



EMPOWERING THE FUTURE OF FEDERAL WORK

: Prevent, Manage,
: Resolve Labor
: Disputes
: **14**

: Fighting to
: Advance FMA
: Issue Briefs
: **20**

WE CAN OFFER TOOLS TO MAKE SURE YOU GET THE MOST OUT OF YOUR PLAN



**BlueCross.
BlueShield.**

Federal Employee Program.

fepblue.org



Since 1913, FMA has been a passionate advocate for excellence in public service through effective management, and a forceful champion of its members' legislative agenda.

www.fedmanagers.org

FMA Magazine Staff

Publisher
Craig Carter

Editor
Todd V. Wells

Contributor
Greg Stanford

Advertising
Todd V. Wells

Circulation Coordinator
Latorea Wilson

Graphic Design and Production
digit design

FMA Executive Board

National President
Craig Carter

National Vice President
Ronald R. Gryga

National Treasurer
Christine C. Parker

National Secretary
Chris Lombardi

Region 1 Director
Jeremy Barton, Sr.

Region 2 Director
Jason Rossman

Region 3 Director
Peggy Hatcher

Region 4 Director
Vincent Stamper

Annual Subscription Rate: \$30
Single Issue Rate: \$8.50

Advertiser/Subscription Inquiries

The Federal Manager
1641 Prince Street
Alexandria, VA 22314-2818
Tel: 703.683.8700
Fax: 703.683.8707
E-mail: info@fedmanagers.org
www.fedmanagers.org

Article Submission

All materials submitted to The Federal Manager should pertain to public service managers. Copy should be double-spaced and no longer than 10 pages. High resolution 300 dpi, color images in JPG or TIF format, as well as charts, or illustrations in EPS vector format, should be included if possible. Text should be submitted by email or on compact disc. Please also include a biography of the author.



COVER

6

EMPOWERING THE FUTURE OF FEDERAL WORK

From Our President 5

Advocating for Federal Managers

Feature 14

Prevent, Manage, Resolve Labor Disputes

Members in Action 16

FMA Chapter 170 Sponsors
Congressional Breakfast
FMA Announcements

FMA at Work 20

Fighting to Advance
FMA Issue Briefs

Capital Insights 24

Meet Your Legislators 26

U.S. Senators
Blumenthal and Mullin

Legal Brief 28

The *Douglas* Layers

Did You Know 32

Take Care of Your
Mental Health

Retirees 34

Retirement Matters

Corporate Partners:





Make an Impact: Donate to FMA-PAC

PAC funds allow FMA to send you and your colleagues to intimate events with your Senators and Representative to educate them about what it is like to be a federal manager in their state and district.

How do I contribute?

The easiest and best way is to sign up for a recurring direct deposit through your payroll. You can download a copy of Standard Form 1199A by visiting www.fedmanagers.org/FMA-PAC. Retirees can designate a recurring contribution by selecting FMA-PAC when making an allotment through OPM's Retirement Services Online. Every dollar counts and makes an impact, and for every contribution of \$25 or more, you are automatically entered into a raffle for FMA-PAC prizes!

To learn more about FMA's government affairs and FMA-PAC related activities, contact Director of Government Affairs Greg Stanford at gstanford@fedmanagers.org, or call 703.683.8700.



From Our President...

ADVOCATING FOR FEDERAL MANAGERS

FMA Family,

I hope you and your families are doing well. At the time of submitting this article, Congress is just coming back from their August break with little hope of having appropriated funds by October 1, the start of Fiscal Year 2024, and with talk already of a continuing resolution (CR) until December. If we, as federal workers, never completed our work on time and had to continually ask for a 4-6 month extension, we would probably be seeking employment elsewhere. It is now the norm, instead of the exception to the rule, that Congress will not do its job efficiently or on time and provide the citizens of this country with government funding. By not appropriating funds, and working under a CR every year, this causes extra costs to agencies/commands having to work under the previous year's budget, and does not allow agencies/commands proper planning opportunities, including being able to buy equipment and supplies in bulk to save money. Working under a CR also adds stress to us federal workers. In addition to performing our regular duties, as each deadline approaches, we have to create furlough lists and contingency plans in case we have a government shutdown, even if that shutdown is ultimately averted.

I'm happy to say there is good news to report concerning a pay raise. In March, President Biden announced his proposed 2024 budget providing civil servants a 5.2 percent raise, and he reiterated that intention in his letter to Congress at the end of August. Although FMA supports the 5.2 percent increase, which would be the biggest since 1980, FMA endorsed the "FAIR Act" sponsored by Rep. Gerry Connolly in the House and Sen. Brian Schatz in the Senate, which calls for an 8.7 percent boost. As civil servants, our pay, on average, is 24 percent behind the private sector. However, we expect to be compensated fairly to keep up with inflation and the demands of life. Please continue to meet with your representatives and send in the prepared action letters available on FMA's Legislative Action Center – including one about the 2024 pay raise – at fedmanagers.org/Legislative-Action-Center. Remember: Do not use a government computer or send action letters on government time. We don't want anyone to get in trouble with the Hatch Act.

I traveled to Washington, D.C., in June to meet with members of Congress about important issues like salary compression,

hiring reform, GPO and WEP, the Equal COLA Act, and more. I will be back in D.C. in October to attend the Samuel J. Heyman Service to America Medals (Sammies) Gala that recognizes federal employees for their outstanding achievements. This is a great opportunity to meet with other government agencies' representatives to build stronger relationships in order to better work on your behalf. I will also be attending the semi-annual Federal Retirement Thrift Investment Board (FRTIB)/Employee Thrift Advisory Council (ETAC) meeting. As National President of FMA, I have a seat on ETAC, giving FMA direct influence on matters related to the Thrift Savings Plan (TSP) and allowing FMA to look after our members' best interests when it comes to retirement planning. I will also again meet with our elected representatives to continue to advocate for fair pay and benefits for feds and other pressing issues.

While the FMA National Executive Board changes yearly due to elections, term limits, and retirements, there has been one constant with FMA in D.C. over the last fifteen years or so, and that is our FMA National Staff. Our national staff are not federal employees, but advocate on our behalf as though they were, so I would like to recognize them. They are:

- Executive Director - Todd Wells (twells@fedmanagers.org)
- Director of Government & Public Affairs - Greg Stanford (gstanford@fedmanagers.org)
- Finance & Administration Manager - Latorea Wilson (lwilson@fedmanagers.org)

Send them a quick email to request membership recruitment materials, updates on proposed legislation, ideas for FMA Town Hall meetings/leadership training, or just to say thanks for all they do. As always, thank you for all you do and in supporting the men and women of our armed services, your command/agency, your community, FMA, and the citizens of the United States of America. ●

Sincerely,

Craig Carter
FMA National President

A person wearing a white button-down shirt is shown from the chest up, holding a large, glowing white sphere with both hands. The sphere is the central focus and is brightly lit, casting a soft glow on the person's hands and the surface it rests on. The background is dark, making the glowing sphere stand out prominently.

**EMPOWERING
THE FUTURE OF
FEDERAL WORK**

By Mika J. Cross, Federal Workplace Expert

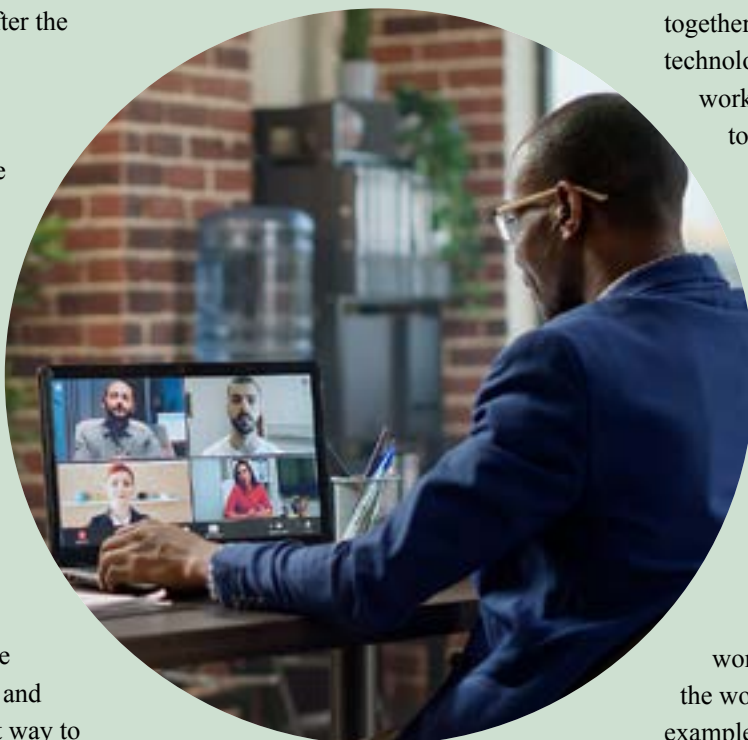
The pandemic has changed everything about federal work. It showed us that flexible work can make a difference for our mission and our workforce. It also pushed us to embrace flexible work options to protect the health and well-being of our workers. But the change is not over yet. We don't know what the future of work will look like after the crisis.

That's why federal leaders and managers need to equip themselves and their workforce with the concepts, tools and resources that help them anticipate, adjust and create for the future-of-work.

