

The CPAC Informer

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*****FEDERAL BENEFITS OPEN SEASON*****



This year's Federal Benefits Open Season will run from Monday, November 10, through Monday, December 8, 2008. Employees may make four benefit choices during the upcoming Open Season.

Eligible employees can choose to enroll in up to three different flexible spending accounts during Open Season for health or dependent care under the Federal Flexible Spending Account Program (FSAFEDS). If you are currently participating in FSA, you must re-enroll for 2009. Enrollment information for 2009 is

available at <https://www.fsafeds.com>.

Eligible employees can choose among 4 nationwide and 3 regional dental plans. Nationwide plans also offer international coverage. You may enroll in or change an existing enrollment in a **dental plan or vision plan** under the Federal Employees Dental and Vision Insurance Program (FEDVIP). Your coverage automatically continues if you are currently enrolled. Open season information is available at <https://www.benefeds.com/>.

Federal employees can choose coverage from the widest selection of health plans in the country. You may enroll or change an existing enrollment in a **health insurance plan** under the Federal Employees Health Benefits (FEHB) Program. Changes to your FEHB enrollment must be made through the ABC-C. Information on 2009 premiums is available at <http://www.opm.gov/insure/>.

Employees may use the self-service system which allows them to make these changes electronically by contacting ABC-C's Employee Benefit Information System (EBIS) using the Internet (<https://www.abc.army.mil>) or ABC-C's Interactive Voice Response System (IVRS) using a touch-tone telephone (1-877-ARMY CTR) in CONUS. Employees serving in OCONUS locations may call the benefits center using the following numbers: Belgium 0800-78245; Italy 800-780821; Japan 00531-1-20378; Korea 00798-14-800-4766; Netherlands 0800-0232739; Saudi Arabia 1-877-276-9287 (same as the CONUS number); United Kingdom 08-000857723; Germany 0800-1010282.

FSAFEDS and FEDVIP enrollments and changes are not processed through ABC-C and must be accomplished directly with the provider for information visit: <https://www.fsafeds.com> and/or <http://www.opm.gov/insure/>.

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Recommended Drinking Guidelines

With Halloween over and the holidays just around the corner, stress levels can start to mount. Money will be tight for most of us this year. If we drink, it may become very easy to drink more heavily than usual. Drinking becomes a coping mechanism. This message is to remind you of the recommended guidelines for drinking. The guidelines are really as simple as 0-1-2-3!

Obviously if we abstain from drinking there will not be any alcohol related problems. We will not have any problems physically. We will not have a hang-over. We will not wonder what we did the night before and we will be able to think clearly.

If we do choose to drink, we shouldn't drink more than 1 drink an hour. The body can only process 1 drink an hour. Any alcohol not processed, floats around the body in a more toxic form than just plain alcohol.

The guidelines tell us we shouldn't drink more than 2 drinks in a day and they should be spaced at least an hour apart. That guideline includes Saturday and Sunday, when folks like to drink a six-pack during each

game they watch. Remember, that anything not processed floats around the body in a more toxic state.

The guidelines tell us that the maximum we could drink is up to 3 drinks a day, spaced at least an hour apart. Here's the catch, you should not drink more than 14 drinks

in a week. I can hear you thinking, I can save all 14 for one day or the weekend. Remember, the guidelines for the maximum drinks in a day are only 3. With increased use of alcohol, we put ourselves at risk for accidents, trouble with the law, problems at home and at work, and we may have health issues; just to name a few! If you think you might be developing an alcohol problem, the Army Substance Abuse Program (ASAP) is here for you. Civilians can call the Ft. Belvoir Employee Assistance Program Coordinator for an appointment at 703-805-5980.

Carol Frazelle, EAP Coordinator



Army Civilian Training Education Development System— what you may not have known.....

The Army Civilian Training, Education, and Development System (ACTEDS) is a requirements-based system that ensures planned development of civilian members of the force through a blending of progressive and sequential work assignments, formal training, and self-development for individuals as they progress from entry level to key positions. Army interns are hired to meet Army-wide Career Program (CP) staffing needs. One of the main objectives of the Army intern program is to provide the knowledge, skills, and abilities required to advance and successfully perform in target level positions in a specific Career Program. Interns may be locally or centrally funded. Local interns are funded by the MACOM or local activity. If interns are centrally funded by Army Civilian Training Education Development System (ACTEDS), ACTEDS will fund all costs incurred for employing and training these interns for a maximum of 24 months. For more information on ACTEDS, please visit the ACTEDS Training Catalog at <http://cpol.army.mil/library/train/catalog/>. Chapter 3 of the ACTEDS Catalog identifies competitive professional development programs sponsored and funded by the various career program Functional Chiefs (see [AR 690-950](#)). These include university training, developmental assignments, Training-With-Industry assignments, and selected short and long term career development courses.

