



HR Highlights

June 2001

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Dear Colleagues:

Welcome to June **Highlights!**

I was very fortunate this week to be able to witness the swearing-in of VA's new Deputy Secretary, Dr. Leo S. Mackay, Jr., of Texas; Maureen P. Cragin of Maine, Assistant Secretary for Public and Governmental Affairs; and Dr. Jacob Lozada of Puerto Rico, Assistant Secretary for Human Resources and Administration. What a monumental occasion! Also confirmed this week was Robin L. Higgins of Florida, Under Secretary for Memorial Affairs.

For the last several weeks I have served on the VA Enterprise Architecture Innovation Team. The team is establishing the roadmap for achieving the mission of the Department through optimal performance of core business processes operating within an efficient information technology environment. We are creating the "blueprints" for systematically and completely defining VAs current (baseline) or desired (target) environment. The experience has been akin to climbing Mount Everest and the team is solidly positioned to begin the climb. I can assure you that the work we're doing on this team is a challenge, but we will reach the summit.

This month's **Highlights** report sponsors a feature article on Dr. Jacob Lozada, our new Assistant Secretary for Human Resources and Administration. This edition also includes LR updates, an EEOC decision for VA, Workforce Planning strides, changes in nurse pay, HRLINK\$ update, information on the VA Employee survey as well as other pertinent articles which I hope will inform and interest you.

Together, we continue to proudly serve America's veterans.



Ventris C. Gibson
Deputy Assistant Secretary
for Human Resources Management

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VA Welcomes Dr. Jacob Lozada

Dr. Jacob Lozada was confirmed by the Senate on May 28, 2001, following his nomination by President Bush to be Assistant Secretary for Human Resources and Administration.

Dr. Lozada is the principal VA executive responsible for directing both policy and operational functions in five major program areas: human resources management, diversity programs, EEO complaints resolution, security and law enforcement, and headquarters administration. He also serves as VA's designated agency safety and health official.

Dr. Lozada has over 25 years of senior and executive level experience in the United States Army and the private sector. He has served as a Commissioned Officer in the United States Army Medical Department, retiring from active military duty with the rank of Colonel. During his military career, he occupied numerous key positions in leadership, administration, and health-care management including Company Commander, Officer in Charge of Health Clinics, Chief of Force Structure and Realignments, Hospital Executive Officer, Evacuation Hospital Commander, Inspector General and Evaluator of Army medical treatment facilities, Director of the Department of Defense Combat Casualty Care Course, and Deputy Chief of Staff for Operations.

After a successful military career, Dr. Lozada served as Principal in the Global Healthcare Practice of Booz-Allen & Hamilton, Senior Healthcare Planner at SHERI KON, Inc., and Managing Consultant for Electronic Data Systems (EDS) Web Universities & Training. During this period, he managed and developed hospital-reengineering projects, planned and delivered training programs in health-care management, developed digital learning projects, and evaluated numerous health-care delivery systems. He has also provided a wide array of management consulting services to customers in the United States and Latin America.

Dr. Lozada is a Fellow of the American College of Healthcare Executives (ACHE) and adjunct assistant professor of medicine at The George Washington University School of Medicine and Health Sciences in Washington, DC. He holds active membership in several professional organizations and is past President of the Fort Detrick Chapter of the Association of the United States Army (AUSA). Dr. Lozada has been an active participant in the Interamerican College of Physicians and Surgeons National Hispanic Youth Initiative, a program developed to motivate, prepare, and encourage Hispanic high school juniors and seniors to pursue careers in the health sciences and biomedical research.

Born in San Lorenzo, Puerto Rico, Dr. Lozada is a graduate of the University of Puerto Rico where he was awarded a B.A. degree in Science and received a Reserve Officers Training Corps (ROTC) Commission as a Second Lieutenant. Dr. Lozada has also been awarded a M.A. degree in Health Administration from Baylor University and a Ph.D. in education from Walden University. He resides in Fairfax City, Virginia.



