



# CPAC Newsletter

October 2003

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## Family Medical Leave Act

The 1993 Family and Medical Leave Act (FMLA) (Public Law 103-3) provides federal employees with unpaid leave for family and medical purposes. The law provides for 12 administrative workweeks of unpaid leave during any 12-month period for the following conditions:

- birth of a son or daughter and care of newborn (within one year after birth)
- placement of a son or daughter with the employee for adoption or foster care (within one year after placement)
- care for a spouse, son, daughter, or parent with a serious health condition; or,
- serious health condition that makes the employee unable to perform the duties of his or her position.

To be eligible, employees must have completed at least one year of civilian service with the government. Temporary and intermittent employees are excluded from the coverage. The law prohibits any interference with the employee's right to take this special leave through coercion, intimidation, or threat.

The unpaid family and medical leave is in addition to the employee's paid annual and sick leave or any compensatory time off available to the employee. The employee may offset some of the unpaid leave under this law by substituting annual or sick leave, as appropriate.

Employees wishing to request family or medical leave need to provide up to 30 days advance notice if this is

practicable. As a rule, an employee may not invoke his or her entitlement to FMLA leave retroactively. However, if an employee and his or her personal representative are incapable invoking the employee's entitlement to FMLA during the entire period of absence from work, the employee may retroactively invoke entitlement to FMLA within 2 days after returning to work.

When leave is being requested for a serious health condition, or to care for a seriously ill child, spouse or parent, the leave may be taken intermittently or on a reduced work schedule without the agency's approval.

An employee is expected to make a reasonable effort to schedule treatment, subject to the approval of the health provider, so as not to disrupt unduly

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the operations of the agency. In the case of a serious illness, the agency may transfer the employee to another position that better meets the needs of the agency and the employee.

Also, where the request for leave is based on a medical problem, an agency may require medical certification with the date of the onset, prognosis, and statement of need for care. An employee must provide medical documentation with 15 calendar days. If this is not possible, despite the employee's diligent, good faith efforts, medical certification must be provided within the reasonable period of time, but no later than 30 calendar days after the date the agency requests such certification.

If the agency doubts the validity of the original certification of eligibility, it may require a second opinion. Cost of the second opinion would be

paid by the agency. If the second opinion varies from the first opinion, the agency may require a third opinion. The third opinion is final and binding.

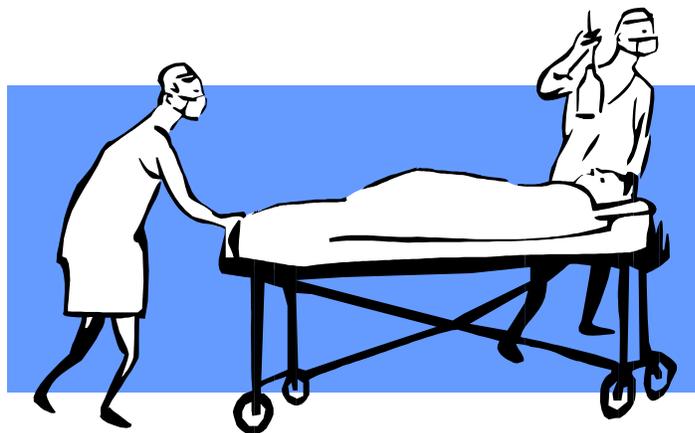
Several conditions are attached to return to employment upon completion of unpaid leave. An employee using the unpaid leave is entitled to be returned to the same or equivalent position with equivalent benefits, pay, status and other terms and conditions of employment. Under the law, this leave cannot result in the loss of any employment benefit accrued before leave began.

Further, the law does not entitle any returning employee to the accrual of any employment benefits other than those to which the employee would have been entitled if the leave had not been taken.

The law requires the government to continue health insurance benefits for employees taking this

leave at the same level and under the same conditions as would be in effect if the employees had continued on the job. Employees who don't return to work from leave must pay the government back for health premiums it paid while they were on this leave.

Agencies retain the right to have a uniformly applied policy that requires employees who use FMLA medical leave for their own serious health condition to obtain certification from a health care provider confirming their ability to return to work. During the period of leave, an agency also can require periodic status reports on the employee's ability or intention to return to work.) For more information about FMLA rights, see OPM's website at [www.opm.gov/oca/leave.htm](http://www.opm.gov/oca/leave.htm), or OPM's regulations at 5 C.F.R. part 630, Subpart L, as well as your own agency's FMLA policies.)





