

THE 2024 SERVICE TO AMERICA MEDALS



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FOR PUBLIC SERVICE**

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a Troubled
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Article Submission

All materials submitted to The Federal Manager should pertain to public service managers. Copy should be double-spaced and no longer than 10 pages. High resolution 300 dpi, color images in JPG or TIF format, as well as charts, or illustrations in EPS vector format, should be included if possible. Text should be submitted by email or on compact disc. Please also include a biography of the author.



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From Our President...

OUR EFFORTS KEEP FMA'S ISSUES FRONT AND CENTER

FMA Family,

I hope you and your family are doing well. As I write this column it is a few days before Thanksgiving, so I hope you all had a great holiday spending time with family and friends. I am thankful for many things this year and I would like to share a few of them with you.

I am thankful that I was able to retire in March after serving 34 years working for the Department of the Navy. We are blessed to be able to work for our country as civil servants. I agree that we would probably make more money working in the private sector as we are currently 27 percent behind them in wages, and FMA will continue to fight for fair wage increases to close this gap. Federal employees do receive fair benefits, such as paid sick and annual leave, reduced health insurance premiums, and for the most part, job security. There are not many careers that still have actual pensions like we receive as federal employees. We are able to retire comfortably with an annuity (pension), social security benefits if you are a FERS retiree, and a retirement account from the Thrift Savings Program (TSP).

I am thankful that FMA continues to be well-respected and consulted by members of Congress and federal agencies on policies and legislative issues. Thank you all for advocating for federal employees by speaking to your members of Congress as well as sending FMA Action Letters on critical issues that we are working on. We have made great strides as an association over the years, but this year seems special

for several reasons. The House just voted and passed the GPO/WEP Social Security bill, and there is majority support for this bill within the Senate. This is an FMA Issue Brief that we have been fighting for for decades. There have been several other pieces of legislation that we have been fighting for, such as the Federal Retirement Fairness Act and the Equal COLA Act, which have gained support from our Representatives, as well as proposed legislation that we endorse every year, such as the FAIR Act. The FMA National Office does a fantastic job keeping us up to date on all federal issues and these are shared with and available to you by emails that are sent out, and also available on the FMA website at fedmanagers.org.

I am thankful that this election cycle is over, and I don't have to watch any more political ads on TV. for the next two years. As a non-partisan association, we will continue to work with all members of Congress on federal issues regardless of their political party.

I am thankful that I have been a member of this association for more than twenty years, advocating for civil servants, and along the way have met and worked with some amazing people.

Finally, I am thankful for all that you do, supporting the men and women of our armed services, your commands/agencies, your communities, FMA, and the citizens of these United States. Happy New Year! ●

Sincerely,

Craig Carter
FMA National President

THE 2024 SERVICE TO AMERICA MEDALS

Celebrating America's Public Servants!



PARTNERSHIP
FOR PUBLIC SERVICE

The nonpartisan, nonprofit Partnership for Public Service presented its 2024 Samuel J. Heyman Service to America Medal® awards in September at the John F. Kennedy Center for the Performing Arts to a group of extraordinary public servants who have helped our government innovate, save lives, and deliver critical services to the public.

Considered the “Oscars” of government service and better known as “the Sammys,” the awards have earned a reputation as the premier recognition program for excellence and leadership in the federal government.

Max Stier, the president and CEO of the Partnership, said the awards “honor the passion, hard work and dedication of the winners representing more than 2 million civil servants who have answered the call to serve our country.”

“During a time when federal workers face more scrutiny and damaging rhetoric than ever, these talented individuals embody the highest standards of public service in America,” Stier said. “They are the backbone of our government, the individuals who keep our nation running, put the public first and ensure the delivery of essential services to all.”

The 2024 Federal Employees of the Year award was presented to a Labor Department team that discovered extensive child labor violations involving 102 children ages 13 to 17, who were illegally working at 13 meatpacking plants in eight states. The

investigation led to severe penalties and the launch of a national initiative to identify and address child labor.

The achievements of the other 2024 winners spanned many critical areas of our government’s work, including removing tons of hazardous materials from the Maui wildfires, developing new artificial intelligence tools for patent and trademark systems, and creating the world’s first tornado-resistant building codes. The honorees also pioneered policies to improve government services and the customer experience, revolutionized bee disease diagnosis and treatment, and helped prevent fatalities from roof falls and underground mining disasters.

In addition to the six medalists, the Partnership presented its seventh annual Spirit of Service Award, which recognizes individuals outside the federal workforce who have made a significant contribution to build a better government and a stronger democracy.

The 2024 recipients were actor Chris Evans, filmmaker Mark Kassen and technology entrepreneur Joe Kiani, who in 2020 created A Starting Point, an online, video-based platform to encourage a civil dialogue among elected officials and foster a more informed electorate.

Stand-up comic and television host W. Kamau Bell served as the award ceremony’s emcee. Special gala speakers included White

House Chief of Staff Jeff Zients, Assistant to the President and Cabinet Secretary Evan Ryan, Commerce Deputy Secretary Don Graves, Office of Management and Budget Deputy Director Jason Miller, U.S. Patent and Trademark Director Kathi Vidal, and author and journalist Michael Lewis.

Renamed the Samuel J. Heyman Service to America Medals in 2010 to commemorate the organization’s founder, the program has honored more than 760 outstanding federal employees since its inception in 2002.

The 2024 Service to America Medals program was made possible by the generous support of a number of sponsors. The premier sponsor for the 2024 Sammys were Mrs. Ronnie F. Heyman and family. National sponsors were Tom and Andi Bernstein, Bloomberg Philanthropies, Sharon Marciel and Tom Monahan, Jennifer and David Millstone, SAIC, Standard Industries, and Patricia A. and George W. Wellde Jr.

The 2024 Samuel J. Heyman Service to America Medals Recipients

2024 Federal Employees of the Year Medal

Nancy Alcantara, Shannon Rebolledo, Justin Uphold and the Packers Sanitation Investigation Leads Team of the Department of Labor

In February 2023, Labor Department investigators uncovered extensive child labor violations that involved 102 children, ages 13 to 17, who were illegally performing sanitation work at 13 meat slaughterhouses in



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eight states, cleaning bone saws, skull splitters and other dangerous machinery during overnight shifts.

The shocking findings from this wide-ranging investigation, led by Nancy Alcantara, Shannon Rebolledo and Justin Uphold, resulted in a nationwide injunction, a consent decree and one of the largest civil monetary penalties in the agency's history – \$1.5 million against Packers Sanitation Services, a leading food sanitation service provider.

“Children are not supposed to be working at a meat processing facility or for a company cleaning bone saws and other dangerous machinery or using industrial chemicals,” said Michael Lazzeri, the Labor Department’s Midwest regional administrator. “This investigation prompted sweeping changes in how the Department of Labor conducts child labor enforcement, and the launch of a national initiative to identify and address exploitative child labor.”

Alcantara said it was “traumatic walking through these slaughterhouses with animal parts on the floor and blood flowing, and just horrific to know 13-year-olds were working there overnight.