One of the most valuable skills that we all need to learn is how to create cultures of Psychological Safety – together and at all levels of the organization. This is the secret to building teams that are innovative, curious, connected and collaborative. It is also the best way to transform and modernize how we work across the public sector.

These kinds of skills include using laughter, fun and humor at work to boost our mood, energy and productivity; fostering a Culture of Curiosity that sparks our creativity and innovation; building strong relationships across distance through effective communication, collaboration, team spirit and employee engagement; and adopting Transformational Mindsets that promote civility, respect and inclusivity to create a great Workplace Experience that drives results.

You might wonder how these skills are related to our mission, but they are actually very important. When we laugh, have fun, and use humor at work, we reduce stress, increase motivation, and enhance performance. When we are curious and inspired by new ways to ask



hard questions, we stimulate our brain, generate new ideas and solve problems. When we communicate, collaborate, celebrate and engage effectively with our team members across distance, we build trust, loyalty and commitment. When we think and act in ways that support civility, respect and inclusivity, we create a positive work environment that attracts and retains talent. All of these skills help us achieve our mission more effectively and efficiently.

So where can we get started when the

majority of our teams are working in different time zones, from a variety of locations and embrace many different types of flexible work schedules?

We can start by being flexible, understanding and accommodating of our team members' work preferences and constraints. We can also lean in together to learn how to use existing technology and tools better for making

work more efficient, and enable us to communicate and collaborate effectively across distance and time. We can also create opportunities for social interaction and team bonding that foster a sense of connection and belonging among our team members.

By doing these things, we can not only enhance our productivity, performance and morale, but also deliver better results for the taxpayer.

A flexible approach to federal work has many benefits for both the workers and the agencies. For example, a Boston Consulting Group survey found that employees were productive during the pandemic, even when working remotely or in hybrid modes. Flexible work also lowers stress, boosts motivation and enhances work-life balance. A McKinsey study showed that 87 percent of workers who can work flexibly do so, and flexible work is a top reason for job hunting. In fact, there was a nearly 3 percent increase in interest in federal jobs during the pandemic, according to site visits to *USAJobs.gov*, during a time when government jobs were leveraging more remote and telework options.

continued on next page

COVER STORY

Flexible work also saves costs for both the workers and the agencies and positively impacts government performance and productivity, as shown by the federal employee viewpoint survey engagement scores in 2020 and 2021.

The survey results show that federal workers continue to maintain a positive perspective on their agencies' ability to deliver quality work that meets the needs of their customers and delivers on agency goals. The Employee Engagement Index, which measures how engaged employees are with their work and workplace, was 71 out of 100 in 2021, slightly lower than 72 in 2020 but still higher than

previous years. The Global Satisfaction Index, which measures how satisfied employees are with their jobs, pay, organization and leadership, was 64 out of 100 in 2021, down from 69 in 2020 but still comparable to previous years. These scores reflect the resilience and dedication of federal workers during a challenging time.

Some specific examples



SHOW YOUR FMA PRIDE!

Visit www.fedmanagers.org/

Products to order FMA polo shirts, magnets, umbrellas, and a perennial favorite – the FMA embossed leather portfolio! You'll also find FMA flash drives, lapel pins, lanyards and more.

They make great gifts!



As Thomas Jefferson wrote in 1816, “laws and institutions must go hand in hand with the progress of the human mind”

of how flexible work helped agencies perform better during the pandemic are:

- The U.S. Intelligence Community adapted and innovated to meet mission demands from home. The National Geospatial-Intelligence Agency used existing technologies to bridge workflow gaps and develop applications for the unclassified environment. It then deployed them into classified environments using cross-domain pipelines.

- The Government Publishing Office (GPO) continued to produce information products for Congress, the White House and federal agencies. In July 2021, GPO implemented a 100 percent Remote Work and Telework policy for its eligible staff. Production staff, who still work at agency facilities, continued to produce the Congressional Record, Federal Register, U.S. passports and other information products.

- The Veterans Benefits Administration (VBA) improved its customer service experience for veterans and their families. From March to December 2020, VBA reached 3.8 million veterans and their families through local Tele-Townhalls, tele-counseling, customer experience surveys, social media channels and national call centers. VBA also updated its information and operations to serve veterans during the pandemic.

- The Small Business Administration

(SBA) rose to the challenge of providing relief and assistance for small businesses. SBA hired thousands of remote employees to support the pandemic programs. SBA also scaled its portfolio from \$40 billion to more than \$1 trillion and delivered assistance swiftly and equitably. SBA also reduced its time to hire to less than 50 days and converted to a virtual onboarding process. Employees hired remotely will continue to be remote, while others will return one to three days per pay period.

These are just some of the benefits of flexible work that can affect the bottom line and productivity.

So, at a time where everyone is rethinking everything – including how



to set workers up for success in the new, new normal – it is important to invest in new skills that will help us create cultures of psychological safety and transform how we work across the public sector.

continued on page 11



DONATE TODAY!

SUPPORT THE FMA-FEEA SCHOLARSHIP FUND!

FMA members and their families are eligible to apply for scholarships to help with higher education costs. One application will place the applicant under consideration for both FMA scholarships and FEEA scholarships!

Contributions are needed! You may make individual contributions, or Chapter contributions. Chapters might consider holding fundraisers and making contributions in honor of an individual for special recognition.

For more information, visit: **FEDMANAGERS.ORG/SCHOLARSHIPS**

All donations are tax deductible.

These skills are aligned with the surgeon general’s framework on mental health and wellbeing and the national strategy for connection, which outline five essentials for supporting the mental health and wellbeing of workers and strengthening social connections across all sectors and settings. These essentials are protection from harm, connection and community, work-life harmony, mattering at work, and opportunities for growth. We can develop these skills by using laughter, fun and humor at work, fostering a culture of curiosity, building strong relationships across distance, and adopting transformational mindsets. By doing so, we can not only improve our productivity, performance, and morale, but also enhance our mental health and wellbeing and our sense of connection with others. We can also support the goals of the surgeon general’s framework and the national strategy for connection, which are vital for our individual and collective health.

As we approach a time of transition and uncertainty in terms of how federal work will be done after the pandemic, we need to be thoughtful about mandating return to office work for government workers. We need to consider the benefits and challenges of different work arrangements, such as remote, hybrid, or in-person work. We need to respect and accommodate the preferences and needs of our workers, as well as the mission requirements of our agencies. We need to communicate clearly and transparently with our workers about the rationale and expectations for any changes in

work arrangements. We need to provide adequate support and resources for our workers to adjust to any changes in work arrangements. And we need to monitor and evaluate the impact of any changes in work arrangements on our workers’ wellbeing, engagement, and performance.



By being thoughtful about a new, flexible approach to government work, leveraging insights, and what we learned during the pandemic, we can ensure that we make the best decisions for the workforce and the federal government to do its best work – now, and in the future.

As Thomas Jefferson wrote in a letter in 1816, “laws and institutions must go hand in hand with the progress of the human mind” (Jefferson, 1816, p. 12). The pandemic has changed the way we work and think. We have a unique opportunity to shape the future of work

in the government, starting right now. By changing our mindsets, policies and approach, we can create a more flexible, innovative and inclusive workforce that can meet the challenges and opportunities of the 21st century. To do so, we must also leverage the power of effective change management and learning tools to help us achieve our vision and mission.

The future of work is not something that happens to us, but something that we create together. ●



Mika J. Cross is a widely acclaimed workplace expert, speaker, strategist, and innovator specializing in interdisciplinary expertise among the

areas of global workplace initiatives, culture change, strategic communications, employee engagement, diversity and inclusion and the future of work. She has presented at FMA Management Training Seminars several times, most recently at the 2023 National Convention.

Take Advantage of Your FMA Membership Perks!



Visit www.fedmanagers.org/perks

GPIS — Benefits & Retirement Services

The professionals at Gott Professional Insurance Services offer FMA members free federal Benefit and Retirement training classes for both regional and chapter meetings, in addition to free one-on-one personal analysis reviews. Visit www.gpis4u.com today!



BlueCross BlueShield Health Insurance

The Service Benefit Plan proves there is more to your family's health and wellness than benefits and premiums. Check out all the BCBS Federal Employee Program has to offer you as a fed by visiting www.fepblue.org today.



Start Hearing Benefits

In addition to your discounts on hearing aids, you and your family members can take advantage of: FREE annual hearing consultations; up to a three-year supply of batteries; one year of FREE office visits; 60-day trial period; FREE deluxe warranty plan; and financing plans. Save hundreds of dollars! Visit www.starhearing.com/?st_source=FMA



Professional Liability Insurance

Federal Employee Defense Services provides insurance services to the federal community when accused of misconduct or wrongdoing in the course of rendering a professional



service. When joining at www.fedsprotection.com be sure to note your affiliation with FMA. Use FMA's \$10 Discount Code: **FMA@Work** to save. You can't afford to not have it!

American Military University

Thanks to American Military University, federal professionals can benefit from high-quality, affordable, career-relevant education through 200+ online degree and certificates. FMA members enjoy a 5% Tuition Grant, a Family Member Tuition Grant, and no-cost ebooks for undergraduate students. To learn how AMU proudly helps federal and state government professionals, including those in intelligence and security roles, achieve their higher education goals visit <https://tinyurl.com/amu-fma>.