Labor/Employee Relations Updates

(This article was taken from the Federal Human Resources Week)
[The MSPB Has No Jurisdiction Over Position Classification](#)

The U.S. Court of Appeals, Federal Circuit Court affirmed the Merit Systems Protection Board's decision that it had no jurisdiction over the petitioner's appeal from his transfer to another job at the same grade and pay and the Department of the Air Force's refusal to reclassify the position he had held to a higher grade. *Martin Pierce v. Merit Systems Protection Board*, 101 FMSR 7022 (Fed Cir. 03/22/01).

The Air Force transferred Martin Pierce, a WS-09 aircraft engine mechanic foreman, to a different job at the same grade and pay. The employee who had held the job to which Pierce was reassigned allegedly was a grade WS-10 and was reassigned to the WS-9 position Pierce had held. Pierce appealed, contending his transfer was improper and the Air Force should have reclassified his prior position from grade 9 to grade 10.

The board dismissed the appeal for lack of jurisdiction , and

Pierce appealed to the Federal Circuit-transfer constituted a "constructive demotion" over which the board had jurisdiction, and that the board could remedy the Air Force's improper refusal to reclassify his former position to a higher grade.

The court first noted that Pierce did not raise this "constructive demotion" argument before the board and, thus, it could not be raised in this appeal. Regardless, even if the court were to consider it, the argument would fail, because Pierce did not allege the elements specified by the board. He did not contend that his former position was upgraded, but only that it should have been.

Next, the court found the board had no jurisdiction to review directly the classification of Pierce's former position. The board has not been granted appellate jurisdiction over cases concerning the proper classification of a position, either by statute or regulation. If Pierce wanted to pursue this argument, the court said, he should have sought relief from OPM pursuant to 5 USC 5110 and 5112.

EEOC Affirms

In *Arnold Bearup v. Principi, Secretary, Department of Veterans Affairs*, VA found no discrimination in a supervisor's assertion that the complainant would be charged absent without leave if he failed to assume his assigned kitchen duties. The complainant claimed that despite his medical restrictions, he was assigned duties and as a result, he reinjured himself.

He also alleged he was subjected to hostile work environment harassment based on his disability. EEOC found that the complainant's duties were within his medical restrictions. It further found no evidence that VA acted with a discriminatory or retaliatory intent when it did not assign him to the position he preferred as an accommodation.

VA Child-Care

On May 23, 2001 Maxcine Sterling, VA Program Executive, was interviewed by the Office of Personnel Management (OPM) for an article in OPM's *FOCUS*. The focal point of the interview was VA's commitment to the program and its success. VA has the largest program in the Federal government and the most coveted.

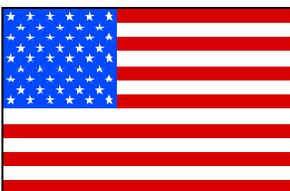
For additional service contact
Maxcine Sterling
202-273-9924

Workforce Planning

The Secretary's Executive Steering Committee on Workforce Planning recently approved a proposal to develop a "Department of Veterans Affairs Workforce Plan." OHRM is chairing the work group of twenty-five representatives from VA's Administrations and Staff Offices to develop the plan. The work group had its first meeting in late April, and the meeting was a resounding success!

The group spent two days discussing the commitments VA needs to make and the barriers VA needs to overcome in order to recruit, retain, and develop a top quality workforce to serve our nation's veterans and their families. A number of excellent ideas were generated that will help articulate a corporate vision regarding workforce and succession planning. The Plan will include a workforce analysis, demonstrating the magnitude of the pending human capital crisis, and strategies for improving recruitment, retention, quality of worklife, career development, and succession planning. This is an extremely challenging initiative, but one which we believe will be of significant value to the Department.

For additional service, contact
Laura Shugrue, 202-273-9925



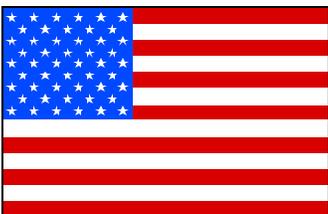
Nurse Pay

We continue to develop procedures for developing the nurse pay provisions of Public Law 106-419. VA Handbook 5103.9/2 was issued on March 21 and contained the revisions regarding mandatory adjustments concurrent with General Schedule adjustments and the prohibition on reductions in beginning rates of pay.