“We understood this investigation would be challenging, but we could not stop. We had to work together, get the resources, and develop a strategy to include as many plants as possible to have a nationwide impact.”

Safety, Security and International Affairs Medal

Steve Calanog, Tara Fitzgerald and Pete Guria of the Environmental Protection Agency

The deadly August 2023 wildfires in Maui that destroyed thousands of structures, claimed nearly a hundred lives and created toxic debris and ash, presented unique challenges for the Environmental Protection Agency team that arrived first on the scene to assess and remove hazardous materials.

Members of the 2023 Maui Wildfires

Emergency Response Team – Pete Guria, Steve Calanog, Tara Fitzgerald, and many others – overcame those challenges, one by one.

They figured out how to decommission for safe transport thousands of damaged and potentially explosive lithium-ion batteries from solar panels and electric cars. They worked with the community to identify important historical sites and artifacts in the rubble that needed to be treated according to local cultural norms.

“This is the federal government coming to people in their hours of greatest need and doing it so beautifully,” said EPA Deputy Administrator Janet McCabe.

All told, the team removed 200 tons of hazardous materials from more than 1,600 damaged properties while directing more than 300 people and working with federal, state, local and community leaders.

Emerging Leaders Medal

Jerry Ma

Jerry Ma, director of emerging technology at the U.S. Patent and Trademark Office, along with his team, are at the forefront of bringing the U.S. patent approval process to the cutting edge with the use of artificial intelligence.



Both within the agency itself and in how USPTO views the role of AI in invention, Ma has played a central role internally to responsibly prototype and deploy AI, while setting up the guardrails guiding its use. He also has worked with USPTO's director and other leaders to craft the agency's approach toward AI's role in intellectual property.

Ma led the agency in developing a portfolio of AI tools to improve the quality of patent approvals and rejections. One of these tools, an AI-powered search, goes beyond traditional keyword-based search methods to identify relevant information, and now processes thousands of searches per day.

Another tool sifts through the USPTO archives to point examiners toward the documents most similar to the patent application they are considering, ranking the results to help them home in on the most important information.

For the public, the agency uses AI tools that help individuals new to intellectual property navigate the patent and trademark systems.

Colleagues noted that Ma has a unique ability to explain complex emerging technologies as well as a collaborative approach, pointing to those skills as a key reason for the agency's successes in implementing these new tools.

Science, Technology and Environment Medal

Marc Levitan and Long Phan of the National Institute of Standards and Technology

Tornadoes kill more people per year in the U.S. than hurricanes and earthquakes combined. However, American building codes lacked requirements for tornado-resistant design and construction, leading to unnecessary property damage and fatalities.

Today those codes exist, thanks to Long Phan and Marc Levitan, two structural engineers at the National Institute of Standards and Technology who led a decade-long effort to create the world's first tornado design standards.

These historic standards will enable



builders to construct the nation's critical facilities, including hospitals, schools, nursing homes and emergency centers, to withstand 97 percent of the roughly 1,200 tornadoes that occur in the U.S. each year.

"This work will save a lot of lives. People used to say, 'What can you do about tornadoes? We'll just have to live with people dying.' Marc and Long have shown that we don't have to," said Joannie Chin, director of NIST's Engineering Laboratory.

According to Phan, builders and engineers have long viewed tornadoes as "an act of God" – too severe, too random, and too expensive to design for. A turning point came in 2011 when Phan and Levitan led NIST's investigation into a deadly tornado in Joplin, Missouri, where they observed that the tornado had left intact an entire floor of a completely damaged building in a hospital complex, thanks to its impact-resistant exterior.

This led the team to analyze more than 60 years of National Weather Service records to examine where and how often tornadoes occur and how they affect buildings. These efforts resulted in a recommendation for a new national standard that has since been approved by the American Society of Civil Engineers.

Management Excellence Medal

Amira Boland, formerly of the Office of Management and Budget

Amira Boland, formerly of the Office of Management and Budget, pioneered policies to improve government services and the customer experience in areas ranging from newborn care and disaster assistance to renewing passports online.

At critical moments in their lives, Americans turning to the federal government often must navigate burdensome paperwork, balky websites and siloed agencies that do not communicate. That began to change because of Boland, who served as the Office of Management and Budget's first-ever customer experience lead.

Boland pioneered policies, empowered agency public servants and built teams working to improve services for people going through key life events like retirement, the transition out of the military, childbirth, disaster recovery and financial crises.

During nearly six years and two administrations, Boland used her platform at OMB to work with 38 High Impact Service Providers – federal entities that provide services to millions of Americans every year

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– to gather customer feedback and identify areas for improvement.

In 2022 and 2023, that led to streamlined Medicare enrollment, simplified online disaster assistance applications, and a new pilot program allowing eligible applicants to renew U.S. passports online.

“Amira Boland has permanently transformed the way federal agencies deliver services and benefits to the American people – and the way Americans view their government,” said Jason Miller, OMB deputy director for management.

Paul A. Volcker Career Achievement Medal

Christopher Mark of the Mine Safety and Health Administration

As a teen working in West Virginia coal mines, Christopher Mark first learned about “roof falls,” the chief cause of underground fatalities in a job rife with dangers.

During a decades-long federal career, Mark developed computer software packages that contain guidelines routinely used by mine operators to develop and evaluate mining plans for most underground coal mines. He is credited with saving an untold number of miners’ lives.

“Fifty years ago, underground coal mining was the most hazardous job in the United States, and roof falls killed more miners than

all other causes put together – nearly 100 miners per year,” said Gregory Rumbaugh of the Labor Department’s Mine Safety and Health Administration (MSHA). In 2016, there were zero fatalities attributed to roof fall, the first such year, Rumbaugh said.

“Christopher Mark has saved the lives of many coal miners. He was the glue, the center, when it comes to the road map to zero fatalities.”

A roof fall is just that – the support holding up a mine’s roof fails, and a mass of rock or coal collapses into the mine. Even larger collapses involve the “pillars” of unmined coal that miners leave in place as they work in the mine’s various “rooms.”



Mark discovered that an issue in roof falls wasn’t so much the vertical stress of weight on the rock, but horizontal stress from plate tectonics—the subterranean shifts of the Earth that give rise to mountains and cause earthquakes. He subsequently made recommendations on pillar design and roof control at the request of Congress that are now incorporated in an MSHA handbook and used worldwide.

People’s Choice Award

Yan Ping (Judy) Chen and Jay D. Evans of the Department of Agriculture

Honeybees are vital to the world’s food supply, but their populations have been mostly in decline over the past two decades due to various factors, including habitat loss, pesticide use, global warming, the rapid evolution of pathogens and antibiotic resistance.

Judy Chen and Jay Evans from the Agricultural Research Service developed therapies to reverse colony collapse and revolutionized bee disease diagnostic systems by introducing innovative molecular and genomic technologies into the search for treatments.

“Their scientific leadership and 22-year collaboration have led to the development of solutions to improve the health of honeybees and other pollinators,” said Simon Liu,



administrator at the Agricultural Research Service. “They have shared those solutions with beekeepers, farmers, regulators and researchers to ensure the health of pollinators and the agricultural production that depends on them.”

