

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5522

To amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2010

Mr. MORAN of Virginia (for himself, Mr. CONNOLLY of Virginia, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Federal Supervisor  
5       Training Act of 2010”.

1 **SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPER-**  
2 **VISORS.**

3 (a) IN GENERAL.—Section 4121 of title 5, United  
4 States Code, is amended—

5 (1) by inserting before “In consultation with”  
6 the following:

7 “(a) In this section—

8 “(1) the term ‘interactive’ includes simulta-  
9 neous personal interaction between an instructor and  
10 one or more trainees;

11 “(2) the term ‘small agency’ means an agency  
12 that is a member organization of the Small Agency  
13 Council; and

14 “(3) the term ‘supervisor’ means—

15 “(A) a supervisor as defined under section  
16 7103(a)(10);

17 “(B) a management official as defined  
18 under section 7103(a)(11); and

19 “(C) any other employee as the Director of  
20 the Office of Personnel Management may by  
21 regulation prescribe.”;

22 (2) by striking “In consultation with” and in-  
23 serting “(b) Under operating competencies promul-  
24 gated by, and in consultation with,”; and

25 (3) by striking paragraph (2) (of the matter re-  
26 designated as subsection (b) as a result of the

1 amendment under paragraph (2) of this subsection)  
2 and inserting the following:

3 “(2)(A) a program to provide training to super-  
4 visors on actions, options, and strategies a super-  
5 visor may use in—

6 “(i) developing and discussing relevant  
7 goals and objectives together with the employee,  
8 communicating and discussing progress relative  
9 to performance goals and objectives and con-  
10 ducting performance appraisals;

11 “(ii) mentoring and motivating employees  
12 and improving employee performance and pro-  
13 ductivity;

14 “(iii) fostering a work environment charac-  
15 terized by fairness, respect, equal opportunity,  
16 and attention paid to the merit of the work of  
17 employees;

18 “(iv) effectively managing employees with  
19 unacceptable performance;

20 “(v) addressing reports of a hostile work  
21 environment, reprisal, or harassment of, or by,  
22 another supervisor or employee; and

23 “(vi) otherwise carrying out the duties or  
24 responsibilities of a supervisor;

1           “(B) a program to provide training to super-  
2           visors on the prohibited personnel practices under  
3           section 2302 (particularly with respect to such prac-  
4           tices described under subsection (b) (1) and (8) of  
5           that section), employee collective bargaining and  
6           union participation rights, and the procedures and  
7           processes used to enforce employee rights; and

8           “(C) a program under which experienced super-  
9           visors mentor new supervisors by—

10           “(i) transferring knowledge and advice in  
11           areas such as communication, critical thinking,  
12           responsibility, flexibility, motivating employees,  
13           teamwork, leadership, and professional develop-  
14           ment; and

15           “(ii) pointing out strengths and areas for  
16           development.

17           “(c) Training in programs established under sub-  
18           section (b)(2) (A) and (B) shall be interactive for man-  
19           agers in their first year as a supervisor.

20           “(d)(1) Not later than 1 year after the date on which  
21           an individual is appointed to the position of supervisor,  
22           that individual shall be required to have completed each  
23           program established under subsection (b)(2).

24           “(2) After completion of a program under subsection  
25           (b)(2) (A) and (B), each supervisor shall be required to

1 complete a program under subsection (b)(2) (A) and (B)  
2 at least once every 3 years.

3 “(3) Each program established under subsection  
4 (b)(2) shall include provisions under which credit shall be  
5 given for periods of similar training previously completed.

6 “(e)(1) If, due to unforeseen circumstances, an indi-  
7 vidual cannot complete a program established under sub-  
8 section (b) within the deadline established under sub-  
9 sections (d)(1) or (d)(2), the Office of Personnel Manage-  
10 ment shall regulate an appropriate schedule for such indi-  
11 vidual to complete such program.

12 “(2) Not later than 2 years after the date of enact-  
13 ment of this subsection and annually thereafter, the Office  
14 of Personnel Management shall submit a report to the  
15 Committee on Oversight and Government Reform of the  
16 House of Representatives and the Committee on Home-  
17 land Security and Governmental Affairs of the Senate.  
18 Such report shall include the number of individuals who  
19 received an adjusted training schedule pursuant to para-  
20 graph (1).