Shaw, Bransford & Roth Federal Employment Law

Shaw, Bransford & Roth (SBR) provides legal services to FMA Members. Members receive:

- Two free 30-minute phone consultations about legal issues concerning federal employment, retirement, or estate planning and taxation issues. The second consultation cannot be related to the first.
- Five percent discount for additional legal services if you choose to retain the firm of Shaw, Bransford & Roth.

To contact the law firm, please write to hotline@shawbransford.com, or call 202.463.8400.



Hotel and Car Rental

Take advantage of savings on hotels and car rentals at over 30,000 worldwide locations! Book your next trip through the FMA portal at www.fedmanagers.org/travel.



FMA-FEEA Scholarship Fund

The Federal Managers Association has awarded academic scholarships to deserving candidates for more than two decades. All FMA members, dependents, and spouses are eligible for FMA scholarships. Visit <https://feea.org/our-programs/scholarships> for more information.



Support the Scholarship Fund with a donation at www.feea.org/givefma.

FMA Updates *The Federal Manager*

Members receive a free subscription to FMA's informative quarterly e-magazine, which updates federal managers on management-related topics, professional development, and current or potential legislation affecting them.



The Washington Report

A must have for federal managers! FMA's monthly e-newsletter details the latest developments on Capitol Hill and other matters that affect your career.

FMA Grassroots Update

This monthly e-newsletter alerts you to issues FMA recommends you address through action letters and calls to your elected representatives, as well as other strategies to protect your interests as a federal manager.

for a complete member perks listing!

PREVENT, MANAGE, RESOLVE LABOR DISPUTES



By Michael Wolf & Merritt Weinstein

Since 1996, CADRO has created value for the American public by helping federal agencies and labor organizations improve mission performance, quality of work life, and institutional workplace relationships.

CADRO is the Collaboration and Alternative Dispute Resolution Office at the Federal Labor Relations Authority (FLRA).

CADRO dispute resolution services offer FLRA parties informal, voluntary, confidential ways to successfully resolve negotiability disputes and arbitration exceptions pending before the Authority. CADRO also helps FLRA parties resolve representation petitions and pre-complaint unfair labor practice (ULP) charges. In addition, CADRO staff serve as ULP Settlement Officials for the FLRA’s Office of Administrative Law Judges Settlement Judge Program. When appropriate, CADRO staff helps FLRA parties address related collective bargaining matters and other labor-management disputes. CADRO has helped agencies and unions resolve disputes over returning to the office, office relocations, back pay claims with tens of millions of dollars at risk, and entire successor collective bargaining agreements.

CADRO training and facilitation services help agency and union representatives –

- prevent conflict from erupting into destructive disputes,

- constructively manage conflict that is not preventable, and

- develop and maintain effective problem-solving relationships that minimize the need for third-party intervention.

Over the past several years, CADRO



has designed and delivered custom training programs to help agencies and unions jointly implement labor-management forums, pre-decisional involvement, interest-based bargaining, appreciation of diverse working styles, and better communication and listening skills.

CADRO staff have more than 20 years of experience hosting complex, sensitive, labor-management matters online. Importantly, CADRO staff know when to offer virtual services and when

to encourage parties to meet in-person. Long before the pandemic struck, the current CADRO director began developing and using online technology with labor-management parties while serving as Federal Mediation and Conciliation Service (FMCS) Director of Mediation Technology Services. He continued developing online expertise as the National Mediation Board’s Counsel for Dispute Resolution Technology.

CADRO’s senior dispute resolution specialist also has extensive experience helping remote parties resolve disputes.

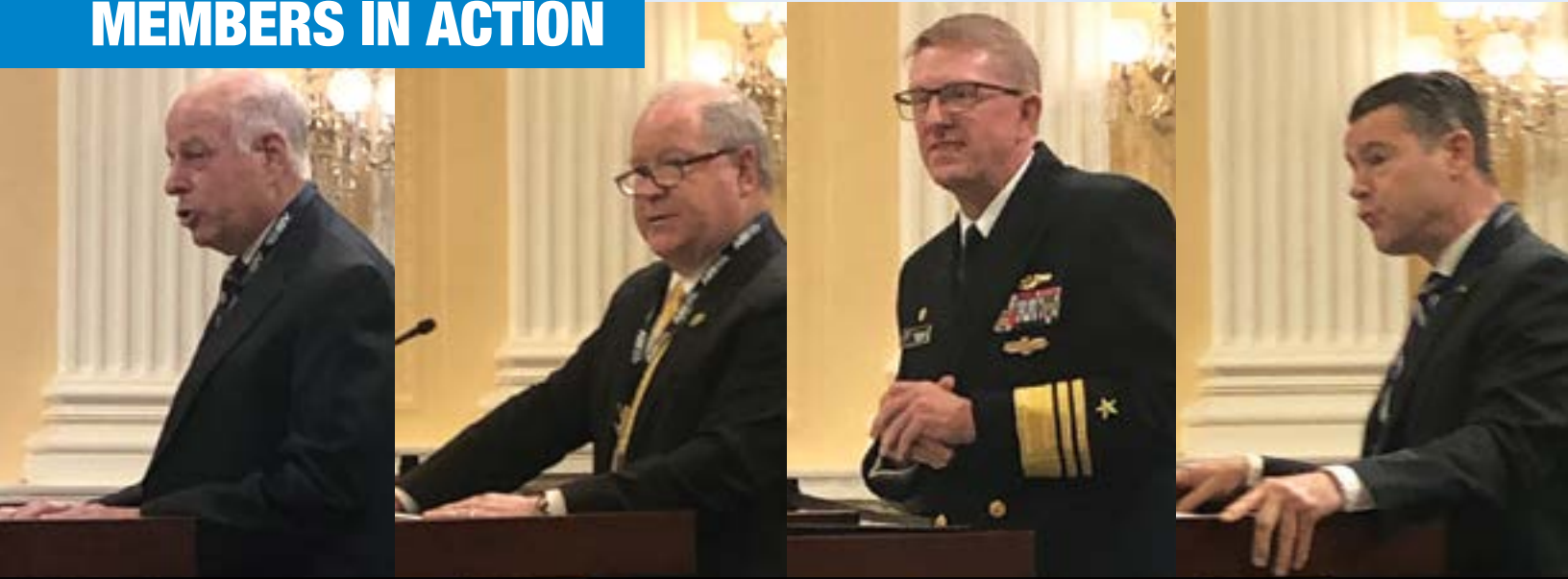
CADRO staff can host almost any labor-management matter on its secure Teams platform or use your secure platform of choice.

If you need assistance, contact the CADRO staff at CADRO@flra.gov or 771.444.5802. ●

After practicing federal-sector labor law for a decade, Michael Wolf has spent the past 30 years as a full-time Alternative Dispute Resolution practitioner mostly at the Federal Mediation and Conciliation Service, National Mediation Board, and since 2010 at the Federal Labor Relations Authority where he currently is the CADRO Director & Unfair Labor Practice Settlement Official.

Merritt Weinstein is one of the few FLRA attorneys who has worked in all three components – the Office of General Counsel, Federal Service Impasses Panel, and the Authority where he is currently the Senior Dispute Resolution Specialist & ULP Settlement Official.

MEMBERS IN ACTION



Deputy Under Secretary of Defense for Research and Engineering David Honey describes the cutting-edge technology created and utilized at the Naval Surface Warfare Center Crane Division.; Representative Larry Buschon praises the work done at NSWC Crane Division.; Vice Admiral Johnny Wolfe, Jr. commends the workers at NSWC Crane Division and its many private partners.; Senator Todd Young welcomes attendees and thanks them for their support of the Crane community.

FMA CHAPTER 170 SPONSORS INDIANA CONGRESSIONAL BREAKFAST

By Todd Wells

On June 20, FMA National President Craig Carter and Executive Director Todd Wells had the pleasure of attending the Crane Congressional Reception on Capitol Hill to visit with members of the Crane, Indiana, investment and research community. The following morning, they attended the annual Crane Congressional Breakfast and met and heard from several leaders with a great interest in the success of this impressive military base.

Each year, FMA Chapter 170, Naval Weapons Center, Crane, Indiana, co-sponsors these annual events which bring together Congressional representatives from Indiana, military leaders, and business and consulting leaders from Southwest Indiana. We were honored to hear from:

- Senator Todd Young (IN)
- Senator Mike Braun (IN)

- Representative Larry Buschon (IN – 8th District)

- Representative Erin Houchin (IN - 9th District)

Additionally, we heard from the following guest speakers:

- Colonel Ronnie Anderson, Jr. US Army, Commander, Joint Munitions Command

- Vice Admiral Johnny Wolfe, Jr., US Navy, Director, Strategic Systems Programs

- Dr. David Honey, Deputy Under Secretary of Defense for Research and Engineering

The Crane Naval Surface Warfare Center plays an enormous role in supporting the local community, and providing for our country's defense. Many talented people are employed because of the important work being done inside and outside of the 100-square-mile base. Many thanks to our FMA members at Crane for all that they do to support our country and their community. ●

Todd Wells is Executive Director of the Federal Managers Association.

All Federal Managers, Supervisors and Executives...



**FMA WANTS
YOU!**



FMA is the only organization looking out for every manager, supervisor and executive in the federal government. We have cultivated positive relationships with Members of Congress and leaders in the Administration that allow us to represent your interests at the highest levels. FMA works to pass legislation that benefits and protects federal managers, supervisors, and executives.

FMA Member Benefits...