Honeybees pollinate \$18 billion worth of agricultural products in the United States every year, including 150 varieties of fruits, nuts, and vegetables.

2024 Spirit of Service Award

Chris Evans, Mark Kassen, and Joe Kiani

Actor Chris Evans, filmmaker Mark Kassen and technology entrepreneur Joe Kiani became disillusioned some years ago regarding the country’s high level of political polarization and the difficulty finding trustworthy information amid the flood of

strident opinions and conflicting claims.

This led the three men to launch “A Starting Point” in 2017, a nonpartisan video-based online platform that is dedicated to creating a more informed electorate with a focus on high school and college students.

The trio said the purpose of “A Starting Point” is to provide a digital home for people to hear directly from elected officials, but without having the conversations framed by commentators with their own political biases.

The website aims to address major issues in easy-to-understand ways with video explainers as well as interviews and discussions with current and former members of Congress, governors, mayors, state legislators and subject matter experts representing different points of view.

“We thought we could help shine a light on certain issues and create more civic engagement,” Evans said. ●

During the past 24 years, the nonpartisan, nonprofit Partnership for Public Service has been dedicated to building a better government and a stronger democracy. The organization works across administrations to help improve government performance by providing agencies with the data insights they need to succeed, developing effective leaders, inspiring the next generation to public service, facilitating smooth presidential transitions and recognizing exceptional federal employees. Visit the Partnership at: <https://ourpublicservice.org/>.



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**RESUSCITATING A
TROUBLED WORKPLACE**

By Joe Schumacher

Failure to embrace the simplest practices of leadership is the most common cause of leadership failure and resultant workplace meltdown.

It's a mathematical certainty that the diameter to circumference cause of a troubled workplace is bad leadership – and you won't need Sherlock Holmes' spy glass to find it. Start by retracing the footprints of the last boss. An abusive boss paralyzes both team members' resolve to action, and their will to work, bringing forward motion to a standstill. This fragile workplace abounds with collective frustration and active disengagement. Hence, your restoration job will be a heroic battle against legacy bureaucratic momentum and that means you must first fix leadership, then systems and processes, because assuming it's all about lazy people is a toxic non-remedy.

When taking over, the best leaders are comfortable with ambiguity, disorder, and disruptions. Successful leaders have the instinct and confidence to temporarily tolerate the unknown until the workplace gets its sea legs.

Given that anyone can captain a ship in calm seas, few assignments are as challenging, exhilarating and rewarding as taking the helm of a workplace hit by a tsunami with its near-death experience from mindless bureaucracy, dysfunctional process, fault finding, high malaise, and palpable discontent. In engineering terms, this troubled workplace has experienced an unbearable load of bad leadership which quickly over stressed the workplace until the seams unzipped resulting in a total breakdown of its most essential component – people. In firehouse terms, it's a man-made conflagration in which

bad elements jumped natural fire barriers such as rivers and streams. Nonetheless, the right transformational leader, (genuine and transparent, people first mindset, skilled at workplace analytics, fixity of purpose, etc.) can rekindle spirits, recapture lost vitality, and seed a spiritual awakening of near religious revival proportions. Great leadership is a fire suppressant and emotional first aid. Successful leaders intuitively know how to tap each team members' stifled skill set as these same people look both inward for motivation and outward for inspirations – and great leaders meld the two.



Successful leaders inspire others most by attacking challenges on multiple fronts and in chewable fragments. Then they bring peace to the workplace and order to disordered process.

Under the atypical conditions of a meltdown, the leader, functioning as a forensic engineer, can move the workplace reputation from chump to champ, and second class to unmatched, by making an immediate and sustained difference. This often occurs in

sports when the only material change from last year's losing record team is the new coach.

Same players + new leadership = worst to first performance

Paradoxically, taking over a melted-down workplace is the leadership opportunity of a career and should never be viewed as an uphill slog. This is the milieu in which the best and brightest are moved by the sheer challenge. Few leaders land the opportunity to be Mr. Wizard – to craft workplace magic and achieve the near impossible. Besides, no other occasion licenses one to comprehensively design, assemble, fuse, and harmonize a team from the bottom up with a legendary Swiss watchmaker's systematic attention to detail.

However, the job is bigger than just holding the ship's helm and then ordering the barnacles scraped from the bow. The past needs to be undone, especially by addressing poorly treated team members in their undervalued workplace. Mistakes and missteps of the previous bureaucrat and timekeeper must be unwound.

Team members, especially those who withstood an abominable boss, seek someone to stir their emotions and earn their respect – that person can easily be you.

As the incoming "Director of Trauma Recovery," you are inside the crucible from which the finest leadership meddle is tempered and a comeback strategy is launched. Leadership legends arise from this setting as an injection of high order leadership is needed to go from laughable to laudable and there's no greater buzz than performing lifesaving resuscitation on a near death workplace.

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Taking over a melted-down workplace is the leadership opportunity of a career and should never be viewed as an uphill slog. This is the milieu in which the best and brightest are moved by the sheer challenge.

When a boss complains about team performance, s/he needs to examine her/himself for the root cause.

The dearth of leadership means the workplace has bottomed out and there's no direction to lock the compass but that of true north. With many jobs frustratingly empty, a leader creates the necessary and sufficient condition for each team member to be significant and to excel, and for the team to collectively craft magic. Good people search for meaning of work and crave a spiritual experience of high ardor.

Thus, shedding the legacy of the last boss is the first place to defibrillate, and "Leadership 9-1-1" is the stimulating, electro-shock therapy. Most team members are parched for high-order leadership and will readily embrace a diametrically different, albeit refreshing style and approach even if the performance bar is raised.

When taking over, know that respect is never forthcoming from team members as its purposely withheld pending an extensive size-up of the leader. If found wanting, the nominal leader gains no respect or attendant traction.

A wait-and-stall mindset is terminal to a troubled workplace. Wade in fast to set pace and tone and to increase the pulse of success. Quickly diagnose the current ills of this disordered workplace and then treat the disturbances and maladies. A troubled milieu needs at a minimum, some shock treatment, and for those who don't get it, perhaps a degree of retooling, or in rare cases, a reformatting of the "hard drive."

Accordingly, there's little time to kick the tires and determine Blue Book value. This gelatinous scene of strife needs a back-of-envelope size-up, then clearness of direction, boldness of leadership, an injection of enormous kindness, a mega dose of common sense, a focus on people, and speed of execution.

A brick through the window of a troubled workplace galvanizes attention and bestirs activity. Expect blowback from bold moves, but hold fast.

