

**The National Council of Social Security Management Associations, Inc.**  
**GREYSTONE GROUP WASHINGTON REPORT**  
**Legislative Report 06-2010**  
**May 17, 2010**

**Congress and the Administration Remain Active on Federal Employee Issues**

With the cherry blossoms now gone, and spring turning to summer in the nation's capital, the agendas of both Congress and the Administration continue to include a number of Federal employee issues. This report provides a brief overview of some of those issues.

**Federal Supervisor Training Act**

One of the measures being considered by the Hill which NCSSMA has been active on through both the Government Managers Coalition (GMC) and the Coalition for Effective Change (CEC) is S. 674, the Federal Supervisor Training Act. The legislation is sponsored by the Chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, Senator Daniel Akaka (D-HI). Chairman Akaka convened a hearing on April 29 to discuss a number of issues, including how S. 674 would play a part in minimizing the effect of the looming Federal government retirement wave. Attention was also focused on the effect that lack of training for managers and supervisors has on the effectiveness of Federal agencies.

In the Chairman's hearing statement he indicated that for too long, we have failed to provide Federal employees with the tools they need to be successful. The Chairman also pointed out that agencies often cut employee training and development programs to stretch limited funding. As a result, Federal employees are left to execute their missions without the resources and support they need.

It is anticipated that the Homeland Security and Governmental Affairs Committee will mark up the bill in the very near future.

This same April 29 hearing included testimony from union representatives. J. David Cox, Sr., the national secretary and treasurer of AFGE included comments on the Federal Career Intern Program. He stated, "the Federal Career Intern Program (FCIP) is the federal government's most ubiquitous and problematic special hiring authority." Mr. Cox went on to add, "FCIP is essentially a direct hiring program that bypasses open competition and veterans' preferences." Cox also stated that many agencies, such as Border Patrol, Citizenship and Immigration Services, and the Social Security Administration made FCIP the "almost exclusive hiring authority for thousands of newly hired employees."

**Telecommuting for Federal Workers**

On Thursday, May 6, the House of Representatives failed to pass legislation that would have promoted telecommuting by Federal government employees. H.R. 1722, the Telework Improvements Act of 2010, sponsored by Representative John P. Sarbanes (D-3<sup>rd</sup>-MD), failed to

receive the required two-thirds needed for passage. The bill was moved under suspension of the rules, which is an expedited procedure that is generally used when House Majority Leadership is confident the bill will pass. To the surprise of many, only twenty-four Republicans joined 244 Democrats to vote in favor of the bill with 147 Republicans voting against it. The legislation was over 40 votes short of the two-thirds needed for passage.

The sticking point on the legislation appears to be that the Congressional Budget Office (CBO) scored the bill as costing around \$30 million. Republicans had made it clear before the legislation came to the floor that they would not support the bill if it resulted in additional costs. In a letter from Representative Sarbanes to his colleagues, he acknowledged the CBO estimate but argued the bill did not authorize any new appropriations, and thus was deficit-neutral.

Under H.R. 1722 every Federal agency would be required to create a senior position to manage telework, with the position promoting and overseeing the practice. Also, instead of just setting goals as was done previously by Section 359 of the FY 2001 Department of Transportation and Related Agencies Appropriations Act (P.L. 106-346), agencies would be required to permit employees to telework whenever possible, except in cases where employees routinely handle classified information or where doing so would negatively impact the agency.

Many believe that allowing for greater flexibility for Federal employees to telework will not only save the federal government money, but also be an attractive incentive to lure qualified individuals into the Federal workforce. We suspect the telework bill is not dead, and that it will soon be back on the legislative agenda for another vote. Also of note, last May the Senate Homeland Security and Governmental Affairs Committee approved a similar bill, S. 707, introduced by Senator Daniel Akaka (D-HI), and Senator George Voinovich (R-OH). At this time there has been no additional movement on the Senate bill.

### **Federal Hiring Changes Ordered**

On Tuesday, May 11, the White House directed agencies to take new steps to make the government's hiring process more efficient.

