

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 674

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 SENATE OF THE UNITED STATES

MARCH 24, 2009

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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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 2009”.

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, the term ‘supervisor’ means—

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

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

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

15 (2) by striking “In consultation with” and in-  
16 serting “(b) Under operating competencies promul-  
17 gated by, and in consultation with,”; and

18 (3) by striking paragraph (2) (of the matter re-  
19 designated as subsection (b) as a result of the  
20 amendment under paragraph (2) of this subsection)  
21 and inserting the following:

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

25 “(i) developing and discussing relevant  
26 goals and objectives together with the employee,

1 communicating and discussing progress relative  
2 to performance goals and objectives and con-  
3 ducting performance appraisals;

4 “(ii) mentoring and motivating employees  
5 and improving employee performance and pro-  
6 ductivity;

7 “(iii) fostering a work environment charac-  
8 terized by fairness, respect, equal opportunity,  
9 and attention paid to the merit of the work of  
10 employees;

11 “(iv) effectively managing employees with  
12 unacceptable performance;

13 “(v) addressing reports of a hostile work  
14 environment, reprisal, or harassment of, or by,  
15 another supervisor or employee; and

16 “(vi) otherwise carrying out the duties or  
17 responsibilities of a supervisor;

18 “(B) a program to provide training to super-  
19 visors on the prohibited personnel practices under  
20 section 2302 (particularly with respect to such prac-  
21 tices described under subsection (b) (1) and (8) of  
22 that section), employee collective bargaining and  
23 union participation rights, and the procedures and  
24 processes used to enforce employee rights; and

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

3                   “(i) transferring knowledge and advice in  
4                   areas such as communication, critical thinking,  
5                   responsibility, flexibility, motivating employees,  
6                   teamwork, leadership, and professional develop-  
7                   ment; and

8                   “(ii) pointing out strengths and areas for  
9                   development.

10          “(c) Training in programs established under sub-  
11          section (b)(2) (A) and (B) shall be interactive instructor-  
12          based for managers in their first year as a supervisor.

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

17          “(2) After completion of a program under subsection  
18          (b)(2) (A) and (B), each supervisor shall be required to  
19          complete a program under subsection (b)(2) (A) and (B)  
20          at least once every 3 years.

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

24          “(e) Notwithstanding section 4118(c), the Director of  
25          the Office of Personnel Management shall prescribe regu-

1 lations to carry out this section, including the monitoring  
2 of agency compliance with this section. Regulations pre-  
3 scribed under this subsection shall include measures by  
4 which to assess the effectiveness of agency supervisor  
5 training programs.”.

6 (b) REGULATIONS.—Not later than 180 days after  
7 the date of enactment of this Act, the Director of the Of-  
8 fice of Personnel Management shall prescribe regulations  
9 in accordance with subsection (e) of section 4121 of title  
10 5, United States Code, as added by subsection (a) of this  
11 section.

12 (c) EFFECTIVE DATE AND APPLICATION.—

13 (1) IN GENERAL.—The amendments made by  
14 this section shall take effect 180 days after the date  
15 of enactment of this Act and apply to—

16 (A) each individual appointed to the posi-  
17 tion of a supervisor, as defined under section  
18 4121(a) of title 5, United States Code (as  
19 added by subsection (a) of this section), on or  
20 after that effective date; and

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

24 (2) SUPERVISORS ON EFFECTIVE DATE.—Each  
25 individual who is employed in the position of a su-

1 supervisor on the effective date of this section shall be  
2 required to—

3 (A) complete each program established  
4 under section 4121(b)(2) of title 5, United  
5 States Code (as added by subsection (a) of this  
6 section), not later than 3 years after the effec-  
7 tive date of this section; and

8 (B) complete programs every 3 years  
9 thereafter in accordance with section 4121(d)  
10 (2) and (3) of such title.

11 **SEC. 3. MANAGEMENT COMPETENCIES.**

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

14 (1) by redesignating section 4305 as section  
15 4306; and

16 (2) inserting after section 4304 the following:

17 **“§ 4305. Management competencies**

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

19 “(1) a supervisor as defined under section  
20 7103(a)(10);

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

23 “(3) any other employee as the Director of the  
24 Office of Personnel Management may by regulation  
25 prescribe.

1       “(b) The Director of the Office of Personnel Manage-  
2 ment shall issue guidance to agencies on competencies su-  
3 pervisors are expected to meet in order to effectively man-  
4 age, and be accountable for managing, the performance  
5 of employees.

6       “(c) Each agency shall—

7           “(1) develop competencies to assess the per-  
8 formance of each supervisor and in developing such  
9 competencies shall consider the guidance developed  
10 by the Director of the Office of Personnel Manage-  
11 ment under subsection (b) and any other qualifica-  
12 tions or factors determined by the agency;

13           “(2) assess the overall capacity of the super-  
14 visors in the agency to meet the guidance developed  
15 by the Director of the Office of Personnel Manage-  
16 ment issued under subsection (b);

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

20           “(4) measure the effectiveness of the supervisor  
21 training program established under paragraph (3) in  
22 improving supervisor competence.

23       “(d) Every year, or on any basis requested by the  
24 Director of the Office of Personnel Management, each  
25 agency shall submit a report to the Office on the progress

1 of the agency in implementing this section, including  
2 measures used to assess program effectiveness.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) TABLE OF SECTIONS.—The table of sections  
5 for chapter 43 of title 5, United States Code, is  
6 amended by striking the item relating to section  
7 4305 and inserting the following:

“4305. Management competencies.

“4306. Regulations.”.

8 (2) REFERENCE.—Section 4304(b)(3) of title 5,  
9 United States Code, is amended by striking “section  
10 4305” and inserting “section 4306”.

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