The Red Flags of a Bottomed-Out Workplace

Team members look like they just lost the homecoming football game

Sagging morale (apathetic, frustrated, disgusted, high absenteeism)

Low team spirit and lower productivity

Folks want out (high absenteeism and churn)

Mindsets shifted from "want to" to "have to"

Strong resistance to change and new ideas

Strikes and work slowdowns

Many grievances

Lack of engagement and initiative

Folks see little importance in their work

Processes are not followed or badly broken

Team members feel they are faceless cogs in a mindless machine

There is little collaboration and no team spirit

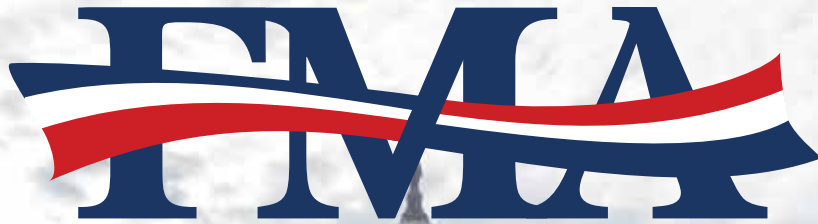
Trust in leadership is busted

The workplace is too toxic to breathe

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Federal Managers, Supervisors and Executives are the backbone of government ... and the **Federal Managers Association has your back!**

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When taking over, never expect a quantum leap in success. Victory comes from steady progress measured by innumerable small, daily improvements.

Here are hard-hitting, proven best practices which release team members as captives of the past and places a better conditioned team back on the field:

- Address bad performers before adding “headcount.” Engage in compassion coaching more than discipline or fast termination. Most workplace meltdowns stem from bad bosses and not bad people.

- Purposely build a reputation based on credibility. Taking charge, treating people right, making tough choices, and delivering on commitments quickly earns respect, while business as usual, “same boss – different face,” good intentions and unfulfilled promises raze it. Believability is the beginning and end point when establishing a durable foundation of trust. Go for respect, the barometer of which is that others clamor to work with you.

- Transmit thunderbolts by way of grown-up communications – but with childishly simple themes. Allow nothing to undercut or dilute the message of reform, so keep it simple. Eliminate any need for others to subjectively decipher. Allow no misinterpretation, accept no margin of error, and tolerate no confusion of message. Everyone must contribute immediately. Explain “what’s important” in crystal clear terms. Reveal your inner working by disclosing your workaday philosophy, values, beliefs, performance expectations and upcoming issues. This will minimize uncertainty, reduce stress, energize the team, and most critically differentiate you from your predecessors.

- Seek and destroy long-standing obstacles

to productivity and job interference such as weekly reports requiring hundreds of staff hours to prepare – and that no one reads. Share important information so the team has



a “feeling they are in on things.” Insist all in leadership positions practice candid, open, two-way communication. And, when making decisions, explain your thought process and the factors and financial implications of decisions. The more the team knows how you think based on your core value, the better they can understand, accept, and anticipate.

- Insist on civil, cordial, and collegial discourse, especially when disagreeing. Team members in a dysfunctional work environment often attack each other when they should be attacking problems instead. Quickly fix this by personal example, with a strong declaration, and via written performance expectations.

- Quickly burn off the haze and fog from the previous administration and engage the work unit. Explain your overall plan for success and how the team must simultaneously move on multiple fronts.

Focus on what’s really important by concentrating on a few critical tasks – then drive relentlessly to get them done. Declare “we’re in the business of swift results,” and then help folks meet deadlines on critical deliverables so they look good. Find rally points and celebrate team successes.

- Team members won’t respect a manager who must first put a finger in the political wind and then belatedly decide. Make informed, command decisions in a timely manner. Sift through clues and extrapolate solutions, even with imperfect information. A show of guts radiates confidence and exudes strength, which generates trust and credibility to attract the loyalty of team members.

- Use a results standard and design simple but integrated goals to target results and engineer success with the urgency of an arms race. Show each member the precise link between their job and how the team’s “Manhattan Project” will be achieved. Set up a quick hit team win with several small, achievable confidence building tasks – celebrate quickly.

- Be tolerant of mistakes resulting from reasonable risk-taking, but never of bad attitudes or bad judgment, nor immoral, ethical, or illegal activity.

- Focus on the desired results rather than short-term problem-solving. Screen out white noise and chatter; mine for facts as issues are many-sided. Seek out the trustworthy, and quickly extract crucial points from complexity. Trust your gut.

- Don’t allow implacable structure and predetermined plans to override common sense, or a flash of dazzling instinct, when confronted with the need to make changes.

- Hold fast and wear as a badge of honor biting criticism from jealous critics. Display a sturdiness of purpose and above all – a thick

hide without hubris or conceit.

In sum, when taking over, systematically abandon yesterday. Make bureaucratic machinations the universal workplace enemy; provide no quarter for red tape, redundant procedure, needless paperwork, excessive emphasis on rank and titles, juvenile pageantry, and hide-bound formalities – team members respect zero tolerance for silliness. ●

Joe Schumacher is a retired Training Program Director with the Office of Personnel Management's Western Management Development Center where he designed and delivered leadership programs. He is a graduate of the Leadership for a Democratic Society Program at the Federal Executive Institute. Joe is also a former Fire Chief from the west side of Denver and has ten years' experience as a director with a high-tech company north of Denver that manages much of the nation's 9-1-1 database. Joe is a U.S. Army veteran serving at Ft. Campbell, Kentucky, and Nuremburg, Germany. He has published over eighty leadership and administrative management manuscripts and delivered hundreds of leadership workshops. He can be reached at jayarvadaco@gmail.com.



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MEMBERS IN ACTION

FMA ANNOUNCEMENTS

news

A lot is happening at the Federal Managers Association, and we want you to be involved. Please review the following and make plans to attend FMA's convention in March. Also, consider running for a national board position, or nominating a colleague for one of FMA's prestigious awards. You can always visit www.fedmanagers.org for the latest information about FMA. We look forward to hearing from you!

Attend FMA's National Convention!

FMA's 87th National Convention and Management Training Seminar will be held March 23 - 26, 2025, in Alexandria, Virginia. The Hilton Alexandria Old Town Hotel is close to FMA's National Office, and just a block from the King Street Metro Station. Old Town Alexandria offers restaurants and entertainment of all kinds with a free shuttle that runs from the hotel to the riverfront!

You are invited to help us plan FMA 2025 and beyond. The convention offers a great way to get to know your fellow FMA members working across the federal government. As always, we will have an outstanding day of training and will visit our legislators on Capitol Hill to educate them on issues important to you and your career.

Start making plans now to attend. Think about bringing family and friends and turn it into a great vacation. FMA conventions are always a great experience for those in attendance. You'll find the most current information on the FMA website at: www.fedmanagers.org/events. We hope to see you there!

National Executive Board Elections

The positions of FMA National Vice President, National Treasurer, Region 2 Director, and Region 4 Director are up for election at the 2025 National Convention. All nominations must be submitted no later than January 27, 2025. Contact Nominations Committee Chair John Thawley at jathawley@gmail.com, and Executive Director Todd Wells at twells@fedmanagers.org to express your interest or for more information.

FMA Award Nominations

Do you know an outstanding federal manager who deserves to be recognized for his/her service? Work with your Chapter President to nominate them for an FMA award. Chapters should submit nominations for FMA's Manager of the Year and Gil Guidry Awards to their respective Region Director no later than February 7, 2025. Each chapter may submit one nomination for each award. To learn more about these awards, and the nominating process, visit: fedmanagers.org/awards. Region Directors' contact information may be found at: fedmanagers.org/Contact-Us. Help us celebrate our outstanding federal manager members!