The next issuance you should expect will be a VA Notice regarding the new annual report on staffing for nurses. This will be an on-line report and will be submitted via the VA Intranet. You will be required to submit a separate report for each schedule in place at your facility. By law, the reports are due in Central Office no later than July 31. We will then review all of the reports, summarize the data, and submit all reports to Congress by September 30. Although the report is still being finalized, we wanted to give you a heads up now because some of the data may be difficult for you to obtain. You will be asked to provide the turnover and vacancy rates as of June 30 of this year and the previous 3 years, i.e., that is, June 30 of 2001, 2000, 1999, and 1998. The remaining questions will deal with recruitment efforts, duration of vacancies, pay incentives, and information regarding salary surveys conducted during the past year.

We have scheduled a nationwide conference call for June 29 at 2:30 p.m. to go over the report. The call-in number is 800-767-1750. The Access Code is 31309. The last provisions to be implemented will be the use of Bureau of Labor Statistics and other 3rd party survey data. We are in the process of developing policy for the types of data that may be used and how to set rates based on different types of data. These procedures are being developed in consultation with BLS. Until revised policy is issued, you should continue to conduct VA surveys as necessary to adjust your pay rates.

**For additional service, contact
Donna Schroeder, 202-273-9810**



HR LINK\$

On April 30th, the following new functions were added to Manager Self Service and PeopleSoft:

Status of Actions: Managers can view the status of pending Personnel Actions and Job Requisitions.

Expanded Search List: When manager's launch a search request that results in a list longer than 20 items, MSS displays 20 items per screen. Navigation buttons allow you to see the next group of 20 items.

Action Buttons Moved: Buttons in MSS such as Continue, Cancel and Submit, have been moved to the bottom of the screen.

Effective Date Fields Reversed: The pay period selection field now appears above the specific date selection.

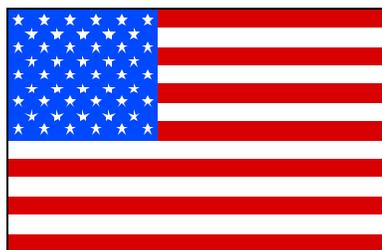
Emergency Alternate Manager: The servicing HR office has the ability to assign an Emergency Alternate Manager in case of a Manager's unexpected absence.

Stakeholder and Organizational Management – On May 15th, the concept of a Servicing HR Users Group was discussed with the current prototype organizations ISTs which are, by *defacto*, servicing HR staff. A charter has been drafted and will be further discussed with that group, which has already been formed. The objective for this group is to provide feedback and solicited recommendations on the PeopleSoft product and the roles and responsibilities of servicing HR as they have been affected by the next implementation of HR LINK\$. The main focus for now will be the impact of Manager Self Service and as part of that effort the HR LINK\$ Training Team trained several new VACO Managers on MSS, and conducted a distance learning training for a Manager in Buffalo via teleconference. The Buffalo Manager is an *ad hoc* member of the newly formed MSS Manager Users Group

Payroll – Payroll development and product test for Title 5 and Title 38 positions were completed successfully at the end of April. The payroll product is now in systems test (the next and broader phase of testing). This is the completion of a significant milestone.

OHRM Monthly Conference Call

Join the OHRM Monthly Conference Call on Wednesday, June 13, 2001 at 3:00 PM (EST). OHRM subject-matter experts will discuss topics of relevance. Mark your calendar and join us for some lively discussion.



VA 2001 Employee Survey

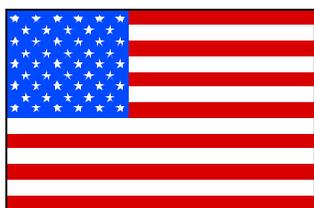
VA employees get a chance to “sound off” on workplace issues within the next few weeks by participating in the 2001 Employee Survey. Every VA employee will have a chance to complete a survey designed to assess employee satisfaction. Responses will tell managers what is needed to improve employee satisfaction and the VA work environment. Participation is voluntary and the survey can be completed during work hours. The survey will be analyzed by an outside contractor and is not employee-identifiable. The greater the participation, the greater the survey’s impact.

