



Fort Eustis CPAC Civilian Personnel Advisory Center Bulletin

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www.eustis.army.mil/cpac
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EMPLOYEE REQUESTS TO INVOKE THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

Attention Supervisors/Managers: The Family and Medical Leave Act (FMLA) provides eligible employees up to a total of 12 workweeks of unpaid leave during any 12-month period for the (1) birth of a son or daughter of the employee and the care of such son or daughter, (2) the placement of a son or daughter with the employee for adoption or foster care, (3) the care of spouse, son, daughter, or parent of the employee who has a serious health condition, or (4) a serious health condition of the employee that makes the employee unable to perform the essential functions of his or her positions. As leave issues tend to be complicated because of the various leave acts available to employees and recent changes, we strongly suggest that when making decisions on employees' requests to invoke the Family and Medical Leave Act (FMLA), that you first contact the Management Employee Relations/Labor Relations Department of the CPAC for guidance at (757) 878-3245/3052/1666/1659 or DSN 826-3245/3052/1666/1659.

TEMPORARY PROMOTION VS DETAIL

Temporary Promotion - A temporary promotion is the temporary assignment of an employee to a higher graded position for a specified period with the employee returning to his/her permanent position upon the expiration of the temporary action. The employee must meet the same qualification requirements that are necessary for the permanent promotion (specialized experience, time-in-grade, etc.). The temporarily promoted employee receives the higher graded salary for the period assigned and gains quality experience and time-in-grade at the higher grade level.

Detail - A detail is the temporary assignment of an employee to a different position or set of duties for a specified period with the employee returning to his/her original position at the end of the detail. Officially, the employee continues to hold the position from which detailed and keeps the same status and pay. Employees need not meet the qualification requirements (specialized experience, time-in-grade, etc.), except for any minimum educational, licensure and certification requirements, in order to be detailed.

The above are two available options, but remember to review the local collective bargaining agreement covering your organization or any internal guidance for further requirements.

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ANNUAL WEINGARTEN NOTICE (REPRESENTATION RIGHTS)

Under Title 5, United States Code, section 7114(a)(2)(B), an employee being examined in an investigation (an investigatory examination or interview) is entitled to union representation if the examination is conducted by a representative of the agency, the employee reasonably believes that the examination may result in disciplinary action, and the employee asks for representation.

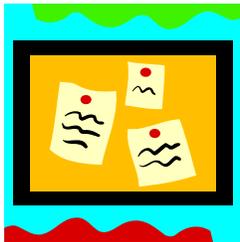
Specifically, Section 7114(a) of Title 5, United States Code states:

“(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at---

(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if---

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; **and**

(ii) the employee requests representation.”



This right is commonly referred to as the “Weingarten” right, based on the U.S. Supreme Court’s private sector labor decision in *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975). Briefly, this statutory right provides that when an agency representative (to include your IG, your guard/police force or even a representative from DoD) questions a bargaining unit employee, and the employee reasonably believes the questioning may result in disciplinary action against that employee and the employee requests union representation, the employee is generally entitled to representation if the investigation continues.

Upon a valid request for union representation from a bargaining unit employee, management has three options:

1) Grant the request and notify the union that a meeting to examine a bargaining unit employee is going to take place and that the employee has requested union representation;

2) Stop questioning the employee and continue the investigation without interviewing that employee; or

3) Offer the employee a clear choice to either continue the interview without representation, or to have no interview.

Additional information regarding “Weingarten” rights can be obtained in PERMISS at <http://cpol.army.mil/library/permis/4122.html>. Remember, this “Weingarten” right applies to bargaining unit employees.



NEW SELF SERVICE MYBIZ – EMPLOYMENT VERIFICATION (EV)

Employees can now log into Self Service My Biz via the Defense Civilian Personnel Data System (DCPDS) Portal at <https://compo.dcpds.cpmc.osd.mil> to provide proof of their employment and /or salary information to organizations or persons. The CPOL Portal (<http://acpol.army.mil/>) will also provide a link to the Employment Verification (EV) User Guide. Self Service My Biz – Employment Verification allows employees to securely and conveniently release, via email, employment and/or salary information to an external organization (business, bank, credit union) or person.