Resolutions

FMA welcomes proposed resolutions from our members to identify matters of concern to be addressed by the Association. Please discuss resolutions with your chapter leaders prior to submission to ensure the chapter stands behind the resolution and will be ready to speak to it at the convention.

Resolutions must be submitted to the National Office no later than February 7, 2025. Forward resolutions to Greg Stanford, Director of Government Affairs, at gstanford@fedmanagers.org.

Write an Article for The Federal Manager

We love to hear from our members! And FMA members love to hear what their fellow members and chapters are up to! Please share pictures and a short (or not short) article and we'll publish your work in a future issue of The Federal Manager magazine. Send us pictures of your chapter's holiday party, lunch, dinner, happy hour, or any other event you held. It's not only fun to see what our colleagues are up to across the country, but it may inspire another member or chapter to do something they have not done before. Like make a team for an upcoming 5K run/walk, or volunteer for a local "clean up" day. Nothing is too small or big, we just want to hear about the good stuff you and your chapter are up to. Send pictures and articles to Todd Wells at twells@fedmanagers.org.

FMA Swag Available for Purchase

We offer some great-looking FMA-branded products to help chapter members show their FMA pride. Check out our current offerings at www.fedmanagers.org/Products. This is the perfect time for giving to your fellow FMA members or including FMA swag as raffle prizes at your chapter meetings. ●

FMA REGIONS 1 & 2 CONFERENCE A SUCCESS!



MEMBERS IN ACTION

The Federal Managers Association Regions 1 and 2 Conference was hosted by Chapter 11, Fleet Readiness Center – Southeast, on October 19, 2024, in Jacksonville, Florida. The conference provided a platform for insightful discussions, fruitful collaborations, and the exchange of many ideas. We had delegates from five different chapters: Chapter 3, Norfolk Naval Shipyard, Portsmouth, Virginia; Chapter 6, Portsmouth Naval Shipyard, Portsmouth, New Hampshire; Chapter 11, Fleet Readiness Center – Southeast, Jacksonville, Florida; Chapter 21, Marine Corps Air Station, Cherry Point, North Carolina; and, Chapter 396, Mayport Naval Base, Jacksonville, Florida. We were pleased to have Greg Stanford, FMA's Director of Government & Public Affairs, representing the national office. In addition, we were excited to welcome two delegates who had never attended an FMA conference before.

The presentations that were shared over the weekend were truly thought-provoking and inspiring. In addition to

regarding the many benefits available to employees of the Department of Navy through the Civilian Employee Assistance Program. The knowledge shared by the guest speakers will help each of us to better navigate the complexities of the federal industry, and forge a path towards a more sustainable and

the fire. Times like these not only enhanced the camaraderie among the attendees, but also fostered a spirit of collaboration and mutual respect.

Thank you to Chapter 11 and everyone who made the FMA Regions 1 & 2 Conference a great success! ●



Greg's legislative update on our advocacy efforts – the core of FMA's mission – we had two educational topics. The first was an inspirational leadership discussion from Mr. Timothy Pfannenstien, Executive Director of Fleet Readiness Center Southeast. We also received a very informative brief from Andrew Galarneau from Magellan Health

prosperous future.

In addition to the intellectual stimulation, the conference also served as an excellent opportunity for team building. We are delighted that so many actively participated in the Friday night registration/dinner social, dinner at BJ's on Saturday, and a brainstorming/fellowship Saturday night by



FMA LOOKS TO THE FUTURE AND THE 119TH CONGRESS

By Greg Stanford

The November 5 elections surprised many observers who were expecting a contentious, drawn-out process. In the early hours of November 6, it was clear, and the Associated Press called it – Donald J. Trump had been re-elected to serve as the 47th President of the United States. In the days that followed, we also knew Republicans took majority control of the Senate and maintained control of the House for the 119th Congress.

Federal Managers Association (FMA) National President Craig Carter immediately congratulated President-elect Trump, who will be sworn into office on January 20, 2025, and offered FMA as a resource to work with him and his administration throughout his presidency.

“Our mission at FMA is advocating excellence in public service,” Carter wrote. “Those who enter the federal workforce often note a greater calling to serve their fellow Americans and their country. Managers on the frontlines of the noble agencies and departments that make up the federal government are, and will continue to be, the primary leaders providing services to the American people. As we have for more than 110 years, FMA will work with President Trump and lawmakers on both sides of the aisle in the 119th Congress to push for investment in management and the people of the federal workforce, giving managers the tools they need to effectively operate, and securing policies to attract and retain the best and brightest to civil service.”

Pursuant to Carter’s comments, FMA will certainly continue our work on behalf of all managers in the federal workforce in the 119th Congress. We look forward to rolling up our sleeves and doubling down on our work. We are deep into our Issue Brief process for 2025. FMA’s 2025 Issue Briefs

will be unveiled at the upcoming National Convention and Management Training Seminar in Alexandria, Virginia, in March. My next article for *The Federal Manager* magazine will detail the briefs in full.

As we close the chapter on the 118th Congress and look to the next, I want to take a moment to look at where things stand with FMA’s legislative priorities before previewing some of the issues we expect to work on in the year to come.



118th Congress

One of the biggest successes for FMA’s legislative agenda came toward the tail end of the session. On November 12, the House of Representatives passed the Social Security Fairness Act (H.R. 82), FMA-endorsed legislation that would repeal the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). This is an issue FMA has fought for for decades, so it was a professional and personal thrill to see

the measure pass by a vote of 327-75. It was a resounding moment.

Minutes after the successful vote, I told the lead staffers for Representatives Garret Graves (R-LA) and Abigail Spanberger (D-VA) – the bipartisan cosponsors of the bill – that I had to pinch myself to make sure I wasn’t dreaming. Then we all immediately turned our focus on the U.S. Senate. We knew we had to get a positive vote there in order to succeed in eliminating the GPO and WEP.

If you spent a portion of your career working in the private sector, in addition to your federal service, you may be affected by the Windfall Elimination Provision (WEP), which reduces Social Security benefits you earned. And the Government Pension Offset (GPO) targets and reduces spousal and survival Social Security benefits – disproportionately affecting widows. In the moments after the House vote to repeal both of these policies I thought about FMA Life Member Mark Scott from Chapter 208 (Defense Logistics Agency, Philadelphia), and National Treasurer Christine Parker, who are both impacted by the WEP. I thought about President-Emeritus Pat Niehaus, who personally

loses more than \$500 per month because of this. I thought about former National Secretary Dick Oppedisano – a long-time crusader on this issue – and so many other members of Team FMA.

The successful House vote on the GPO/WEP repeal gave me renewed optimism for FMA’s legislative agenda. While many of our priorities may not have been signed into law in this session of Congress, the rise of the Social Security Fairness Act sticks with me. It is a reminder that passing legislation is a marathon that almost always stretches across multiple sessions of Congress, and not a

continued on next page

100-meter dash. It should give us all hope that with fierce determination, focus on principles aimed at improving the federal workforce and management in this country, and with unrelenting advocacy, we can move the needle to achieve our goals.