The survey will be administered in July 2001 and survey results will identify where opportunities for improvement exist and assist VA managers to develop and implement integrated improvement plans around these opportunities. Research has shown that employee attitudes are important drivers of employee behaviors such as turnover, absenteeism, productivity and grievances. These behaviors can help drive organizational outcomes such as customer satisfaction, quality, and costs. When employees are satisfied with their jobs and work environment, they take pride in their work and are motivated to provide high quality service to veterans and their families. Through analysis of the VA Employee Survey, VA will:

- Identify employee satisfaction indicators that are highly correlated with measures of organizational outcomes, and create a baseline on those indicators.
- Help educate managers on the relationships between employee attitudes and organizational performance.
- Help leadership develop mechanisms to measure employee perspectives as part of the annual performance plans of leaders and managers.
- Establish action plans to raise employee satisfaction.
- Re-administer the survey annually to measure improvement in satisfaction and revalidate the correlation with organizational measures.

The survey will be distributed during July and we expect the survey results in late August or early September. By surveying, the Department will create a baseline that may be used to better understand employee attitudes and upon which it can build employer-of-choice and action planning initiatives, accountability, and support for the performance targets in the VA strategic plan.

For additional service, contact
Kent Cseplo, 202-273-4971
Ellen Kollar, 202-273-9748



REEMPLOYMENT OF CIVILIAN ANNUITANTS

While civilian annuitants often have a great deal of expertise and specialized experience, reemployment of annuitants is not always seen as a viable recruitment option by local HR staff because of the reduction in pay associated with reemployment and the perception that it is EXTREMELY difficult to get OPM to approve a waiver to the reduction.

OPM regulation limits waivers to "positions for which there is exceptional difficulty recruiting or retaining a qualified employee" and to temporary employment when a waiver

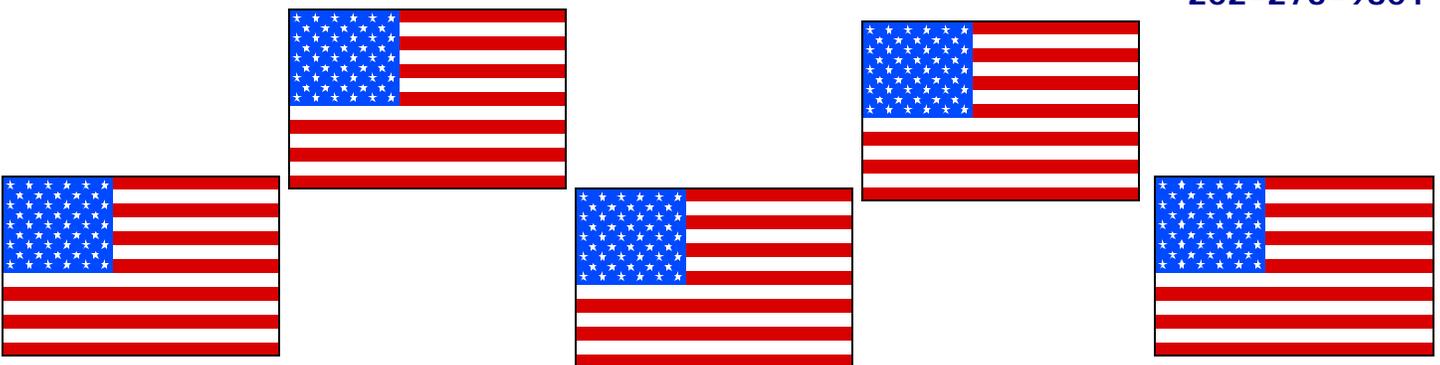
may be needed due to an "emergency" or other "unusual circumstance."