To email EV information to an external organization or person:

Log into the DCPDS Portal at <https://compo.dcpds.cpmc.osd.mil>

Click on “Army Region” then under “Navigator” select “My Biz”. Under “My Biz” select “Employment Verification”

Select your Details to Share, either

Employment Information, or

Employment and Salary Information*

Enter Recipient Email Information

Enter/verify that your work email address is included in Recipient Information ‘CC’ field to receive a copy of EV email. HINT: Always send a copy to yourself – you will receive the exact same email the external organization/person will receive – with a date/time stamp, the email address sent and the employment information sent.

Select “Continue” then select “Acknowledge and Submit” to send your EV information.



*If “Employment and Salary Information” is selected, the following information will be included in the EV email: employee name; current date; employer name; employer address; last 4-digits of employee’s social security number; employment status (active or inactive); most recent start date; original hire date; total time with employer; job title; rate of pay; base pay; other income; total pay; overtime; commission; bonuses; and reference number.

To submit Employment Verification comments and/or suggestions via the Self Service interactive customer evaluation (ICE) tool, log into My Biz and select the ICE My Biz link.



NEED ACCOMMODATION SOLUTIONS?

The Under Secretary of Defense for Personnel and Readiness established the Computer/Electronic Accommodations Program (CAP) in 1990 as the centrally funded Reasonable Accommodations (RA) Program for employees with disabilities in the DoD. You can visit CAP's web page at <http://cap.tricare.mil/Default.aspx>.

Following the National Defense Authorization Act of October 2000, Congress granted CAP the authority to provide assistive technology, devices and support services **free of charge** to Federal agencies that have a partnership agreement with CAP. The TRI-CARE Management Activity, a field activity in the Office of the Assistant Secretary of Defense (Health Affairs), serves as the Executive Agent for CAP.

CAP's mission is to ensure that people with disabilities and wounded Service members have equal access to the information environment and opportunities in the Department of Defense (DoD) and throughout the Federal government. By fulfilling this mission of providing real solutions for real needs, CAP is helping to make the Federal government the model employer for people with disabilities. CAP assists our customers within the United States and abroad by:



- Conducting needs assessments to identify appropriate assistive technology
- Purchasing assistive technology and services
- Assisting in technology integration
- Providing training on how to use assistive technology
- Advising agencies about creating accessible electronic environments
- Assisting in accommodating work-related injuries
- Supporting Telework participants
- Conducting presentations about CAP services and other accessibility issues

CAP provides assistive technology and support services to individuals with disabilities and wounded service members. These include those that are blind, vision-impaired, deaf, hearing impaired or with a dexterity, communication, cognitive, or learning disability. CAP increases access to information and works to remove barriers to employment opportunities by eliminating the costs of assistive technology and accommodation solutions.

CAP will work closely with federal hiring managers, supervisors and Human Resources officials involved in the recruitment, placement, promotion and retention of people with disabilities and/or wounded service members. Any employee with a disability employed by a component of the Department of Defense (DoD) or by any Federal agency can request CAP assistive technology and services.

CAP's process for determining the best accommodation solution includes your active and informed participation. CAP works with you to identify, evaluate, and select the



NEED ACCOMMODATION SOLUTIONS? (CONT.)

appropriate modification or adjustment to your work environment that enables you to perform the essential functions of your job. By working with CAP, you are assured of having the same employment rights and privileges as those of people without disabilities.

CAP offers you several ways to learn about the assistive technologies available to improve your capabilities. These technologies, which can be used to maintain, increase, or improve your ability to perform your job or seek employment, are available to accommodate people with all types of disabilities, including both apparent physical disabilities as well as hidden cognitive disabilities. To find the solutions that work best for you, you can choose to search the CAP site for solutions, or you can browse by disability.