The following steps were outlined in a Presidential memo which was distributed to all agencies:

- Relying on resumes – and not knowledge, skills and abilities (KSA) essays to assess candidates in the initial steps of the hiring process;
- Using shorter job announcements that are written in a clear manner;
- Allowing hiring managers to choose from a large group of qualified candidates, instead of the current three;
- Notifying applicants of their status at four points in the hiring process; and
- Making more recruiting trips to colleges and universities.

It is anticipated by the Office of Personnel Management (OPM) that these steps should help shorten the average hiring time from 140 days to 80 days. It is also anticipated these steps will provide more flexibility and result in the hiring of stronger candidates.

OPM has requested that agencies submit hiring plans to them by August 1, and meet the President's requirements by November 1. OPM will also design a government wide plan for recruiting and hiring, review the FCIP, and work with agencies in their ability to share job applicant information.

### **FEHBP Enrollment for Adult Children**

On Tuesday, May 4, a number of Democratic lawmakers introduced legislation that would allow OPM to extend insurance coverage to more adult children of federal employees.

In a May 4, 2010 GovExec article entitled, Lawmakers sponsor bill to allow earlier FEHBP enrollment for adult kids, Margaret Baptiste, President of the National Active and Retired Federal Employees Association (NARFE) stated, "this coverage would be particularly helpful to dependent children about to graduate from trade school, college or university who could have difficulty finding employment with health benefits in the present unfavorable job market."

The health care legislation that was signed into law in March required insurance companies to cover the unmarried adult children of FEHBP enrollees until they turn 26, effective the first day of a new insurance plan year after September 23. Many insurers have stated they plan to begin extending coverage well before the mandated date. But OPM believes that the law mandates the coverage cannot be extended until January 1, 2011. As a result, OPM is working with Congress to try and find a way to implement the coverage before 2011.

In the meantime, OPM said that adult dependent children will retain their coverage for 31 days after they turn 22.

### **Boost to Military Pay Raise**

The House Armed Services Personnel Subcommittee on Wednesday, May 12, 2010 approved their portion of the FY 2011 defense authorization bill. The Subcommittee recommended that military personnel receive a 1.9 percent pay raise. The raise is one-half a percent higher than what the Obama Administration requested in its FY 2011 Budget Request. Personnel Subcommittee Chairwomen Susan Davis (D-53<sup>rd</sup>-CA) said during the markup that the higher pay raise backed by her panel will, "further reduce the gap between military and private sector pay."

Given the support by many Members of Congress for pay parity between the civilian Federal workforce and the military, this recommendation may bode well. We will keep you updated regarding the issue.

### **Bargaining Expansion Delayed**

Following a May 5 meeting of the National Council of Federal Labor-Management Relations it was announced that the deadline for the submission of a report to President Obama on how to implement pilot programs that would require agencies and unions to bargain over a greater number of issues would be delayed 30 days. The White House asked the Council to report by May 8 on the recommendations for implementing (b)(1) pilot programs to test bargaining over

issues such as the number and qualifications of employees assigned to work on projects, technology involved and work methods, as well as other issues.

In a May 5, 2010 GovExec article entitled, Labor-Management council delays reporting on bargaining expansion, John Berry, Director of OPM and co-chairman of the council stated, “I think we have to admit that we don’t have a strong proposal to take back to the President at this time. We believe we are making serious progress and have a good faith proposal and the clear majority of the federal government coming to the table and saying we’re willing to work on this issue.”

During this 30-day delay, a working group will be formed to develop guidance on creating the pilot programs.

The council’s next meeting will be in June.

Greystone Group LLC  
418 C Street, NE  
Washington, DC 20002  
202-547-8530/FAX 202-547-8532  
Contact: Rachel Emmons or Aaron Hunter  
E-mail: [rachele@greystone-group.com](mailto:rachele@greystone-group.com) or [aaronh@greystone-group.com](mailto:aaronh@greystone-group.com)