A Preview of What is to Come

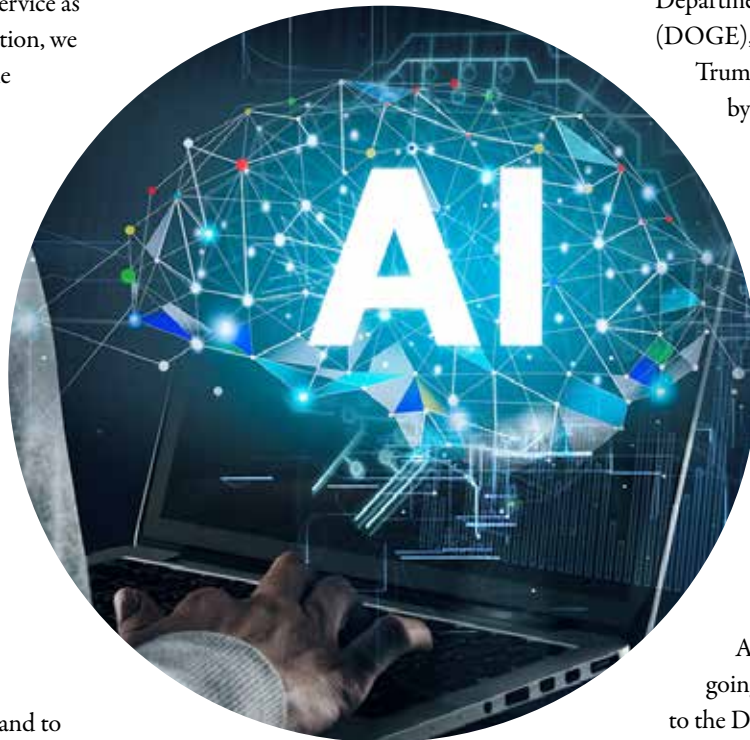
That renewed optimism means we will keep up the effort to pass meaningful hiring reform, enhance management training and accountability with regard to telework and remote work, and to advance the Federal Retirement Fairness Act, which would allow FERS employees the same ability to buy back temporary and intermittent service as their CSRS retirees. Without question, we will loudly call on Congress and the Administration to fully fund each fiscal year without the threat of government shutdowns and the over-reliance on wasteful continuing resolutions. And we will fight for the best possible pay raises and to protect your earned retirement benefits.

FMA will weigh in on the use of Artificial Intelligence in the federal workforce and seek to add management-specific questions to the annual Federal Employee Viewpoint Survey. We will also seek to restore the 2-year probationary period the Department of Defense once had, and to pursue more reasonable policies to provide managers with the tools they need to address poor performers.

President-elect Trump campaigned on a promise to renew Schedule F, originally created late in his first term. Unveiled in October 2020, Schedule F was a new class of federal employees – removing any career federal worker in a position deemed “confidential, policy-determining,

policy-making, or policy-advocating” from the General Schedule to a new classification with virtually no civil service protections. Effectively, any federal employee reclassified to Schedule F would be an at-will political appointee.

FMA vehemently and fundamentally opposed the creation of Schedule F and has worked to prevent its return. As an organization, our position is that career civil servants swear an oath to the U.S. Constitution and needs to remain non-political. We support a merit-based system that preserves due process and does not lead to a return of the spoils system of the 19th century. FMA will maintain its opposition to this policy.



However, that does not mean we seek the status quo. We anticipate President-elect Trump will restore Executive Order 13839, Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles, which called for removing poor performers in a straightforward process,

tailoring penalties for misconduct based on facts and circumstances (not requiring progressive discipline); ability for supervisors to take into account an employee’s past work record and disciplinary record; and, emphasis on effective use of the probationary period, among other tools for managers. FMA stands broadly in support of these ideas and will work with President Trump to bring these policies back.

Department of Government Efficiency

FMA will also cautiously monitor the Department of Government Efficiency (DOGE), a new enterprise President-elect Trump has created in his transition. Led by Elon Musk and Vivek Ramaswamy, the DOGE is intended to “provide advice and guidance” to his administration to analyze federal agencies and find ways to “dismantle government bureaucracy, slash excess regulations, cut wasteful expenditures and restructure federal agencies.” Trump has said their work “will be, potentially, the ‘Manhattan Project’ of our time,” and will be completed by July 4, 2026. The House Oversight and Accountability Committee is even going to have a subcommittee dedicated to the DOGE, chaired by Rep. Marjorie Taylor Greene (R-GA).

It has been noted that both Presidents Ronald Reagan and Bill Clinton have created commissions to cut wasteful spending. And President Obama created the National Commission on Fiscal Responsibility and Reform (otherwise known as the Simpson–Bowles Commission), in an effort to improve

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SEND ACTION LETTERS

Do you want to get involved and help the FMA national office make a difference for you and your fellow managers on Capitol Hill? A key way is to send action letters to your Representatives and Senators on issues that matter to you.

These letters, prepared by FMA staff, are available in the legislative action center on our website: <https://fedmanagers.org/Action-Letters>. Letters can be easily sent to both of your U.S. Senators and your Representative, and are ready to send in a matter of seconds.

All action letters are ready to send, but can be edited to allow you to personalize and insert any anecdotal information you would like to add. Action Letters are a great way to make your voice heard on issues important to federal managers. It is important that you and fellow FMA members maximize our strength in numbers and let your elected officials know what matters to you as a federal manager. ●



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CAPITAL INSIGHTS

The Social Security Administration (SSA) announced the Cost-of-Living Adjustment (COLA) for monthly Social Security benefits, Supplemental Security Income payments, and Civil Service Retirement System (CSRS) retirees will be 2.5 percent for 2025. This is down from 3.2 percent in 2024, and the COLA will take effect in January. It also means Federal Employee Retirement System (FERS) annuitants will therefore receive a 2.0 percent COLA.

The COLA was 5.9 percent in 2022 and 8.7 percent in 2023. The lower increases for this year and 2025 reflect the Federal Reserve's work to reduce inflation. The 2.5 percent COLA for 2025 will fall just shy of the average 2.6 percent increase over the last 20 years.

FERS retirees' COLA is modified based on the size of the CSRS COLA. If the CSRS COLA is over 3 percent, as in 2024, FERS receive 1 percent less. If the COLA is between 2 and 3 percent (like 2025), the FERS COLA is 2 percent. If the CSRS COLA is less than 2 percent, FERS annuitants receive the full amount. FMA continues to endorse legislation that would provide FERS retirees with the same COLA, and we will push for that in the 119th Congress. ●

On September 16, the House Oversight and Accountability Committee passed the Manager Attitudes and Notions According to Government Employee Responses (MANAGER) Act (H.R. 9593) by a vote of 22-18. The bill, sponsored by Rep. Pete Sessions (R-TX), Chairman of the Subcommittee on Government Operations and the Federal Workforce, would require the annual Federal Employees Viewpoint Survey (FEVS) to include questions specific to management.