- Representation before Congress and the Administration.
- A Legislative Action Center that quickly provides important information, and allows you to easily communicate with your Members of Congress using personalized Action Letters.
- Chapter Members can utilize their chapters to improve communications with leadership at the local level and present a stronger, cohesive voice to improve the workplace.
- *The Washington Report*, FMA's monthly e-newsletter, which keeps members up-to-date about the work of FMA.
- FMA Member Perks give you access to top lawyers, insurance offerings and financial planning at a discount!
- The Federal Manager magazine, a quarterly e-magazine that reports on the work of FMA at the national and local levels, and provides leadership, management, and agency-specific articles to help you become the best leader you can be!



**Join the Federal Managers Association
today at www.fedmanagers.org!**

FMA ANNOUNCEMENTS!



As always, the Federal Managers Association is keeping busy. Please review the following and make plans to attend FMA's National Convention. Consider running for a national board position, or nominate a colleague for one of FMA's prestigious awards. You can always visit www.fedmanagers.org for the latest information about FMA. We like to hear from our members, so feel free to drop us a line. We look forward to seeing or hearing from you!

Attend FMA's National Convention & Management Training Seminar

We are pleased to announce FMA's 86th National Convention and Management Training Seminar will be held March 24-27, 2024, in Alexandria, Virginia, just across the Potomac River from Washington, D.C. We are excited to once again host a pre-convention reception at the FMA headquarters, just around the corner from the convention hotel. Old Town Alexandria offers restaurants and entertainment of all kinds, so think about bringing your friends and family.

We need your input into the planning and direction of our association. The convention offers a great chance to get to know your fellow FMA members working across the federal government. As always, we will conduct high-quality management training and will also visit our legislators on Capitol Hill to educate them on issues important to you and your career.

Start making plans now to attend. FMA conventions are always a great experience for those in attendance. You'll find the most current information on the FMA website at: www.fedmanagers.org/events. Please join us!

National Executive Board Elections

The positions of FMA National President, National Secretary, Region 1 Director, and Region 3 Director are up for election at the 2024 National Convention. All nominations must be submitted no later than January 28, 2024. Contact Executive Director Todd Wells at twells@fedmanagers.org to express your interest or for more information.

FMA Award Nominations

Do you know an outstanding federal manager who deserves to be recognized for his/her service? Work with your Chapter President to nominate them for an FMA award. Chapters should submit nominations for FMA's Manager of the Year and Gil Guidry Award to their respective Region Director no later than February 8, 2024. Each chapter may submit one nomination for each award. To learn more about these awards, and the nominating process, visit: fedmanagers.org/awards. Region Directors' contact information may be found at: fedmanagers.org/Contact-Us. Help us celebrate our outstanding federal manager members!

Resolutions

FMA welcomes proposed resolutions from our members to identify matters of concern to be addressed by the Association. Please discuss resolutions with your chapter leaders prior to submission to ensure the chapter stands behind the resolution and will be ready to speak to it at the convention.

Resolutions must be submitted to the National Office no later than February 8, 2024. Forward resolutions to Greg Stanford, Director of Government Affairs, at gstanford@fedmanagers.org.

We Need Your Personal Email and Cell Phone Number

With more departments and agencies blocking or stripping FMA's emails prior



to you receiving them, we are looking for alternative ways to successfully communicate with our members. In that effort, we are asking that every member provide us with his/her personal, non-government email address. If you have already provided this, thank you.

We are also collecting cell phone numbers so that in the future we may send you text message alerts regarding major events or requesting you send your elected representatives action letters in a timely manner.

To update your FMA profile, visit www.fedmanagers.org. At the top right of the page, click on "Login." Enter your Username and Password. Then click on your name to the left of the Login button, and then update your profile. You may also provide this information by emailing us at info@fedmanagers.org, or calling us at 703.683.8700.

With your updated information, we will be better able to keep you informed about the vital work of FMA. Thank you! ●

FMA AT WORK

FIGHTING TO ADVANCE FMA ISSUE BRIEFS

By Greg Stanford

“You know, when you get old in life things get taken from you. I mean that’s... part of life. But, you only learn that when you start losing stuff. You find out life’s this game of inches. So is football. Because in either game, life or football, the margin for error is so small -- I mean one-half a step too late, or too early, and you don’t quite make it. One-half second too slow, too fast, you don’t quite catch it.

The inches we need are everywhere around us.

They’re in every break of the game, every minute, every second.

On this team, we fight for that inch ... We claw with our fingernails for that inch, because we know when we add up all those inches that’s gonna make the difference between winning and losing! Between livin’ and dyin’!”

— **Al Pacino as Coach Tony D’Amato from the film Any Given Sunday (1999)**

One of my favorite things about working with Federal Managers Association National President Craig Carter is his passion for FMA and advocacy on behalf of our members. He displays a dedication and excitement for “walking the halls of Congress” that is inspiring, contagious and motivating. Craig is further empowered by the thousands of FMA members he represents, making the voices of managers heard, in meetings with legislators and their staff. And I am honored to have the privilege of accompanying him across the Capitol complex, promoting FMA, and educating members of Congress on issues that impact the profession of management in the federal workforce. Like Al Pacino’s

impassioned pre-game speech in Any Given Sunday, FMA is working to fight for those inches to make progress on our 2023 issue briefs on Capitol Hill.

FMA has an exceptional track record of achievements and legislative success stories. FMA helped secure the FERS sick leave credit and the self-plus-one option for the FEHB program. More recently, FMA originated and fostered the idea that ultimately became disabled veteran leave, helped achieve paid



parental leave, and changed the policy that will give feds in the reserves the ability to enroll in Tricare Reserve Select.

Far from resting on our laurels, the 118th Congress has been a busy time for Craig and me as we continue to pursue FMA’s legislative agenda. As we take stock of policy and legislation, I am pleased to report FMA has endorsed many bills that directly correspond to FMA’s Issue Briefs for 2023. And Craig will be back in D.C. in October to walk

the halls and meet to build more support for those bills FMA supports.

Government Pension Offset / Windfall Elimination Provision

Among the first bills introduced in the 118th Congress was the Social Security Fairness Act (H.R. 82), a bill to eliminate the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). FMA supports this bipartisan

legislation, sponsored by Rep. Garret Graves (R-LA). FMA has worked for years on the effort to repeal both the GPO and WEP,

and in 2022, Congress got the closest it ever has to advancing toward a full repeal. In the 117th Congress, the bill received more than 300 cosponsors, or nearly 70 percent of the House of Representatives. The current iteration has 289 cosponsors.

While FMA greatly prefers a full repeal of both GPO and the WEP, we also support any effort that would even mitigate the effects. On June 21, 2023, Richard Neal (D-MA), Ranking Member of the House Ways and Means Committee, introduced the Public Servants Protection and Fairness Act of 2023 (H.R. 4260), and FMA has also endorsed this bill. Congressman Neal’s office states, “Originally, the WEP was intended to equalize the Social Security benefit formula for workers with similar earnings histories, both inside and outside of the Social Security system. However, in practice, it unfairly penalizes many

continued on next page

public employees.”

H.R. 4260 would not repeal the WEP. Instead, it would introduce a new formula for calculating recipient benefits to make their payments proportional to their currently covered earnings shares. There is also a guarantee in the provision that ensures no benefit cuts will be made to the existing policies in place for both current and future retirees.

Hiring Reform

Legislation addressing another FMA issue brief, hiring reform for the federal workforce, got off to a tremendous start in the 118th Congress. Sen. Kyrsten Sinema (I-AZ) introduced the Chance to Compete Act (S. 59), a bill endorsed by FMA, that reduces unnecessary burdens to job hiring, and would make hiring more efficient and effective. Subject matter experts could develop actual job evaluations and assessments to judge skills and abilities, rather than rely on a college degree which may be

Similar legislation passed out of the Senate Committee on Homeland Security and Governmental Affairs in the 117th Congress, but was not considered by the full Senate. Notably, companion legislation passed the House by a resounding vote of 422-2 in January 2023. This is the epitome of bipartisan and seemingly a no-brainer to get through the Senate and to President Biden’s desk.

Hiring, recruitment and retention of the federal workforce are often talked about in Washington, D.C. The federal workforce faces a concerning comparison with the private sector in regard to time-to-hire. In Fiscal Year 2018, the average time it took to hire a new employee in the federal government was 98.3 days, which was down from 105.8 days in Fiscal Year 2017. The Office of Personnel Management’s goal across the government is 80 days. And according to the Society for Human Resource Management, the average time-to-fill in the private sector is 36 days. To speed this process, FMA supports commonsense hiring reforms and giving managers other tools to enhance the talent pipeline in the federal workforce.

Pay and Benefits

Federal employees on the General Schedule are in line to receive a 5.2 percent pay raise in 2024, which would be the largest boost since 1980. While FMA endorsed the Federal Adjustment of Income Rates (FAIR) Act (H.R. 536 / S. 124) early in the 118th Congress, which calls for an 8.7 percent increase, the 5.2 percent raise proposed by President Biden has passed

several legislative hurdles to date, and the uniformed military is also in line to receive that boost, as well.

FMA has been active on multiple other fronts related to pay and benefits. We are aware that in July, Federal Wage System (FWS) employees at Norfolk Naval Shipyard, and elsewhere, received a major boost in pay effective with the 7-16-2023 pay period. We recognize this is a great win for those federal employees and are certainly happy for them to receive what they deserve. We also know FWS employees’ pay rates are determined by survey studies, compared to how the rates for General Schedule (GS) employees are determined.