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## Resumix Centralization Transition

The Army has centralized its automated referral system. Initial Phase of the Resumix Centralization Transition is Complete.

Army has consolidated all the resumes maintained by the Civilian Personnel Operations Centers into one central database. This consolidation was completed in June 2003. Please read the information below to find out what this means to you as an applicant:

One resume will be on file for all regions. There is no need to submit a new resume if you have one on file.

Resumes submitted through the Army Civilian Resume Builder (<http://cpol.army.mil/> click on Employment, then Army's Resume Builder) will automatically flow into the centralized referral database. This is the fastest way to get a resume into the centralized referral database. If you are applying through the Army Civilian Resume Builder, you no longer need to select the individual CPOC (s). To send your resume, click on the "Central Database" button and your resume will be available to all CPOC's.

Applicants will submit a new resume after they

have accepted a permanent position. This does not apply to temporary promotions or temporary reassignments.

ANSWER (from <http://cpol.army.mil/>, click on Employment, then ANSWER) will be the method for applicant notification. It is the best way to review your most recent resume on file.

For more information about this topic, please go to our Frequently Asked Questions link at [http://cpol.army.mil/employ/faq\\_resumix.html/employ/faq\\_resumix.html](http://cpol.army.mil/employ/faq_resumix.html/employ/faq_resumix.html)

*“Army has consolidated all the resumes maintained by the Civilian Personnel Operations Centers into one central database.”*

## Great News for Applicants

To improve the overall Resumix system, Army will be adopting a number of new, automated components while, at the same time, enhancing a few of the current components to make them more user-friendly. These changes will be implemented Army-wide and are expected to be ready for deployment by October 1, 2003.

*The new/modified automated staffing tools include:*

- An improved vacancy announcement system that will be used for both individual and open continuous announcements. The new system will continue to provide announcement information as in the past, but will present the information in an improved, consistent format. The enhanced announcement will let employees know what jobs are available throughout Army and

inform them of the application procedures. It will now be easier for applicants to apply for vacancies because the announcements will have direct links that can be used to go to the How to Apply instructions, use the resume builder and self-nomination features, and access the Office of Personnel Management qualification standards. The email and surface mail addresses to use for applying for jobs will also be readily available.

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The new announcement format will be shorter and easier for employees to navigate and read. The announcement and all of the supporting information can be printed for those who do not have ready access to computers.

- A significantly enhanced Army Civilian Resume Builder (ACRB) will be deployed which will simplify the process for completing resumes. The appearance and navigation of the ACRB will be improved with the addition of drop down menus as well as extensive help menus where applicable. The ACRB will also incorporate wizard's to assist applicants in determining their eligibility for such things as Veterans Preference, Veterans Recruitment Act, Military Spouse Program, Family Member Program, and Executive Order 12721 Department of Defense Family Members who are successfully employed overseas for 12 months). Additionally, the ACRB will be integrated with the Applicant Notification System Web Enabled Response (ANSWER) (see description below). This will allow applicants to view the status of their actions without having to

log out and back in between ACRB and ANSWER as they do now. The integration of ACRB and ANSWER will speed up the application process by allowing for a single sign-in with one user id and password.

- An integrated Applicant Notification System Web Enabled Response (ANSWER). ANSWER is an on-line system where applicants can check the status of their resume, referral preferences and status of eligibility, qualifications, and referral. ANSWER will not change but will be integrated with the ACRB and will allow applicants to view and edit their resume and registration information. The only significant modification to ANSWER is that it will now be available to outside applicants applying under our Delegated Examining authority.
- An all-inclusive web-based referral component. The Web-based referral allows Civilian Personnel Operation Centers to electronically transmit referrals and resumes (with the applicants' personal data removed) directly to managers. Selecting officials will be able to make selections and provide reasons for selections on-line. The

web-based referral is presently being used for merit promotion and will now also be used for positions filled using our delegated examining authority. This will improve tracking of referrals and selections and will expedite the selection process.