THE LEGAL EAGLE

Adjusting Employee Work Schedules for Religious Observances

With the autumnal equinox behind us and the winter solstice ahead, we find ourselves in that bustling season where our year is ending in various ways, and the more patriotic holidays are giving way to the more parochial. So, in the back-to-school spirit, here's a pop quiz for management: Which religious holidays require accommodation? Is it just the ones that are also federal or state public holidays, like Christmas? Or ones that are observed by most practicing members of an established religion, such as Ramadan or Rosh Hashanah? What about less popular feasts such as Samhain, the Wiccan High Holy Day that falls on Halloween? All of the above? None of the above? The answer is: it depends (you didn't really think you would get a straight answer from a lawyer, did you?). To clarify, it is not the holiday itself that must be accommodated, but rather the sincerely held beliefs of the individual requesting time off or away from duty. An employee can claim religious discrimination if he or she can show:

- *The employee has a bona fide religious belief, the practice of which conflicts with an employment duty.
- *The agency was informed of this belief and of the conflict.
- *The agency enforced the job requirement against the employee in

spite of the conflict.

Once this is established, the employer would have to reasonably accommodate the employee or demonstrate that accommodation would have posed an undue hardship on operations.

It is important to note that the employee must first put the employer on notice of the potential conflict between his or her assigned duties and the religious observance. For example, the employee must inform the employer that she sincerely believes she must be home by sundown on a particular day or absent from her workstation at certain intervals to heed a call to prayer, and why. Then it's up to management to make reasonable, good faith efforts to accommodate the employee's sincerely held beliefs.

Here is the rule of law:

To the extent that modifications in work schedules do not interfere with the efficient accomplishment of an agency's mission, an employee whose personal religious beliefs require that he or she abstain from work at certain times of the workday or workweek must be permitted to work alternative work hours so that the employee can meet the religious obligation. The Equal Employment Opportunity Commission (EEOC) has established that the term "personal religious beliefs" should be construed broadly to include sincerely

held moral and ethical convictions. In addition, religious accommodation may not be conditioned upon membership in an established religion, or upon the employer's understanding of the dictates of a particular religion. As far as the EEOC is concerned, necessity is in the eye of the religious observer.

Notably, the EEOC has found that it is not an act of discrimination against other employees of a different religion to ask them to cover any extra shifts that result from such an accommodation, as long as all the non-requesting employees are affected equally.

For employees who are not on an hourly schedule, certain alternatives may be made available on a temporary or permanent basis, within rules established by the agency. These might include an Alternative Work Schedule (AWS) instead of a traditional fixed work schedule (e.g., 8 hours per day, 40 hours per week), a Compressed Work Schedules (CWS) (a fixed work schedule that enables full-time employees to complete the basic 80-hour bi-weekly work requirement in less than 10 workdays), or a Flexible Work Schedules (FWS) (consisting of workdays with core hours and flexible hours). For guidance on these issues we encourage you to contact your servicing CPAC MER or the labor counselors in this office.

Compliments of the Ft Belvoir SJA

USE OR LOSE!!!

Leave Year Ending
3 January 2009

The maximum accumulation of annual leave that may be carried into the new leave year for most civilian employees is 240 hours. (Exceptions to this 240 carry-over exist for employees who, for example, have had overseas tours which allow for higher carry-overs. However, these higher ceilings are not subject to the use-or-lose rule.) Since the leave year for 2008 will end 3 January 2009, supervisors and employees are reminded to schedule their excess annual leave, in writing, before the start of the third biweekly pay period prior to the end of the leave year (22 November 2008). Use or lose annual leave that has not been scheduled before 22 November 2008 and is subsequently denied is subject to forfeiture.

Annual leave that otherwise would be forfeited at the end of the leave year may be restored to the employee if he/she is unable to use the leave for one of the following reasons: Administrative error; Exigency (urgent mission requirement) of the public interest; or Prolonged illness.

A request for annual leave restoration, which is based on a denial because of the exigency of the public business (2b), must show that the excess annual leave was scheduled prior to 22 November 2008. Except in cases of prolonged illness (preceding the end of the leave year), restoration of annual leave because of sickness must also meet the advance scheduling requirement. This advance scheduling and approval requirement is statutory for restoration purposes and may not be waived or modified.

A request to restore leave forfeited will be initiated by written request submitted by the employee through supervisory channels to the official having the authority to approve/disapprove the request. The request must include documentation meeting the criteria discussed in the above paragraphs. In addition, if the request is due to an exigency of the public business, the approval of the exigency must be included in the documentation. All approved requests for leave restoration will be coordinated through the activity's payroll customer service representative.