However, it has caused great concern among a growing number of our GS members who have non-GS employees who work for them and are now earning more than their bosses. We have heard a number of stories of people not accepting promotions because they can earn more in their current position. Others who recently accepted promotions regret their decisions because they would have earned more at their prior level had they not been “promoted.” In some instances, employees are earning \$6-\$8 more per hour than their direct supervisors.

While this is the most recent example, we are aware of similar circumstances elsewhere across the country, including at Portsmouth Naval Shipyard (PNS) in New Hampshire, Fleet Readiness Center-Southeast in Jacksonville, Florida, and Puget Sound Naval Shipyard in Bremerton, Washington. At PNS, the new FWS rates went into effect based on specific trades and job series, and there is concern the different increases among the different trades will cause resentment impacting recruitment and retention.

We have raised these concerns with OPM, who spoke about government-wide and agency-specific flexibilities and tools to address inversions when there are supervisory differentials that result in

unrelated.





subordinates earning more than supervisors. We are awaiting further information from OPM and will contact the appropriate offices at the Department of the Navy on this issue.

Further, on August 8, Delegate Eleanor

Holmes Norton (D-DC) introduced legislation aimed at reducing federal employee pay compression. Addressing the pay cap and salary compression is an FMA issue brief, and FMA has endorsed the bill, alongside the National Treasury Employees Union and NARFE. The Federal Employee Pay Compression Relief Act (H.R. 5171) has three cosponsors and was referred to the House Oversight and Accountability Committee, as well as the House Armed Services Committee.

In a statement upon introduction, Congresswoman Norton wrote the bill “would allow federal employees who reach the pay cap in their pay system

to receive the base and locality pay adjustments they would otherwise be entitled to. Currently, federal employees who reach the pay cap do not receive such adjustments.” This is a recruitment and retention issue, and FMA will continue to work with Rep. Norton and others on the bill. Contemporaneously, the Biden administration is working on its own effort to address the worsening issue of salary compression. FMA and other members of the Government Managers Coalition (GMC) have met with senior staff from the Office of Personnel Management and the Office of Management and Budget to discuss these issues and challenges. An issue does not make it into a President’s budget request if they are not serious about tackling it, and FMA will continue to work with them on potential solutions.

continued on page 25

SEND ACTION LETTERS

Do you want to get involved and help the FMA national office make a difference for you and your fellow managers on Capitol Hill? A key way is to send action letters to your Representatives and Senators on issues that matter to you.

These letters, prepared by FMA staff, are available in the legislative action center on our website: <https://fedmanagers.org/Action-Letters>. Letters can be easily sent to both of your U.S. Senators and your Representative, and are ready to send in a matter of seconds.

All action letters are ready to send, but can be edited to allow you to personalize and insert any anecdotal information you would like to add. Action Letters are a great way to make your voice heard on issues important to federal managers. It is important that you and fellow FMA members maximize our strength in numbers and let your elected officials know what matters to you as a federal manager. ●





CAPITAL INSIGHTS

OPM launched a Retirement Quick Guide that shares what feds can expect through the retirement application process, how benefits are determined, and guidelines related to their interim and annuity payments. You can also view a three-page printable PDF version of the quick guide here: <https://www.opm.gov/retirement-center/retirement-quick-guide/opm-retirement-quick-guide.pdf>.

Lori Amos, Deputy Associate Director for OPM's Retirement Services, recently commented on the progress made in 2023 on reducing the total number of outstanding retirement claims and new tools OPM has for prospective retirees. "This guide is our attempt to improve customer experience. We have put a lot of work, time, and effort based on feedback that we have received from our retiree community. Our goal is to be able to give [federal employees and retirees] information about the voluntary retirement process." ●

Department of Defense (DOD) Civilian Retiree Identification (ID) Cards are no longer issued pursuant to a February 17, 2023, memo issued by Office of the Under Secretary of Defense for Personnel and Readiness Gilbert Cisneros, titled "*Department of Defense Civilian Retiree Identification Card Termination*." We know many FMA members are already aware of this, however we wanted to share what we have learned about the background and ramifications of this change. Retiree IDs were valid through August 31, 2023.

According to information available from the Defense Civilian Personnel Advisory Services, "The implementation of the REAL ID Act has eliminated the requirement for the DOD Civilian Retiree ID Card authorized by the memorandum previously in effect, dated August 26, 2009. The limited use of morale, welfare and recreation activities by DOD civilian retirees will remain at the discretion of the installation commander, subject to the DOD civilian retiree meeting the requirements for installation access."

Retirees seeking access will now be required to register at their local Visitor Control Center (VCC) at a given DOD installation with their Real ID-compliant driver's license or non-driver's identification card and DD Form 2574, Armed Forces Exchange Services Privilege Card.

Users must then follow procedures for access to DOD installations, as established in Department of Defense Manual 5200.08, Volume 3, Physical Security Program: Access to DOD Installations. This requires "all persons seeking such access to establish their identity, fitness, and purpose. In situations where an installation commander authorizes DOD civilian retirees limited use of morale, welfare, and recreation activities, as defined by Department of Defense Instruction 1015.10, 'Military Morale, Welfare, and Recreation Programs,' that authorized use may provide the required purpose." ●

Rep. Richard Neal (D-MA) reintroduced legislation to reform the Windfall Elimination Provision (WEP). The Public Servants Protection and Fairness Act of 2023 (H.R. 4260) would "fix the Windfall Elimination Provision" and "meaningful relief to current WEP retirees and fixes the WEP for future retirees, ensuring public servants can retire with the security, dignity, and peace of mind they deserve," according to Neal.

While the bill would not fully repeal WEP, it would establish a new, fairer formula for calculating it for all future retirees. Current WEP retirees would receive \$150 a month in relief payments. FMA supports this effort to mitigate the effects of the WEP. Contemporaneously, we will fight for full repeal of both the WEP and the Government Pension Offset (GPO). ●

Federal Retirement Fairness Act

Lastly, for now, Rep. Derek Kilmer (D-WA), a good friend of FMA, is planning to reintroduce his legislation, the Federal Retirement Fairness Act, when Congress resumes the 118th Congress. FMA has endorsed this legislation – also an FMA issue brief – before, in previous sessions of Congress. His office reached out to FMA for input and insights on the draft bill over the summer, before he reintroduces the bill this fall.

Currently, a Federal Employee Retirement System (FERS) employee may make a deposit for nondeduction service performed before January 1, 1989, and receive credit toward his or her annuity computation; however, non-deduction service performed on or after January 1, 1989, generally is not

creditable under FERS for any purpose. The Federal Retirement Fairness Act would have allowed FERS employees to buy back years served as temporary employees to credit toward their retirement. FMA will proudly work with Rep. Kilmer, and others, to build support for this important bill.

To view these and FMA's other 2023 Issue Briefs, please click here.

But Wait, There's More!

Be assured Craig and I will be meeting with legislators to discuss the bills named above that impact managers, including retirement benefits, your TSP and other important issues in October. In addition, Craig will also represent FMA from his seat on the Employee Thrift Advisory Council (ETAC), which advises the

Federal Retirement Thrift Investment Board on decisions that directly impact the Thrift Savings Plan. This is just one example of how FMA advocates for you with the Administration. He will also attend the 2023 Samuel J. Heyman Service to America Medals (Sammies) Gala, the annual awards ceremony that recognizes significant accomplishments by federal employees each year. We will be sure to keep you posted, through FMA's monthly *Washington Report*, and other products, on our progress. And please be on the lookout for the Grassroots Update for ways you can help us advance these bills and achieve real change in Washington, D.C.! ●

Greg Stanford is Director of Government and Public Affairs for the Federal Managers Association.

EMERGENCY LOANS | DISASTER RELIEF | SCHOLARSHIPS | CHILDCARE SUBSIDIES

Have you heard about FEEA?

Founded in 1986, the Federal Employee Education and Assistance Fund (FEEA) is the only independent, nonprofit 501c3 national charity by federal employees and for federal employees. Over our thirty year history we have helped more than 50,000 families.



FEEA

FEDERAL EMPLOYEE EDUCATION & ASSISTANCE FUND



YES! I am proud to support FEEA: THE FEDERAL EMPLOYEE EDUCATION AND ASSISTANCE FUND and federal public servants and their families. Enclosed is my gift of:

\$25 \$75 \$100 \$250 \$500 Other: _____

Please make check payable to FEEA or donate by credit card via our website: www.feea.org/give

NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

EMAIL: _____

MAIL TO:
Federal Employee Education And Assistance Fund, 1641 Prince Street, Alexandria, VA 22314

Donations to FEEA are tax deductible to the fullest extent allowable under the law.



For more information about FEEA's programs, please visit www.feea.org

DONATE TODAY AT: WWW.FEEA.ORG/GIVE

Contact: fedshelpingfeds@feea.org | 202-554-0007

MEET YOUR LEGISLATORS



U.S. SENATOR RICHARD BLUMENTHAL

(D-Connecticut)

Reelected in November 2022, Senator Richard Blumenthal is in his third term as Senator from Connecticut. Preceded by Sen. Chris Dodd, Sen. Blumenthal has a distinguished record of service to the state of Connecticut and to the country. In the 118th Congress, Sen. Blumenthal serves on the Senate Armed Services Committee, including the subcommittees on Airland, Seapower, Personnel, and Readiness and Management Support. Important to FMA, Sen. Blumenthal also serves on the Homeland Security and Governmental Affairs Committee, including the Subcommittee on Government Operations and Border Management. He Chairs the Permanent Investigations Subcommittee. He is also a member of the Judiciary Committee, the Veterans' Affairs Committee, and the Special Committee on Aging.