In a letter of endorsement, FMA National President Craig Carter wrote, "FMA is proud to support this effort to add questions specifically related to management in the workforce to the annual Federal Employee Viewpoint Survey (FEVS) . . . The FEVS is a vital resource that helps gauge engagement, morale, and other feedback from employees in the federal government. Results from the tool help shape policies that impact millions of civil servants. It is therefore equally important to gather the feedback and viewpoints of manager-specific topics and issues, including the option for narrative responses. Hearing from managers and supervisors about possible management challenges would paint a fuller picture and enable lawmakers and agencies to make more informed decisions."

Carter expressed flexibility with modifying the phrasing of the specific questions posed as the bill goes through the legislative process. "However, it is critical and overdue for an annual survey to include manager-specific questions for managers across the federal workforce," Carter wrote. "We look forward to working with you, your staff, and legislators on both sides of the aisle to advance this bill and hear the voices of supervisors and managers." ●

In May 2023, as part of its effort to combat discrimination and educate the federal workforce on countering bias, the Biden Administration issued the National Strategy to Counter Antisemitism. This called on the Office of Personnel Management (OPM) to take several actions, including creating a Workplace Rights Federal Toolkit. The administration unveiled the toolkit in September 2024 and briefed FMA and other organizations on its rollout and asked us to share the toolkit with our members.

The toolkit is composed of public resources available from the White House, the U.S. Department of Justice, the U.S. Equal Employment Opportunity Commission, and OPM. OPM states the resources in the toolkit also comply with the National Strategy to Counter Islamophobia and Related Forms of Bias and Discrimination, announced in June 2024. The goals included in this strategy are aimed at making resources more accessible to feds concerning their rights in the workplace, including the right to religious accommodations and workplace flexibility. To view the Workplace Rights Federal Toolkit, click here. ●

America's fiscal situation and long-term sustainability.

We at FMA support efforts such as the U.S. Government Accountability Office's annual report on the federal government's "opportunities to reduce fragmentation, overlap, and duplication, as well as reduce costs and increase revenue." All taxpayers should be interested in finding ways to make government more efficient and effective. We will keep a close eye on the recommendations outlined by the DOGE. As the task force and the subcommittee find commonsense ways for the government to save money, we will embrace those proposals.

However, we are concerned by comments Ramaswamy has made about the federal workforce in the past, including "large-scale, mass layoffs." We hope some of this alarming rhetoric made on the campaign trail will

give way to reasonable, responsible solutions proposed by the DOGE and considered by President Trump and the Congress.

FMA's Legislative Tracker

FMA maintains a legislative tracker online that provides all members a comprehensive look at legislation introduced in Congress, and we will populate that throughout the 119th Congress. The tracker identifies information about bills we are monitoring on behalf of managers, organized in basic issue areas. You can access the tracker, which is updated on our website at <https://fedmanagers.org/Legislative-Tracker>.

The Federal Managers Association begins the 119th Congress with optimism, and

we will work to seek out ways to work with Congress and the administration to create a more efficient government while respecting our invaluable federal managers. As always, FMA will look to our members for guidance and support. Thank you in advance for doing your part to ensure every federal manager's voice is heard on Capitol Hill. ●

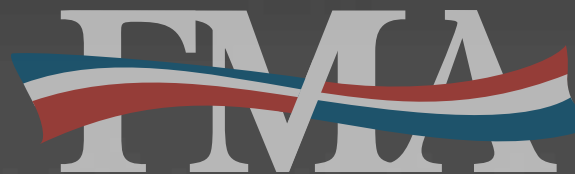
Greg Stanford is Director of Government and Public Affairs for the Federal Managers Association.

Make an Impact: Donate to FMA-PAC

PAC funds allow FMA to send you and your colleagues to intimate events with your Senators and Representative to educate them about what it is like to be a federal manager in their state and district.

Visit www.fedmanagers.org/FMA-PAC for info on how you can contribute!

To learn more about FMA's government affairs and FMA-PAC related activities, contact Director of Government Affairs Greg Stanford at gstanford@fedmanagers.org, or call 703.683.8700.



MEET YOUR LEGISLATORS



REPRESENTATIVE VERONICA ESCOBAR (D-Texas)

Veronica Escobar is a third-generation El Pasoan and the first woman to represent El Paso in the United States Congress. She serves in the 16th District of Texas in the U.S. House of Representatives, which includes FMA Chapter 252 (Fort Bliss), a U.S. Army post.

In the 118th Congress, Rep. Escobar serves on the House Armed Services Committee, including the subcommittees on Military Personnel, Quality of Life, and Readiness. These positions give Rep. Escobar a significant voice on many issues important to FMA Chapter 252 and FMA members around the nation. She is also a member of the House Judiciary Committee and the Ethics Committee. She has served in leadership as one of three co-chairs on the Democratic Policy and Communications Committee.

Prior to her election to Congress, Rep. Escobar served as both El Paso County Judge and El Paso County Commissioner. She worked as an English teacher at the University of Texas at El Paso (UTEP) and El Paso Community College. In addition, she served as communications director for former Mayor Raymond Caballero and as Executive Director of Community Scholars, a non-profit.

Congresswoman Escobar received a master's degree from New York University in addition to her undergraduate degree from UTEP. She resides in El Paso with her husband and has two children. ●

THE FACTS:

Birthplace: El Paso, Texas

Born: September 15, 1969

Education: University of Texas, El Paso, B.A., 1991;
New York University, M.A., 1993

Career:

- U.S. House of Representatives, Texas 16th District (2019-Present)
- El Paso County Judge (2011-2017)
- El Paso County Commissioner (2007-2011)
- Mayoral Aide
- Immigration Non-Profit Executive Director
- Professor

Elected: 2022 (3rd term)

Committees:

- House Armed Services
 - Subcommittee on Military Personnel
 - Subcommittee on Quality of Life
 - Subcommittee on Readiness
- House Ethics
- House Judiciary
 - Subcommittee on Constitution and Limited Government
 - Subcommittee on Immigration Integrity, Security, and Enforcement

Contact Information:

2448 Rayburn House Office Building
Washington, DC 20515
Phone: 202.225.4831
Website: <https://escobar.house.gov>

REPRESENTATIVE DAVID VALADAO (R-California)



David Valadao represents the 22nd District of California in the United States House of Representatives. He has served on the powerful House Appropriations Committee in all five of his terms in Congress. Valadao represented the 21st District from his initial election in 2012 until 2019. He was reelected to Congress in 2022 to serve in the 22nd District, following a round of redistricting. Prior to his election to the House of Representatives, Valadao served in the California State Assembly, representing the 30th District.

Valadao is a firm supporter of many of FMA's legislative priorities. In the 118th Congress, he served as the lead Republican cosponsor of the Federal Retirement Fairness Act (H.R. 5995), which would allow Federal Employee Retirement System (FERS) annuitants to buy back temporary and intermittent time in the same manner as CSRS employees. Valadao is also a cosponsor of the Social Security Fairness Act (H.R. 82), which would repeal both the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP), harmful policies that unfairly reduce Social Security benefits earned by public servants.

Valadao's father established a dairy farm in California's Central Valley in 1973, and Congressman Valadao became a partner in Valadao Dairy in 1992. The family business consists of two dairies and more than 1,000 acres of farmland that grows almonds, alfalfa, corn and wheat. Congressman Valadao has served in leadership roles within the California Milk Advisory Board, the Western States Dairy Trade Association, and Land O' Lakes.

