rating.*
- **Discriminate against an employee on the basis of conduct, which does not adversely affect the performance of the employee.** *EXAMPLE: Jack's employment is terminated because he attended a "Gay Pride" march; or he attended a "Pro-Life" event; or he attended an animal rights rally; or he attended a gun-owners' rights meeting.*
- **Take or fail to take a personnel action, if such action would violate a veterans' preference requirement.** *Example: Supervisor Jane hired*

person from competing for employment. *EXAMPLE: Supervisor Joe, located in Headquarters, orders that no vacancy announcements be posted in the field office where Employee Jack works because he does not want Jack to get a new job; or falsely states that there will be extensive travel in the position when he knows that there is no travel.*

- **Influence any person to withdraw from competition for a position to improve or injure the employment prospects of any other person.** *EXAMPLE: Supervisor Jane, in an effort to hire Employee Joe, tells Employee Jack that he should not apply for a position because he is not qualified and will never be selected. Employee Jack is qualified.*
- **Give an unauthorized preference to a person to improve or injure the employment prospects of any particular employee or applicant.** *EXAMPLE: Supervisor Jane specifies that Spanish-speaking skills are necessary for a vacant position, for the purpose of selecting Employee Jack, who speaks fluent Spanish. The position, however, does not require Spanish-speaking skills..*

Employee Jack, without considering Veteran Jennifer, who was included on the list of eligible employees. (OSC's jurisdiction is for disciplinary actions only; the Dept. of Labor has jurisdiction to investigate for corrective actions.).

- **Take a personnel action against an employee which violates a law, rule, or regulation which implements a merit systems principle.** *EXAMPLE: Supervisor Joe terminates the probationary appointment of Employee Jack because of Jack's letter to the editor criticizing affirmative action - a valid exercise of First amendment rights, a law implementing a merit system principle.*

What You Can Do If You Believe A PPP Has Been Committed

An employee who believes a PPP has been committed can file a written complaint with the U.S. Office of Special Counsel. Complaint forms are available on the Web at www.osc.gov. Employees do not need attorneys to file a complaint. OSC is an independent and prosecutorial agency. It will investigate allegations of prohibited personnel practices, and seek any corrective and disciplinary action.

II. The U.S. Office of Special Counsel Also Receives Confidential Disclosures and Enforces The Hatch Act

RECEIVING CONFIDENTIAL DISCLOSURES (5 U.S.C. §1213):

Current and former federal employees and applicants can confidentially report information evidencing a violation of any law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. The OSC has the authority to

require the head of the agency concerned to investigate the matter if OSC determines that a disclosure has been made.

ENFORCING THE HATCH ACT(5 U.S.C. §7321-26):

The Office of Special Counsel is authorized to issue advisory opinions that respond to federal employee questions about whether or not they may engage in specific political activities under the Act. The OSC also prosecutes violations of the Hatch Act before the Merit Systems Protection Board. These violations include: using official authority to interfere with an election result; soliciting, accepting or receiving political contributions; soliciting or discouraging political activity of persons before the employing agency; and running for public office in a partisan political election.

Need Additional Information?

- Information on filing a complaint: 202-653-7188 or 800-872-9855.
- Information on making a disclosure: 202-653-9125 or 800-572-2249.
- Updated and detailed information on OSC and its procedures- visit our web page:
<http://www.osc.gov>,
- Updated and detailed information on OSC in our revised brochure: “The Role of the U.S. Office of Special Counsel” (GPO # 028-004-00105-9) by calling 202-512-1800 - the GPO Bookstore.



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MOST TSP FUNDS MAKE GAINS IN AUGUST

The rates of return for most of the funds in the federal government's Thrift Savings Plan showed small positive returns in August. The F fund showed the highest monthly return for the month ending with a 1.88 percent, and a 6.08 percent return over the past 12

months. The I fund came in next with 1.00 percent; the fund also had the highest return for the past 12 months with a 22.85 percent rate of return. The G fund showed a 0.38 percent return for the month, and a 4.36 percent 12-month return. The C fund showed a 0.34 percent return for August, and its 12-month return is 11.33 percent. While the S fund broke even for the month, it still showed a positive 12.22 percent 12-month rate of return. The TSP performance history and the past 12 months can be found at <http://www.fpmi.com/pr/TSPMonthly.html>

Food for Thought:

Give more. Expect less