Prior to his first election to the U.S. Senate, in 2010, Sen. Blumenthal served five terms – from 1991 to 2011 – as Connecticut's Attorney General. Before that, he served a term in the Connecticut House of Representatives as well as the Connecticut Senate. Following his graduation from Yale Law School in 1973, Blumenthal clerked for a U.S. District Judge and Supreme Court Justice Harry Blackmun. He was a Congressional Aide as the Chief of Staff to Senator Abraham Ribicoff, and then served as U.S. Attorney for Connecticut.

In the 118th Congress, Senator Blumenthal has cosponsored the FAIR Act (S. 124), which would provide for an 8.7 percent raise for federal employees in 2024. He is also a cosponsor of the Saving the Civil Service Act (S. 399), legislation that prohibits executive agency positions in the competitive service from being placed in the excepted service, unless such positions are placed in Schedules A through E as in effect on September 30, 2020. The bill also prohibits positions in the excepted service from being placed in any schedule other than the aforementioned schedules.

Senator Blumenthal graduated Magna Cum Laude from Harvard College, where he was Editorial Chairman of The Harvard Crimmon, and Yale Law School, where he was Editor-in-Chief of the Yale Law Journal. He and his wife Cynthia have four children. ●

THE FACTS:

Birthplace: Winston-Salem, North Carolina

Born: October 21, 1971

Education: Harvard University, B.A., 1967;
Cambridge University, attended, 1967-68;
Yale University, J.D., 1973

Career:

- U.S. Senate, Connecticut (2011-Present)
- Connecticut Attorney General (1991-2011)
- Connecticut Senate (1987-1991)
- Connecticut House (1984-1987)
- U.S. Attorney for Connecticut (1977-1981)
- Congressional Aide; White House Aide
- Marine Corps Reserve (1970-1976)

Elected: 2022 (3rd term)

Committees:

- Senate Armed Services
 - Airland; Personnel; Readiness and Management Support; Seapower
- Senate Homeland Security and Governmental Affairs
 - Government Operations and Border Management
 - Permanent Investigations
- Senate Judiciary
 - Competition Policy, Antitrust, and Consumer Rights; Constitution; Federal Courts, Oversight, Agency Action, and Federal Rights; Human Rights and the Law; Privacy, Technology, and the Law
- Senate Veterans' Affairs
- Senate Special Aging

Contact Information:

U.S. Senate

706 Hart Senate Office Building

Washington, DC 20510

Phone: (202) 224-2823

Website: <http://blumenthal.senate.gov>

U.S. SENATOR MARKWAYNE MULLIN *(R-Oklahoma)*



Elected in 2022 to replace longtime Senator Jim Inhofe, Senator Markwayne Mullin serves as the junior senator from Oklahoma. FMA Chapter 34 (McAlester Army Ammunition Plant) knows Senator Mullin well from his ten years serving the 2nd District in the House of Representatives. Mullin now serves alongside FMA friend James Lankford (R-OK) in the upper chamber.

Mullin serves on the Senate Armed Services Committee, where he sits on the Airland, Emerging Threats and Capabilities, and Readiness and Management Support Subcommittees. Sen. Mullin is also a member of the Senate Environment and Public Works Committee, the Health, Education, Labor and Pensions Committee, and the Indian Affairs Committee. He is a member of the Cherokee Nation, and is the first Native American serving in the Senate since 2005.

For more than 25 years, Sen. Mullin has operated Mullin Plumbing – the family business. He expanded the business to include Mullin Properties, Mullin Farms, and Mullin Services, becoming the largest service company in the region. He is one of the only current business operators in the U.S. Senate. Prior to his election to the Senate, he served five terms in the U.S. House of Representatives, representing FMA Chapter 34 and others.

A lifelong Oklahoman, Senator Mullin grew up in Westville and attended Missouri Valley College until his father became ill. He took over the family business and thrived. He attended college on a wrestling scholarship and is a decorated Mixed Martial Arts (MMA) fighter. He received a degree in Applied Science in Construction Technology from Oklahoma State University Institute of Technology in 2010. He and his wife, Christie, have six children. ●

THE FACTS:

Birthplace: Tulsa, Oklahoma

Born: July 26, 1977

Education: Missouri Valley College, attended, 1996; Oklahoma State University Institute of Technology, AAS, 2010

Career:

- U.S. Senate, Oklahoma (2023-Present)
- House of Representatives, 2nd District, Oklahoma (January 2013-January 2023)
- Plumbing Company Owner
- Rancher

Elected: 2022 (1st term)

Committees:

- Senate Armed Services
 - Airland
 - Emerging Threats and Capabilities
 - Readiness and Management Support
- Senate Environment and Public Works
 - Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight
 - Clean Air, Climate, and Nuclear Safety
 - Transportation and Infrastructure
- Senate Health, Education, Labor and Pensions
 - Children and Families
 - Primary Health and Retirement Security
- Senate Indian Affairs

Contact Information:

U.S. Senate
330 Hart Senate Office Building
Washington, DC 20510
Phone: 202.224-4721
Website: <http://mullin.senate.gov>



THE DOUGLAS LAYERS

By Conor Dirks

Most federal managers eventually come into contact with the Douglas factors at some point in their career. Managers who have served as a proposing or deciding official in a disciplinary action against a subordinate employee, or who have been disciplined themselves, have likely engaged in their own Douglas analysis with the help of counsel or Human Resources.

For the uninitiated: what are the Douglas factors? Twelve factors, developed by the Merit Systems Protection Board in the 1981 case of *Douglas v. Veterans Administration*, that were designed to help adjudicators (at the agency and appellate levels) to balance equities and determine the reasonableness of a proposed or imposed penalty. Recently, the United States Court of Appeals reinforced the importance of fresh application of the Douglas factors at each step of the removal process, especially when the facts change on appeal.

In *Williams v. Bureau of Prisons*, a correctional officer was terminated for allegedly having improper contact with a former federal inmate, and failing to report that relationship to her employer, the Bureau of Prisons. The employee challenged her termination with an arbitrator through the negotiated grievance procedure. The arbitrator affirmed the charge of improper contact with a former federal inmate, but rejected the failure to report charge. After a hearing, the arbitrator concluded that the employee did not learn of her partner's status as a former federal inmate until June of 2019, when she reported it immediately.

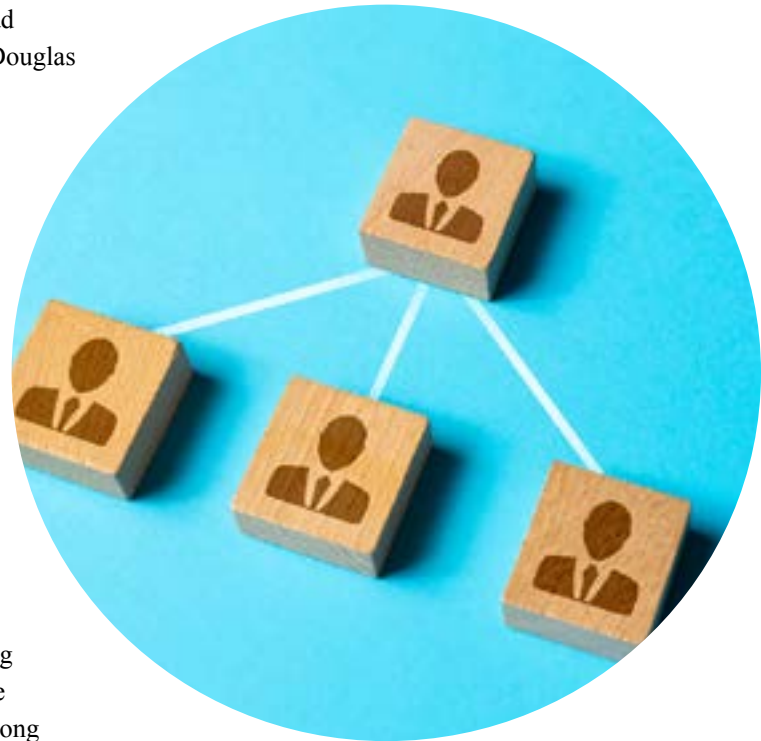
Having sustained only one of the two charges, the arbitrator nevertheless sustained the penalty of termination,

finding that the warden had “considered the relevant Douglas factors and exercised his discretion ‘within tolerable limits of reasonableness.’” But the arbitrator failed to independently conduct his own Douglas analysis, instead merely deferring to the warden's choice of termination as the appropriate penalty.

Indeed, the arbitrator stated that “[o]n these facts, the just and fair thing to do would be to set aside the removal in favor of a long suspension,” but nevertheless also stated that he believed he was constrained by the law to defer to the warden because the warden “considered all of the relevant [Douglas] factors and exercised management discretion within tolerable limits of reasonableness.”

