

OFFICE OF PERSONNEL MANAGEMENT (OPM)

Statement of Regulatory Priorities

The Office of Personnel Management's mission is to ensure the Federal Government has an effective civilian workforce. OPM fulfills that mission by, among other things, providing human capital advice and leadership for the President and Federal agencies; delivering human resources policies, products, and services; and holding agencies accountable for their human capital practices. OPM's 2009 regulatory priorities are designed to support these activities.

Adverse Actions

OPM proposes to amend its regulations governing Federal adverse actions. The proposed amendments would clarify the adverse action rules regarding reductions in pay and indefinite suspension. In addition, OPM proposes to remove unnecessary subparts pertaining to statutory requirements, make a number of technical corrections, and utilize consistent language for similar regulatory requirements. OPM also proposes various revisions to make the regulations more readable.

Pay and Leave Flexibilities in Emergency Situations

OPM will continue efforts to improve Federal pay and leave flexibilities available in emergency situations. Drawing on experiences and lessons learned in past emergency situations, OPM anticipates issuing proposed regulations to reorganize and clarify the administration of advance payments, evacuation payments, and special allowances.

OPM also anticipates issuing final regulations to entitle an employee to use sick leave to provide care for a family member when the relevant health authorities or a health care provider have determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease. We anticipate a proposal to permit agencies to advance a maximum of 240 hours (30 days) of sick leave to an employee if the employee's presence on the job would jeopardize the health of others because of exposure to a communicable disease, and to advance a maximum of 104 hours (13 days) of sick leave to an employee to provide care for a family member who would jeopardize the health of others by that

family member's presence in the community because of exposure to a communicable disease.

Benefits for Reservists and their Family Members

OPM will continue to enhance benefits and support work-life balance for Federal employees whose family members are serving on active duty. OPM anticipates issuing final regulations to implement section 585(b) of the National Defense Authorization Act for Fiscal Year 2008 (NDAA) (Public Law 110-181, January 28, 2008) that amends the Family and Medical Leave Act (FMLA) provisions in 5 U.S.C. 6381-6383 (applicable to Federal employees) to provide that a Federal employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness is entitled to a total of 26 administrative workweeks of leave during a single 12-month period to care for the covered servicemember. The covered servicemember must be a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list. The regulations would also permit an employee to substitute annual or sick leave, including advanced annual or sick leave, for any part of the 26-week period of unpaid FMLA leave to care for a covered servicemember.

OPM will also continue to support Federal civilian employees called to active duty to further serve our Nation. OPM anticipates issuing proposed regulations to implement statutory changes that provide a new benefit to Federal civilian employees who are members of the Reserve or National Guard and who are called or ordered to active duty. Section 751 of the Omnibus Appropriations Act, 2009 (Public Law 111-8, March 11, 2009) established a new provision in 5 U.S.C. 5538 that became effective on March 15, 2009. Under this new law, eligible Federal civilian employees called to active duty may receive a reservist differential. The reservist differential is equal to the amount by which an employee's projected civilian "basic pay" for a covered pay period exceeds the employee's actual military "pay and allowances" allocable to that pay period. While each employing civilian agency is responsible for making these payments, OPM, in consultation with

the Department of Defense, is required to issue regulations to implement the new benefit.

Benefits for a Diverse Workforce

OPM will continue to encourage the recruitment and retention of a diverse workforce. OPM anticipates issuing final regulations to modify definitions related to family member and immediate relative for purposes of use of sick leave, funeral leave, voluntary leave transfer, voluntary leave bank, and emergency leave transfer. These changes would implement section 1 of President Obama's June 17, 2009, Memorandum on Federal Benefits and Non-Discrimination and ensure that agencies are considering the needs of a widely diverse workforce and providing the broadest support possible to employees to help them balance their increasing work, personal, and family obligations. As part of OPM's continued efforts to support the needs of the Federal workforce during times of sickness, funerals, and medical or other emergencies, we are proposing to make the definitions of *family member* and *immediate relative* more explicit to include more examples of relationships that are covered under the phrase "[a]ny individual related by blood or affinity" whose close association with the employee is the equivalent of a family relationship. These examples include step-parents and step-children, grandparents, grandchildren, and same-sex and opposite-sex domestic partners. By making these definitions more explicit, we would ensure more consistent application of policy across the Federal Government and set an example of the Federal Government as a model employer of a diverse workforce.