- An Interest and Availability (I&A) component that will be implemented to accommodate open continuous announcements (OCA) only. When applicants self-nominate for an OCA that may or may not have multiple locations, they will be considered for recruitment for the entire period that the OCA is open, unless they choose to have their resume inactivated. Before determining applicants' qualifications and eligibility, they will be asked to declare their I&A electronically in response to an e-mail notification electronically generated by the recruiter. If the applicants respond indicating I&A, or, if they don't respond, their names will be included on the referral list and their resumes will be sent to the selecting official for consideration. There will be no indication on the referral



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list whether the candidate responded or not. That is, the selecting official will not be informed whether the applicants responded to the I&A notice. If applicants respond that they are not interested or available, they will not be rated and depending on the reason for their non-interest or non-availability may be inactivated from the OCA for the remainder of the open period. The second function of the I&A component will be an automated means to periodically query all outside applicants in the database to assure the candidate pools are

active and current.

Resumix for Delegated Examining (DEU). Army is preparing to use Resumix for external recruitment -- Delegated Examining. This will enable all applicants for Army civilian vacancies - both internal and external - to apply and be considered in exactly the same manner. This single, consistent method of applying for Army positions should make the recruitment process more efficient and less confusing to the applicants. Permanent members of the Army civilian workforce will not be affected as they are already using the Resumix

system

To assist employees in the use of Resumix and in light of these new enhancements, we are developing a "How to Apply Guide" which will provide in a single document the steps necessary for an applicant to complete and submit an application under the Resumix system. The guide should be available before the October deployment of the enhanced components.

(Gregory Fox/(703) 325-9979 or DSN 221; or by email to Greg.Fox@asamra.hoffman.army.mil.



## Bi-Weekly Caps on Premium Pay

Under 5 U.S.C. 5547(a) and 5 CFR 550.105, General Schedule employees and other covered employees receive certain types of premium pay for a biweekly pay period **ONLY** to the extent that the sum of basic pay and premium

pay, for the pay period, **DOES NOT EXCEED** the greater of the biweekly rate for (1) GS-15, step 10 (including any applicable locality rate or special salary rate), OR (2) level V of the Executive Schedule. The biweekly rate is computed by (1) dividing

the applicable scheduled annual rate by 2,087 hours, (2) rounding the resulting hourly rate to the nearest cent, and (3) multiplying the hourly rate by 80 hours. For example, in San Antonio, the GS-15/10, scheduled annual

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locality rate of \$121,330 divided by 2,087 hours yields an hourly rate of \$58.14 and a biweekly

rate of \$4,651.20 (\$58.14 x 80 hrs). Similarly, the Executive Level V annual rate of \$125,400 divided by 2,087 hours yields an

hourly rate of \$60.09 and a biweekly rate of \$4,807.20 (\$60.09 x 80 hrs).

## Pay and Leave Inquiries

For all pay and leave inquiries, the employee's activity Customer Service Representative (CSR) is the first point of contact. Any inquiry, from an employee to the CSR, represents a REAL concern. If the CSR is unable to determine the answer to the employee's inquiry, the CSR will contact the payroll liaison for assistance. Employees may want an immediate answer. Some inquiries can and will be answered

by a quick review of the LES, SF50, and DCPS. Other inquiries may require extensive research and will take longer to get an answer for the employee. The CSR and/or the payroll liaison may have to get assistance from the payroll office by submitting a Remedy Ticket explaining the inquiry. The Remedy Tickets are worked on a "first in, first worked" basis. Some of the most common types of inquiries

are rates of pay; number of hours paid; leave balances are not correct; pay check not received; LES was not received; underpaid premium pay; overpaid premium pay; name or SSN is not correct; retro pay not received.



## Merit Systems Protection Board: At a Glance

Under the Civil Service Reform Act of 1978, most Federal employees may appeal various personnel actions affecting them to the Merit Systems Protection Board (MSPB).

### *The Members of the MSPB*

The bipartisan Board consists of a Chairman, a Vice Chairman, and a Member, with no more than two of its three members from the same political party. Board

members are appointed by the President and confirmed by the Senate, serve overlapping, nonrenewable 7-year terms, and may be removed by the President only for inefficiency, neglect of duty, or malfeasance in office. The Board's hearing officials are comprised of administrative law judges who hear and make rulings on employees' appeals on the following kinds of actions:

### *Actions that May Be Appealed to the Board*

- Removals.
- Suspensions of more than 14 days.
- Reductions in grade or pay due to reclassification.
- Furloughs of 30 days or less.
- Performance-based removals or reductions in grade.
- Denials of within-grade-increases.
- Reduction-in-force

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- actions.
- OPM employment practices.
- OPM determinations in retirement matters.
- Denials of restoration or reemployment rights.
- Terminations of probationary employees under certain conditions.