The Federal Circuit stepped in, and found that the arbitrator was required to conduct his own analysis of the Douglas factors given that the warden's analysis was based on both charges being sustained, whereas the arbitrator had rejected one of those two charges. When not all of the charges are sustained, the appeals court held, the appellate adjudicator is not beholden to the agency on its choice of penalty. Indeed, the appeals court held that “the arbitrator failed to appreciate that when he sustains fewer than all of the agency's charges, he is the one who must determine the maximum reasonable penalty,” not the agency.

Before the court of appeals, the



government argued that the arbitrator did conduct the required analysis because he discussed the relevant factors in his decision. But the appeals court rejected that argument, stating that the arbitrator's discussion of the Douglas factors amounted to “nothing more than a deferential review of the warden's analysis of the factors,” rather than an independent review conducted by the arbitrator. This issue was exacerbated because the warden's analysis was based on fact-finding by the warden that had been rejected by the arbitrator as false.

For example, the warden found the employee to be “untrustworthy,” an important Douglas consideration, because she had failed to report her relationship. Once the arbitrator found that she had timely reported her relationship, that analysis was invalidated.

continued on next page



on the agency's preferred penalty where some charges are simply unfounded. Managers and those advising them would be better served putting real thought into why the supported charges prove that terminating the employee would promote the efficiency of the service. Or rethinking whether the proposed action really supports the penalty they initially thought was appropriate before the employee's rebuttal.

Either way, this precedential case reaffirms that Douglas is layered upon every step of the disciplinary process, and has driven an impressive body of law over the last 42 years. ●

And so the appeals court sent the case back to the arbitrator with an admonition: “pay close attention to the adequacy of lesser sanctions in light of [your] finding that [the employee] immediately reported her relationship once she discovered [her partner] was a former inmate.” Given that the arbitrator had already indicated his view that the sustained offense was more properly penalized with a lengthy suspension, it's likely that the arbitrator will mitigate the penalty on remand.

This case is an excellent illustration of the problems with a common HR practice: sustaining all of the charges, even when they are unsupported, if the agency believes that termination is the appropriate penalty.

If an employee appeals, the facts will come out. MSPB administrative judges and arbitrators are capable adjudicators without a dog in the fight, and will follow the facts where they lead. If the charge is not supported by the facts, it will likely be rejected. Once that door is open, MSPB judges and arbitrators will not give agencies the benefit of the doubt

Conor Dirks is an associate attorney at the law firm of Shaw Bransford & Roth, P.C., where he has practiced federal personnel and employment law since 2013. Conor is a graduate of Kenyon College and the Emory University School of Law. His areas of practice include federal personnel and employment law, GSA schedule legal services, federal agency legal services, security clearances, FOIA and Privacy Act, employment law training, and association law.

.....

If an employee appeals, the facts will come out. MSPB administrative judges and arbitrators are capable adjudicators without a dog in the fight, and will follow the facts where they lead. If the charge is not supported by the facts, it will likely be rejected.

.....

News. Expertise. Insight.



Don't miss out. Subscribe now.

FEDmanager.com

The FREE weekly e-report for federal executives, managers and HR representatives.

www.fedmanager.com

Stay Connected.  



Client Focused Results Driven

We are a leading federal employment law firm focused on creating winning strategies for our clients nationwide. We provide legal services in the following areas: adverse actions, performance issues, security clearances, FOIA & Privacy Act litigation, and more.

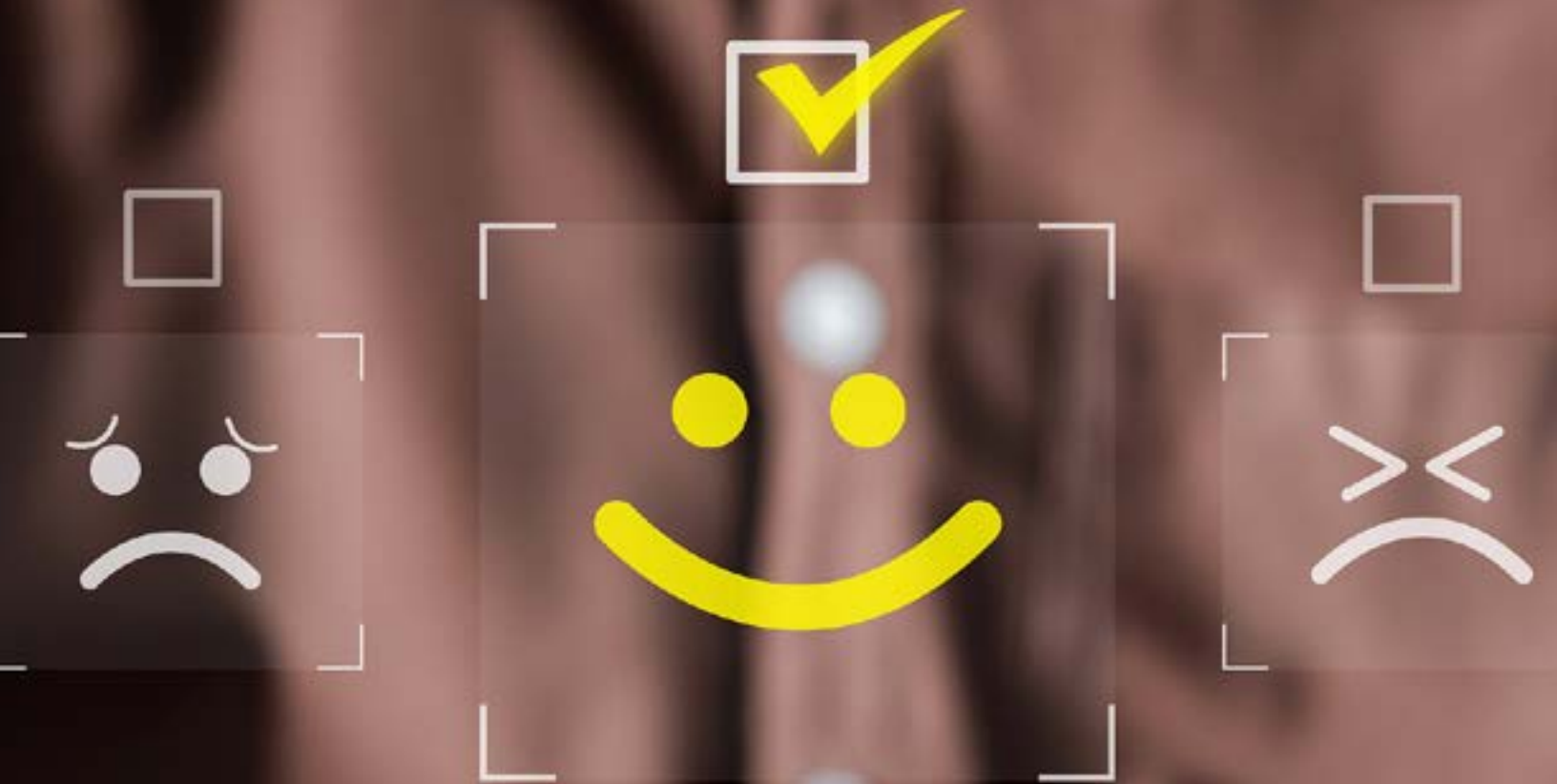
As a member of FMA, you receive **two free 30 minute phone consultations** each year, as well as a **5% discount** on hourly rates.

SB &R

Attorneys at Law

Shaw Bransford & Roth PC
1100 Connecticut Ave NW
Suite 900 | Washington DC 20036
hotline@shawbransford.com

DID YOU KNOW?



TAKE CARE OF YOUR MENTAL HEALTH

By BlueCross BlueShield Federal Employee Program

DID YOU KNOW?

Stress, life events and world affairs can take their toll on our mental health – but we're here to help. Prioritizing your mental health and well-being is key to living a healthy and happy life. And the BlueCross BlueShield Federal Employee Program provides the help needed with convenient and secure telehealth services.

Mental health includes our emotional, psychological, and social well-being. The first thing about seeking behavioral health support is understanding that you are not alone. In the U.S., one in five adults suffer from mental illness each year.

Whether you are feeling depressed, anxious or if you are struggling with substance use disorder, it's now easier to get care. We've partnered with Teladoc® to give you an easy and secure way to connect with a professional from wherever you're most comfortable.

Adults (age 18+) and adolescents (ages 13-17) can speak to a licensed mental health specialist right from their phone, tablet, or computer.

Telehealth services from Teladoc® helps you find support for stress and anxiety, depression, and substance use disorder. Support is also available for help with grief and family difficulties.

Life is hectic, so the ability to access the care you need from wherever you are is a major relief. You can schedule an appointment seven days a week, from 7am to 9pm local time.

To learn more visit: <https://www.fepblue.org/find-doctor/telehealth-services>.



You are Invited to use the FMA Member discount to get FEDS Professional Liability Insurance

\$10 Discount Code: FMA@Work

Today's federal managers simply can't afford NOT to have FEDS Protection.

Do you know your agency will reimburse up to half the cost of this insurance? This is a benefit you should not ignore since your premium could be as low as \$140 per year with agency reimbursement and the FMA discount.

Do you know FEDS does NOT charge an additional \$100 for manager EEO/EPLI coverage? Since claims of harassment, discrimination, retaliation, and whistleblower reprisal are risks inherent to federal managers, unlike other carriers, FEDS considers these exposures part of the job and will not charge you additional premium.