Federal Employees Health Benefits Program (FEHB)

OPM is amending its regulations to provide for continuation of health benefits coverage for certain former Senate restaurant employees who were transferred to employment with a private contractor. We are also proposing to change the annual FEHB Program Open Season to November 1 through November 30 of each year. We are also adding a new opportunity for eligible employees to enroll or change enrollment from self only to self and family under the Children's Health Insurance Program Reauthorization Act of 2009. We are also changing the regulations to allow FEHB plans to offer three options, one of which may be a high deductible health plan.

Federal Employees Dental and Vision Insurance Program (FEDVIP)

OPM is issuing final regulations on changes in the Federal Employees Dental and Vision Insurance Program (FEDVIP). We are amending the regulations to authorize retroactive enrollment changes when an enrollee has lost their spouse through death or divorce or their last eligible child marries or reaches age 22.

Federal Employees Group Life Insurance (FEGLI)

OPM is amending its Federal Employees Group Life Insurance (FEGLI) regulations to provide for new election opportunities for certain civilian and Defense Department employees deployed in support of a contingency operation required by Public Law 110-417; provide for the continuation of coverage opportunities for Federal employees called to active duty required by Public Law 110-181; and update the regulations with other changes, clarifications, and corrections.

Federal Long Term Care Insurance Program (FLTCIP)

OPM is issuing a proposed regulation to amend regulations pertaining to the Federal Long Term Care Insurance Program (FLTCIP). This proposed regulation expands coverage eligibility to domestic partners of eligible Federal employees and annuitants.

Training; Supervisory, Management, Executive Development

On October 30, 2004, the President signed the Federal Workforce Flexibility

Act of 2004 (Act), Public Law 108-411, into law. The Act makes several significant changes in the law governing the training and development of Federal employees, supervisors, managers, and executives. It requires each agency to evaluate, on a regular basis, its training programs and plans to ensure that its training activities are linked to the accomplishment of its specific performance plans and strategic goals, and to modify its training plans and programs as needed to accomplish the agency's performance and strategic goals. Another change requires agencies to work with OPM to establish comprehensive management succession programs designed to develop future managers for the agency. It also requires agencies, in consultation with OPM, to establish programs to provide training to managers regarding how to relate to employees with unacceptable performance, mentor employees, use various actions, options and strategies to improve employee performance and productivity, and conduct employee performance appraisals. Our proposed revision to the OPM regulations at Parts 410 and 412 of 5 CFR have been designed to address the changes, and in general to increase the emphasis on employee and executive development in the Federal Government. The proposed regulations were published for public comments. OPM expects publication of final regulations by the end of 2009.

Pay System for Senior Professionals (SL/ST)

OPM proposes to amend rules for setting and adjusting pay of senior-level

(SL) and scientific and professional (ST) employees. The Senior Professional Performance Act of 2008 changed pay for these employees by eliminating their previous entitlement to locality pay and providing instead for rates of basic pay up to the rate payable for level III of the Executive Schedule (EX-III), or, if the employee is under a certified performance appraisal system, the rate payable for level II of the Executive Schedule (EX-II). Consistent with this statutory emphasis on performance-based pay, these regulations will provide more flexible rules for agencies to set and adjust pay for SL and ST employees based primarily upon individual performance, contribution to the agency's performance, or both, as determined under a rigorous performance appraisal system.

Job Announcement and Applicant Notification

OPM is proposing to amend the regulations concerning the content of a job announcement. We are also proposing to add regulations to require Federal agencies to notify applicants at four points in the hiring process; to require agencies to use alternative valid assessment tools, excluding lengthy written essays or narratives of knowledge, skills, and abilities/competencies, and to require agencies to accept cover letters and résumés as the initial application for a Federal job. With these changes, OPM plans to streamline the Federal hiring process and improve an applicant's experience.

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