*Employees Who May Appeal to the Board*

For the Board to have jurisdiction over any appeal of a personnel action, it must possess jurisdiction over both the action and the employee filing the appeal. Whether employees are eligible to appeal specific actions depends on the law and regulations governing those actions.

- Generally, employees who may appeal adverse actions and performance-based actions are those in the competitive service who have completed a probationary period and those in the excepted service (other than the Postal Service) with at least two years continuous service.
- Postal Service employees who may appeal adverse actions are preference-eligible employees with at least one year of continuous service and certain Postal Service supervisors, managers, and employees engaged in personnel work.
- Probationary employees

have limited appeal rights. They may appeal a termination based on political affiliation or marital status, and they may appeal a termination based on conditions arising before employment on the grounds that the termination was not in accordance with regulations.

- Employees and annuitants may appeal OPM decisions affecting entitlements under the retirement systems.
- Certain actions, such as OPM suitability determinations and OPM employment practices, may be appealed by applicants for employment.
- In some cases, classes of employees, such as political appointees, are excluded.

When the employee is a member of a bargaining unit that has a negotiated grievance procedure covering any of the actions that may be appealed to the Board, the employee has the choice of using the negotiated grievance procedure or filing an appeal with the Board, but may not do both. (Under the terms of some union contracts, Postal Service employees may pursue a grievance under the negotiated grievance procedure and file an appeal with the MSPB.)

*What The MSPB Does Not Do*

The Board does not:

- Hear and decide discrimination complaints except when allegations of discrimination are raised in appeals from agency personnel actions brought before Board. That responsibility belongs to the Equal Employment Opportunity Commission (EEOC).
- Negotiate and resolve disputes, unfair labor practice complaints, and exceptions to arbitration awards. That responsibility belongs to the Federal Labor Relations Authority (FLRA).
- Provide advice on employment, examinations, staffing, retirement, and benefits. That responsibility belongs to the Office of Personnel Management (OPM).
- Investigate allegations of activities prohibited by civil service laws, rules, or regulations. That responsibility belongs to the Office of Special Counsel (OSC).
- Have jurisdiction over non-Federal appeals from private industry, local, city, county, or state employees.

The U.S. Merit Systems Protection Board is an independent agency in the Executive branch of the Federal Government whose mission is to

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*“The Merit Systems Protection Board’s mission is to ensure that Federal employees are protected against abuses by agency management.”*

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ensure that Federal employees are protected against abuses by agency management, that Executive branch agencies make employment decisions in accordance with the merit system principles, and that Federal merit systems are kept free of prohibited personnel practices.

For additional information regarding the MSPB contact your servicing

Civilian Personnel Advisory Center, Labor – Management Employee Specialists at 619-2247.

Information about the Board is available on the World Wide Web at [www.mspb.gov](http://www.mspb.gov). If you wish to send e-mail to the Board, the address is [mspb@mspb.gov](mailto:mspb@mspb.gov). You may also obtain information by writing to the U.S. Merit Systems Protection Board, 1615 M Street, NW, Washington,

DC 20419-0001 or calling, toll free, and leaving a message at 1-800-209-8960.

See MSPB at Your Fingertips at the end of this publication to find out how to locate Board decisions, case summaries, press releases, addresses of MSPB regional and field offices, and other information about the Board.

## Active Military Service

A position is obligated to an employee on active military service for up to five years. After military service, the individual must request restoration to the position within specified timeframes.

The obligated position may be filled with the understanding of the new employee that the position is obligated to another employee who has the right to occupancy upon restoration to the civilian position from active duty

service. When the Civilian Personnel Operating Center receives a request for restoration from the military member, reduction in force (RIF) procedures may be invoked (if there is no available vacancy) in order to place the incumbent who filled the position in the absence of the military member. The employee who is exercising restoration is not included in the RIF if RIF is required.

If at the end of the five

year term the military member does not exercise return rights, or has not provided the CPO with documentation of a restoration exception to the five year limitation, the incumbent assigned with obligation notice is notified that the obligation is no longer required. If the position was filled on a temporary basis, action may be taken to fill it on a permanent basis.

*“A position is obligated to an employee on active military service for up to five years.”*

## Non-Appropriated Fund Vacancies

Child & Youth Program Assistant - \$9.24/ hour flex positions at the Child Development Center

Food Service Worker - \$8.65/hour flex positions at the NCI Cafe