The approving authority for the Ft. Belvoir Garrison is the Garrison Commander. Approval authority for tenant activities will be in accordance with delegation specified by the respective parent organization. No officials with delegated authority may approve exigencies that affect employees for whom they are the leave-approving officials. In all cases where an employee's leave request is to be denied based on an exigency of public business, the appropriate official must first approve the exigency.

For information on Leave Administration policies please contact your servicing LMER Specialist. You can also find information on Leave Administration at: <http://www.cpol.army.mil/library/permis/5010.html>

LABOR MANAGEMENT EMPLOYEE RELATIONS BRANCH

LMER BRANCH

Sexual Orientation Discrimination In Federal Civilian Employment

Executive Order 13087, issued on May 28, 1998, prohibits discrimination based upon sexual orientation within Executive Branch civilian employment. The Executive Order states this policy uniformly by adding sexual orientation to the list of categories for which discrimination is prohibited. The other categories are race, color, religion, sex, national origin, handicap, and age. On May 2, 2000, Executive Order 13153 added "status as a parent" to the list of categories for which discrimination is prohibited.

It is the policy of the Federal Government to provide an equal opportunity to all of its employees. Federal employees should be able to perform their jobs in workplaces free from discrimination-whether that discrimination is based on color, religion, sex, national origin, handicap, age or sexual orientation. The President's Executive Order states, as a matter of Federal policy, that a person's sexual orientation should not be the basis for the denial of a job or a promotion. As the Nation's largest employer, the Federal Government sets an example for other employers that employee discrimination based upon sexual orientation is not acceptable.

Existing Federal law prohibits discrimination in certain employment decisions when the decisions are based upon conduct that does not adversely affect employee performance. Federal employees should be able to perform their jobs in workplaces free from discrimination.

Section 1 of Executive Order 11478 (1969), was amended and now reads, in part, as follows: Under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows: *Section 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, national origin, handicap, age, or sexual orientation through a continuing affirmative program in each executive department and agency. This policy of equal employment opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employees of the Federal Government, to the extent permitted by law.*

There are existing administrative and legal remedies available to DA employees who believe they have been victims of discrimination based upon sexual orientation. Employees are encouraged to report to their supervisor instances of discrimination. When made aware of problems, supervisors should consult with their servicing LMER Specialist to ensure that appropriate steps are taken. All reports of sexual orientation discrimination should be taken seriously and addressed. In some circumstances, this may involve taking corrective steps or disciplining those who discriminate, as appropriate.



WORKERS' COMP

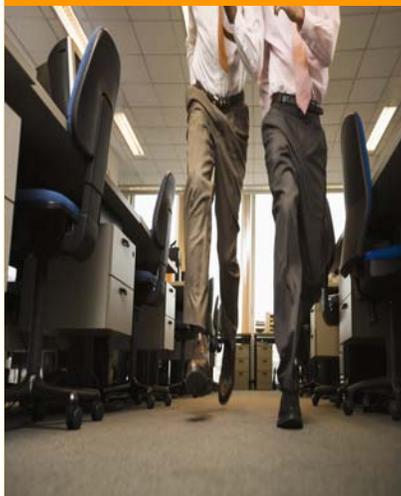
ECAB 07-1528
108 LRP 4335

Early Arrival Time Doesn't Afford FECA Coverage for Injury

Employees with a penchant for coming to work early (and the supervisors who allow them to do so) should be aware that injuries sustained prior to an established tour of duty may not be covered by the Federal Employee's Compensation Act (FECA). Consider the following case law: *W.O. v Department of Navy, ECAB 07-1528, 108 LRP 4335, 1/3/2008.*

The Employees' Compensation Appeals Board (ECAB) ruled that the employee's left knee injury did not occur in the performance of duty. As the case goes, the employee stated that he routinely arrived at work one hour early because of the bus route he took. He stated that he used the time to prepare for work, have his morning coffee, and socialize with his co-workers.

The injury occurred when the employee slipped and fell in a puddle of oil as he was returning to his office from the restroom prior to the start of his official tour of duty. The injury claim was controverted by the agency's injury compensation program manager on the basis that the employee's one hour early arrival was much earlier than what was considered reasonable, and that the employee was not in performance of duty when the injury occurred.



Under certain circumstances, an employee having a fixed time and place of work can be afforded coverage under FECA for an injury which occurs during a reasonable interval before and after official working hours. The Office of Worker's Compensation Programs denied this claim because the evidence of record did not establish that the employee was required to be at this place of employment one hour prior to his work shift, and that the employee failed to establish that he was in the performance of duty at the time of injury. By his own admission, the employee was at the employer's premises by choice and he was not actually engaging in an activity having a relationship to the Agency's official business.

FECA does not cover every injury or illness that occurs on the premises of Federal agencies; rather, there must be a nexus to the performance of the employee's official duties.

For question concerning coverage of federal employee under the FECA please contact Cisy Newman at 703-704-3023 at the Fort Belvoir, CPAC.