While there is still a requirement that all other available staffing options be considered before approval of a waiver, OPM has recently liberalized its position on what constitutes an emergency or unusual circumstance. OPM's position is that an unusual circumstance may now include situations where a facility or organization has a substantial work backlog, a unique training need that cannot otherwise be met, or a project requiring specialized skills, as well as other unusual work situa-

tions where a reemployed annuitant could uniquely fill the need. As an example, VBA working closely with OHRM, recently obtained OPM approval to waive reduction in pay for reemployed veterans claims examiners to serve as trainers.

Facility officials considering a waiver request for reemployment of an annuitant (s) should review the criteria in 5 CFR, part 553 and discuss the request with the pay staff (202-273-9803 or 9920) in the Human Resources Management Programs and Policy Service (formerly CACG).

**For additional service,
contact Alan Beale
202-273-9801**



PROHIBITED PERSONNEL PRACTICE or MERIT SYSTEM PRINCIPLE?

Prohibited Personnel Practices are specific practices to be avoided in upholding the Merit Principles. It is a *Prohibited Personnel Practice* to take, or fail to take, any personnel action if the taking of, or failure to take, the action violates any law, rule, or regulation implementing or directly concerning any Merit System Principle.

Civil Service Law (5 USC 2302(b)) forbids personnel actions based on the following twelve *prohibited personnel practices*:

—Discriminating on the basis of race, color, religion, sex, age, national origin, handicapping condition, marital status or political affiliation. *Example: A supervisor refuses to promote an employee because the employee is a registered Democrat.*

—Soliciting or considering employment recommendations not based on personal knowledge or records of the individual's work performance, ability, aptitude, general qualifications, suitability, character, and loyalty. *Example: A selecting official solely hires an applicant based on a reigning Senator's recommendation because the applicant is a constituent.*

—Coercing the political activity of a person or taking any action as a reprisal for refusing to engage in political activity. *Example: A supervisor takes away significant duties from an employee because they will not make a contribution to the supervisor's favorite candidate.*

—Deceiving or willfully obstructing anyone from competing for employment. *Example: A supervisor, located in Headquarters, orders that no vacancy announcements be posted in a specific field office where a specific employee works because he does not want that employee to apply for or possibly get a new job.*

—Influencing anyone to withdraw from competition for any position, whether to help or hurt anyone else's employment prospects. *Example: A supervisor, in an effort to hire a specific employee, tells another employee that he should not apply for a position because he is not qualified and will never be selected. Both employees are qualified.*

—Giving unauthorized preferential treatment to any employee or applicant. *Example: A supervisor specifies that Spanish-speaking skills are necessary for a vacant position, for the purpose of selecting a specific employee who speaks fluent Spanish. The position, however, does not require Spanish-speaking skills.*

—Taking specified personnel actions based on nepotism. *Example: A second level supervisor asks a first level supervisor to hire their son.*

—Taking or failing to take, or threatening to take or fail to take, a personnel action with respect to any employee or applicant for employment because of any legal disclosure of information evidencing specified kinds of governmental wrongdoing, that is, WHISTLEBLOWING. *Example: A supervisor directs the geographic reassignment of an employee who reported a safety violation to the Department's Inspector General.*

—Taking or failing to take, or threatening to take or fail to take, any personnel action because of exercising an appeal, complaint, or grievance right; testifying or lawfully assisting any individual in the exercise of any appeal, complaint or grievance right; cooperating with or disclosing information to the Inspector General or an Agency or the Special Counsel; or refusing to obey an order that would require the individual to violate a law. *Example: A supervisor places an employee on an undesirable detail because the employee filed an administrative grievance about his performance rating.*

—Discriminating on the basis of personal conduct that does not adversely affect the performance of any employee or applicant or the performance of others, except in cases of criminal conviction for the conduct. *Example: A supervisor fires an employee because he saw that employee at a local Gay Pride Day event.*

—Taking or failing to take any other personnel action if that would violate any law, rule, or regulation implementing or directly concerning the merit system principles. *Example: A Supervisor terminates the probationary appointment of an employee because the employee wrote a letter to their congressional representative complaining about inefficient delivery of services by his Department.*

—Take or fail to take, recommend, or approve a personnel action, if taking or failing to take the action would violate a veteran's preference requirement. *Example: A supervisor hired an employee without considering a qualified veteran on the list of eligible employees.*