Do you know FEDS is endorsed and recommended by FMA? FEDS understands how critical it is to have experienced, tenacious, and objective legal counsel to defend the sensitive matters involving today's federal managers.



Enrollment takes just 5 minutes!
Call 866.955.FEDS or
ENROLL ONLINE NOW



RETIREE MATTERS

By Christine Parker

Fellow FMA members, and prospective members,

Thank you for reading what I have to share with you about federal retirees and our retirement benefits. There are a lot of topics out there these days that affect retirees. This article is by no means all-inclusive. Keep an eye on your e-mail, and the FMA website at fedmanagers.org. If you ever have questions on where to find information, or about pending legislation, feel free to contact me, or Government Affairs Director Greg Stanford (gstanford@fedmanagers.org) at the National Office.

Reverse Mortgage to Pay for Long-Term Care?

An article by Edward A. Zurndorfer, Certified Financial Planner, for My Federal Retirement, defines a reverse mortgage, and details how some retirees with a high amount of home equity, use a reverse mortgage to finance the expenses of long-term care.

Do your homework to determine if this is the best option for you. A reverse mortgage is a commitment of your equity that in many cases you cannot reverse. It is a type of loan. This type of “mortgage” allows you to use your home equity and still live in your home. If you sell your home, you must pay back what you withdrew. When you die, your heirs must pay back the loan. If you live outside the home for more than 12 months, unless your spouse (or other co-borrower) is still living in the home, the loan must be paid back.

There are fees associated with using a reverse mortgage, and you are still liable for the property taxes on the home. If you cannot afford these expenses, a reverse

mortgage probably isn't for you.

There are different types of reverse mortgages. If this is something you have decided you need, consult a reputable banker or loan company.

The full article is available here: <http://www.myfederalretirement.com/reverse-mortgage-long-term-care>.

Required Minimum Distribution Rules

The SECURE 2.0 Act of 2022 was signed into law on December 29, 2022, by President Biden.

The SECURE 2.0 Act attempts to accomplish three goals: Get people to save more for retirement, improve retirement rules, and lower the employer cost of setting up a retirement plan. Some provisions are already in effect as of January 1, 2023. Other provisions will go into effect in 2024, 2025, and later.

The Required Minimum Distribution (RMD) rules affect qualified retirement plans (for example, 401(k) and 403(b) private employer-sponsored retirement plans), the Thrift Savings Plan (TSP), and traditional IRAs. Under previous law, retirees had to begin taking required minimum distributions (RMDs) at age 72. SECURE 2.0, Section 107, increases the required minimum distribution age to 73, beginning on Jan. 1, 2023, and to 75, beginning in 2033. Specifically, the RMD age increased to 73 for individuals who turned 72 after Dec. 31, 2022, or who will turn 72 before Jan. 1, 2033. It will increase to 75 for individuals turning 74 after Dec. 31, 2032.

Taking the RMD is a payout to you of your investments. In most, if not all cases, the funds you receive are taxable income.



Remember back when you contributed to your TSP? The money you contributed was not taxed as income at that time. Now the government wants the taxes on your withdrawals. In general, most retirees have lower income than when they worked as younger individuals. The philosophy is that with lower income, you'll pay lower taxes.

Research your details with a reputable tax guru or CPA so that you aren't caught unaware and face a large “taxes due” surprise.

Investopedia has published an article that breaks this down and does a good job of explaining the details at this link:

<https://www.investopedia.com/secure-2-0-definition-5225115#:~:text=The%20SECURE%202.0%20Act%20of%202022%20is%20a,Up%20for%20Retirement%20Enhancement%20%28SECURE%29%20Act%20of%202019>

continued on next page

Do You Have a Health Savings Account?

On May 16, 2023, the IRS announced annual Health Savings Account (HAS) contribution limits for 2024 are increasing in one of the biggest jumps in recent years. The annual limit on HSA contributions for self-only coverage will be \$4,150, a 7.8 percent increase from the \$3,850 limit in 2023. For family coverage, the HSA contribution limit jumps to \$8,300, up 7.1 percent from \$7,750 in 2023.

Participants 55 and older can contribute an extra \$1,000 to their HSAs. This amount will remain unchanged.

Meanwhile, for 2024, a high-deductible health plan (HDHP) must have a deductible of at least \$1,600 for self-only coverage, up from \$1,500 in 2023, or \$3,200 for family coverage, up from \$3,000, the IRS noted. Annual out-of-pocket expense maximums (deductibles, co-payments and other amounts, but not premiums) cannot exceed \$8,050 for self-only coverage in 2024, up from \$7,500 in 2023, or \$16,100 for family coverage, up from \$15,000.

The IRS also announced it will raise the maximum amount that employers may contribute to an excepted-benefit health reimbursement arrangement (HRA) in 2024 to \$2,100 – up from the 2023 amount of \$1,950. The increases take effect in January 2024.

You can learn more details here: <http://www.taxnotes.com/research/federal/irs-guidance/revenue-procedures/irs-announces-2024-inflation-adjusted-amounts-for-hsas/7gpf1..>

Federal Employee Pension Plans Are on the Scope

In June, leaders of the House



Republican Study Committee (RSC) released their 2024 budget proposal which includes several billion dollars in cuts for federal employee pay and benefits over the next decade. This is by no means signed into law yet. This is a proposal on the table for Congress to study and consider. The RSC proposals may not be passed by the Senate's Democratic majority for a final spending bill next year, however, below are some summaries of the proposals (as taken directly from the report). Stay informed and respond accordingly.

Reform Federal Employee Pension Plans

This budget recommends a number of common-sense reforms to bring federal employee retirement costs in line with the private sector.

- *This includes requiring new federal workers to be enrolled in the defined contribution TSP system rather than the defined benefit FERS pension system – which would give workers needed control over their retirement savings, ensure solvency for federal pensions and save taxpayers more than \$235 billion over 10 years;*

- *Computing a retiree's benefit based on their highest five, and not three, years of earnings;*

- *Increasing the share of employee contributions to FERS over time;*
- *Reducing or eliminating the COLA for FERS and the Civil Service Retirement System (CSRS);*
- *Eliminating the Special Retirement Supplement (SRS), which provides additional benefits for retirees younger than 62 but who had a long federal work history; and,*
- *Reforming the interest rate provided by the G Fund in the Thrift Savings Plan (TSP) to more accurately reflect the yield on a short-term T-bill rate.*

While the Middle-Class Tax Relief and Job Creation Act of 2012 required new federal employees to contribute more towards their retirement, no changes were made for current federal employees. This proposal would equalize the treatment for all federal workers.

We are seeing unprecedented changes in our nation. Some good, some bad. Opinions and reactions will always differ. My advice is to stay informed, stay engaged with FMA's legislative issues, and engage with your members of Congress. Don't be a bystander.

As always, I welcome your feedback, questions, and input for articles. Please send your thoughts or questions to FMA121Parker@gmail.com.

Make Your Voice Heard! Use your vocal freedom as a retiree to speak up and get involved. Check out the Legislative Action Center on the FMA website. Take the time to send Action Letters to your Representative and Senators – the effects are worth it. Use the FMA website to easily send your communication to Capitol Hill: <https://fedmanagers.org/Action-Letters>. And make sure to visit your elected representatives at their local offices or schedule a virtual meeting. ●

Christine Parker is FMA's Retiree Conference Chair and National Treasurer.



EMPLOYEE
BENEFITS
SPECIALIST



Corporate Sponsor



Schedule Your Free
Service Today!
866-201-7829
info@gpis4u.org



SAFETY SECURITY OPPORTUNITY

Our goal is to make sure you're protected from all of life's uncertainties.

Over 100+ years of collective insurance experience, we are "client-first".

We represent the top insurance companies in the industry --- this means we will find you the best products at the best prices based on your unique situation.

OUR SPECIALTIES

Life Insurance
Disability Insurance
Dental & Vision
Long Term Care

Retirement Income Planning
Social Security Planning

Maximizing Your Current Workplace Benefits



At no cost to you, we will examine your current situation to make sure you have the right amounts of coverage at the right prices.
We'll also ensure you're on track for the retirement of your dreams.

National Headquarters:
9700 Business Park Drive | Suite 300
Sacramento, CA 95827
Phone: 866-201-7829 | Email: info@gpis4u.org

www.GPIS4u.org

START HEARING

An exclusive hearing benefit for
Federal Managers Association
Members and their families



- % Up to 48% off** on hearing aids for you and your family
- ♥ Today's latest technology**, including rechargeable hearing aids
- 📦 Risk-free 60-day trial** ...and more!

To get more information, call us at **(888) 764-2851** or visit starhearing.com/partners/FMA



With a qualified health insurance plan, you may be eligible for a hearing aid allowance. ***This could mean \$0 cost for your hearing aids, including SoundGear Phantom!****

*Your current health plan may or may not include a hearing aid allowance. Please contact Start Hearing to find out more.



PHANTOM

The world's first custom, Bluetooth® compatible and rechargeable hearing aid and protection device.



Bluetooth

Stream calls, music or other audio wirelessly from your phone.



Rechargeable

One, overnight charge ensures they're powered all day long.



Hearing Protection

Automatic protection from loud sounds and gun shots.



Hearing Enhancement

Hear conversations, game and environmental sounds with ease.



Custom Fit

Custom-molded to your ear for a comfortable, personalized fit.

Visit SoundGear.com or call (888) 764-2851 to schedule a custom fitting with a hearing professional near you!