21 “(f)(1) When consulting with the head of a small  
22 agency in establishing a training program for such agency  
23 under subsection (b), the Office of Personnel Management  
24 shall consult with the Small Agency Council. Any such

1 program established by such head must otherwise meet  
2 the requirements of subsections (b), (c), and (d).

3 “(2) Notwithstanding the requirements of subsection  
4 (b) and with the prior written approval of the Office of  
5 Personnel Management, the head of an agency that is not  
6 a small agency may use, in lieu of establishing a training  
7 program under subsection (b), a training program estab-  
8 lished by the head of a small agency under such sub-  
9 section.

10 “(g) Notwithstanding section 4118(e), the Director  
11 of the Office of Personnel Management shall prescribe reg-  
12 ulations to carry out this section, including the monitoring  
13 of agency compliance with this section. Regulations pre-  
14 scribed under this subsection shall include measures by  
15 which to assess the effectiveness of agency supervisor  
16 training programs.”.

17 (b) REGULATIONS.—Not later than 1 year after the  
18 date of enactment of this Act, the Director of the Office  
19 of Personnel Management shall prescribe regulations in  
20 accordance with subsection (g) of section 4121 of title 5,  
21 United States Code, as added by subsection (a) of this  
22 section.

23 (c) EFFECTIVE DATE AND APPLICATION.—

1           (1) IN GENERAL.—The amendments made by  
2 this section shall take effect 1 year after the date of  
3 enactment of this Act and apply to—

4           (A) each individual appointed to the posi-  
5 tion of a supervisor, as defined under section  
6 4121(a) of title 5, United States Code (as  
7 added by subsection (a) of this section), on or  
8 after that effective date; and

9           (B) each individual who is employed in the  
10 position of a supervisor on that effective date as  
11 provided under paragraph (2).

12           (2) SUPERVISORS ON EFFECTIVE DATE.—Each  
13 individual who is employed in the position of a su-  
14 pervisor on the effective date of this section and who  
15 is not subject to an adjusted schedule under section  
16 4121(e) of title 5, United States Code (as added by  
17 subsection (a) of this section), shall be required to—

18           (A) complete each program established  
19 under section 4121(b)(2) of such title (as added  
20 by subsection (a) of this section), not later than  
21 3 years after the effective date of this section;  
22 and

23           (B) complete programs every 3 years  
24 thereafter in accordance with section 4121(d)  
25 (2) and (3) of such title.

1 **SEC. 3. MANAGEMENT COMPETENCIES.**

2 (a) IN GENERAL.—Chapter 43 of title 5, United  
3 States Code, is amended—

4 (1) by redesignating section 4305 as section  
5 4306; and

6 (2) inserting after section 4304 the following:

7 **“§ 4305. Management competencies**

8 “(a) In this section, the term ‘supervisor’ means—

9 “(1) a supervisor as defined under section  
10 7103(a)(10);

11 “(2) a management official as defined under  
12 section 7103(a)(11); and

13 “(3) any other employee as the Director of the  
14 Office of Personnel Management may by regulation  
15 prescribe.

16 “(b) The Director of the Office of Personnel Manage-  
17 ment shall issue guidance to agencies on competencies su-  
18 pervisors are expected to possess in order to effectively  
19 manage, and be accountable for managing, the perform-  
20 ance of employees.

21 “(c) Each agency shall—

22 “(1) based on the Office of Personnel Manage-  
23 ment’s competency model, assess the overall com-  
24 petency of the supervisors in such agency;



1           “(2) develop and implement a supervisor train-  
2           ing program to strengthen issues identified during  
3           such assessment; and

4           “(3) measure the effectiveness of the supervisor  
5           training program established under paragraph (3) in  
6           improving supervisor competence.

7           “(d) Every year, or on any basis requested by the  
8           Director of the Office of Personnel Management, each  
9           agency shall submit a report to the Office on the progress  
10          of the agency in implementing this section, including  
11          measures used to assess program effectiveness.”.

12          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13                 (1) TABLE OF SECTIONS.—The table of sections  
14                 for chapter 43 of title 5, United States Code, is  
15                 amended by striking the item relating to section  
16                 4305 and inserting the following:

          “4305. Management competencies.

          “4306. Regulations.”.

17                 (2) REFERENCE.—Section 4304(b)(3) of title 5,  
18                 United States Code, is amended by striking “section  
19                 4305” and inserting “section 4306”.

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