DO YOU KNOW WHAT TO DO IF YOU OR ONE OF YOUR EMPLOYEES IS INJURED ON-THE-JOB?

The Federal Employees' Compensation Act (FECA) was passed in 1916 and provides compensation to Federal employees who have been injured on the job or who become disabled. The FECA is administered by the U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs (OWCP). If you have an on-the-job injury it is important to know what steps you need to follow in order to file a timely injury claim. No matter how small or big the injury is, you should always report it to your supervisor immediately and file a Form CA-1 for Traumatic Injury or a Form CA-2 for Occupational Disease and Claim for Compensation. Timeliness in filing a claim is key to getting certain benefits that you may be entitled to for an approved Workers' Compensation claim.



Log onto the CPAC website (<http://www.eustis.army.mil/cpac/Feca/CA10.pdf>) to obtain a copy of the Form CA-10, "What a Federal Employee Should Do When Injured At Work." This form provides information for Federal employees to become familiar with procedures that should be followed if injured on the job. Make yourself aware of these procedures by reading the CA-10 and keep a copy of it close at hand to refer to it if you should have an on-the-job injury.

The Injury Compensation Program Administrator (ICPA) servicing Fort Eustis DA Federal employees is Michelle Faisca. If you have questions, call Ms. Faisca at (757) 878-1651. Supervisors should report all injuries to Ms. Faisca within the first 48 hours. She will be available to help you and the injured employee with filing a timely claim for an on-the-job injury.



TIME-IN-GRADE (TIG) REQUIREMENTS

Time-in-grade (TIG) is the 52-week requirement Federal employees in competitive service General Schedule (GS) positions at GS-5 and above must serve before they are eligible for promotion (advancement) to the next grade level. Confusion often arises when we want to link *quality of experience* or *specialized experience* to TIG restrictions.

Generally, positions are filled with current GS employees who are in the same line of work, i.e., a GS-318-5 to a GS-318-6. When applicants are GS employees in the same line of work, the issue is very clear-cut. If they meet TIG, then they meet *specialized experience* requirements and vice versa.

However, it is very important to remember that TIG is an entirely separate issue from *quality of experience* or *specialized experience*. An employee may meet TIG, but not have the necessary specialized experience needed for promotion.



For instance, after one year, a GS-201-12, Personnel Management Specialist would have both TIG and *specialized experience* for promotion to a GS-201-13. However, he or she most likely would not have the necessary *specialized experience* needed for promotion to a GS-334-13 position despite meeting the TIG requirement. Keeping TIG and *specialized experience* requirements separate is especially important when dealing with Federal employees in non-GS positions.

TIG requirements apply only to employees who have held a competitive service, general schedule position in the last 52 weeks. All Federal civilian service is creditable at the required or higher (or equivalent) grade for TIG purposes.

How will the Office of Personnel Management (OPM) TIG restrictions be calculated upon transition from National Security Personnel System (NSPS) to GS? Once transitioned from NSPS to GS, will an employee have to serve one year in the GS grade before being eligible to advance to a higher GS grade in respect to time-in-grade requirements?

Once an employee transitions to GS, the GS TIG regulations will apply to any further advancement. GS regulations governing TIG can be found in Title 5 Code of Federal Regulations (CFR) Part 300, Subpart F, which can be accessed online at <http://www.GPOAccess.Gov>. Under the GS system, in order to advance to the next higher grade, an employee must have completed a minimum of 52 weeks in a position one grade lower than the position to be filled (or two grades lower for a two-grade interval position).



TIME-IN-GRADE (TIG) REQUIREMENTS (CONT.)

To determine if an employee meets the TIG requirement, previous GS service at the next lower GS grade can be used as long as it meets the requirements in CFR 300.605(a). Service under NSPS can also be credited; Title 5 CFR 300.605(b) explains how to credit service in positions not subject to the GS (e.g., NSPS).

In summary, to identify the equivalent GS grade for the NSPS service (for TIG purposes), the NSPS adjusted salary is compared to the representative rate (i.e., step 4) of the GS position in effect when the non-GS service was performed. If the employee's NSPS adjusted salary was equivalent to or higher than the representative rate (i.e., Step 4) of the next lower GS grade, the time will count toward meeting the TIG requirement. Please remember that employees must also meet qualifications requirements in addition to TIG requirements.

To view an example of how NSPS service is credited for TIG purposes, go to the FAQ's in the DoD NSPS to GS Transition Guidance (question L-5, page 6-32), <http://www.cpms.osd.mil/nsps/transition/>.

DISCONTINUATION OF CPOL EMPLOYMENT PAGES/ INTRODUCING THE ARMY CIVILIAN SERVICE WEBSITE

Over the next 2 years, the Army will transition from one automated recruitment tool – RESUMIX – to another – USA Staffing – for advertising vacant positions, accepting applications from job seekers, and evaluating the job seeker's eligibility and qualifications. During this period of transition, each job announcement will have instructions to guide job seekers through the application process for the specified recruitment tool. To maximize the capabilities of USA Staffing, all announcements will migrate to Army Civilian Service soon and will no longer be available on the CPOL homepage (<http://acpol.army.mil/>). (All other CPOL pages are unaffected by this change). Users who go to the CPOL homepage and click on the Employment link are already being redirected to the Army Civilian Service website.



The Army Civilian Service website creates a ".com" web presence for Army civilian employment information and job opportunities. It highlights the in-demand career fields of Medicine, Information Technology, Engineering, Contracting, and Budget and Finance, while encouraging Army civilian employment with the tag line "Real Opportunities. Important Work."





DISCONTINUATION OF CPOL EMPLOYMENT PAGES/INTRODUCING THE ARMY CIVILIAN SERVICE WEBSITE (CONT.)

The website provides prospective applicants with “.com” access to Army vacancies that would normally only be accessible through the Vacancy Announcement Board.

Q – How do I submit a resume?



A – It is recommended that you create a resume in both recruitment tools – Resumix and USA Staffing – at the beginning of your job search. Once your resume is on file, you can easily apply for jobs from the job announcement. The job announcement will provide guidance on which system will be used to submit your resume. You may up-date your resume at anytime; however, it is important to remember that under the Army Resume Builder only the latest resume will be active.

Q – How do I monitor my job search?

A – Both systems provide easy, real-time access to information on the status of your application. In the Army Resume Builder click on “Go to Answer” then “Status Tracking”. In USAJOBS, login to My Account then click “Application Status”.

Visit the Army Civilian Service website at <http://www.armycivilianservice.com/>.

CPAC HAILS!

Ms. Richelle Durr, Human Resources Assistant joined us from U.S. Army Medical Command, Fort Eustis, VA.



Ms. Stephanie Fannin, Supervisory Human Resources Specialist joined us from the Civilian Personnel Advisory Center, Fort Monroe, VA.

Ms. Julie Kennedy, Human Resources Specialist joined us from National Aeronautics and Space Administration (NASA), Hampton, VA.

Ms. Deborah Wesley, Administrative Support Assistant (OA) joined us from U.S. Army ROTC Cadet Command, Fort Monroe, VA.



CPAC FAREWELL!



Ms. Toni Auen, Human Resources Specialist (Employee & Labor Relations) will be going to the Norfolk Naval Shipyard, Portsmouth, VA. effective 27 February 2011.

FEEDBACK



This bulletin is designed to inform employees and supervisors of new civilian human resources issues and refresh their knowledge of existing policies and procedures. We welcome your feedback; contact your servicing Human Resources Specialist. The bulletin is available on our web page, <http://www.eustis.army.mil/cpac> Request you print and post on Bulletin Boards throughout your organization for those employees who do not have access to our web page. The CPAC uses the Interactive Customer Evaluation (ICE) and we would appreciate you taking the time to rate us and provide feedback on the service you receive from our office. Just click on the following website: http://ice.disa.mil/index.cfm?fa=site&site_id=439