Valadao graduated from Hanford High School in 1995 and attended the College of Sequoias. He and his wife Terra have three children. ●

THE FACTS:

Birthplace: Hanford, California

Born: April 14, 1977

Education: College of the Sequoias, Attended, 1996-1998

Career:

- U.S. House of Representatives, California, 22nd District (2023-Present)
- U.S. House of Representatives, California, 21st District (2013-2019)
- Dairy Farmer (1992-2018)

Elected: 2022 (5th term)

Committees:

- House Appropriations
 - Subcommittee on Agriculture, Rural Development, Food and Drug Administration
 - Subcommittee on Military Construction, Veterans Affairs and Related Agencies
 - Subcommittee on Transportation, Housing, and Urban Development

This subcommittee has jurisdiction over the Department of Housing and Urban Development, the Department of Transportation, as well as other agencies.

- House Committee on Budget

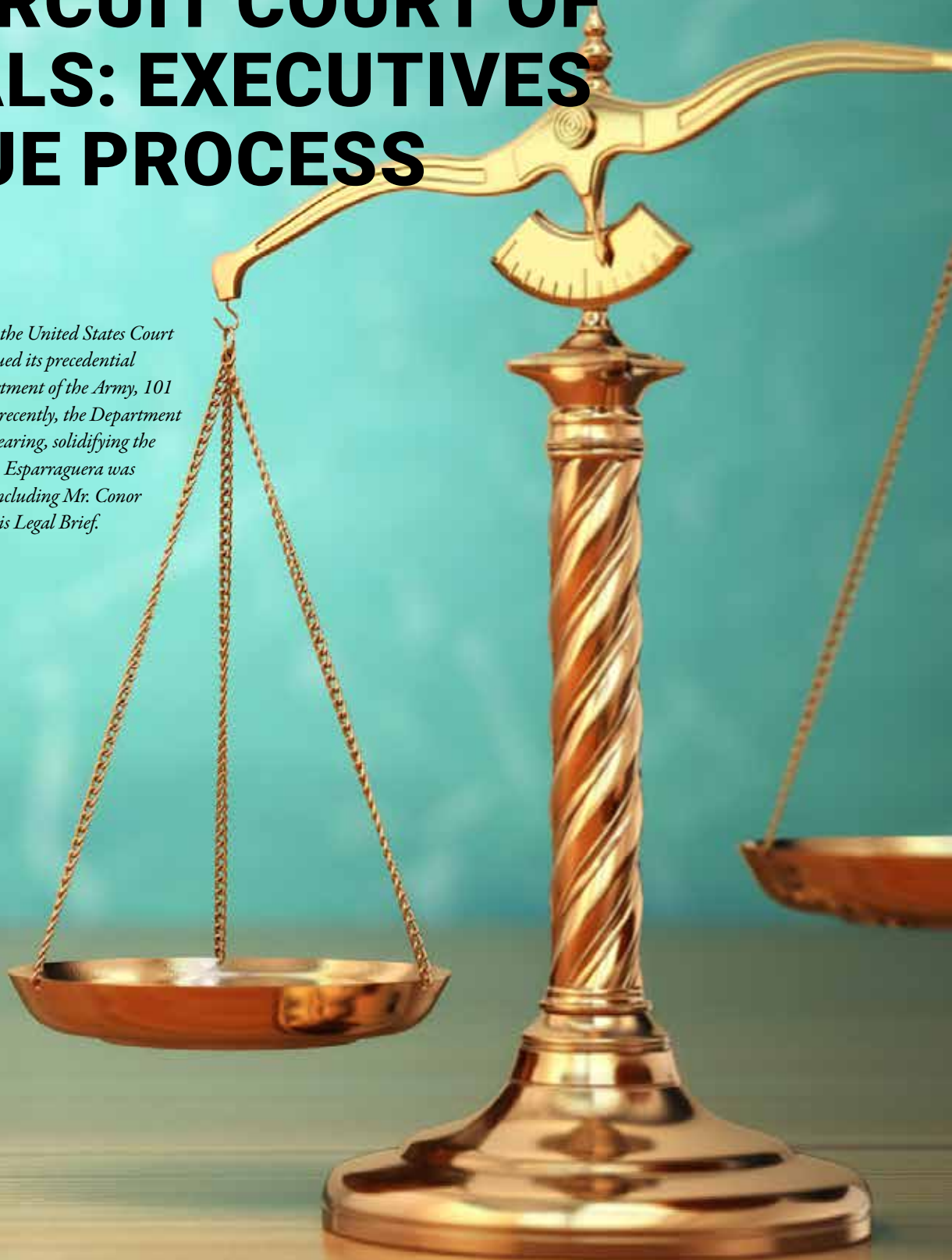
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D.C. CIRCUIT COURT OF APPEALS: EXECUTIVES GET DUE PROCESS

By Conor Dirks

*Disclosure: On May 10, 2024, the United States Court of Appeals for the D.C. Circuit issued its precedential opinion in *Esparraguera v. Department of the Army*, 101 F.4th 28 (D.C. Cir. 2024). More recently, the Department of the Army elected not to seek rehearing, solidifying the D.C. Circuit's opinion as law. Ms. Esparraguera was represented by several attorneys, including Mr. Conor Dirks, who is also the author of this Legal Brief.*





Career senior executives, like all federal managers, are subject to termination actions for misconduct. But unlike the rest of the workforce, including managers, career executives cannot be separated from federal service through the statutory performance process. Instead, career executives can only be demoted to a GS-15 position, with saved pay, “at any time for less than fully successful executive performance.” But the statutory process for demotion from the SES in the performance process is limited to an “informal hearing” before an official designated by the U.S. Merit Systems Protection Board (MSPB), pursuant to 5 U.S.C. § 3592(a)(2).

For decades, the MSPB has interpreted this statutory process to contain little more than a chance to show up, say what you want, and have it transcribed. While the executive is free to call witnesses, the MSPB has no authority to force them to show up. And Board regulations do not impose any requirements whatsoever on the agency – no burden of proof, no responsibility to produce witnesses or evidence, and no post-hearing responsibilities. The presiding official does not issue a decision – instead, they simply forward the hearing transcript and any evidence submitted by the executive back to the employing agency. That’s it.

An Army career executive was demoted under these procedures in *Esparraguera v. Dep’t of the Army*, 101 F.4th 28 (2024). But before her demotion, Army and the U.S. Office of Special Counsel (OSC) worked together to withhold from her the report from OSC that was used to demote her. Indeed, the D.C. Circuit found that the army, “at OSC’s request, denied Esparraguera a copy of the OSC Report.” Instead, Army convened a “special Promotion Review Board (PRB)” to change what was previously a Level 5 Rating to a Level 1 Rating. But even the “special PRB” didn’t get a chance to see OSC’s Report – instead, they saw an “executive summary” of OSC’s report

prepared by Army’s own staff. As the D.C. Circuit found, “Esparraguera was not aware of the special PRB nor given an opportunity to respond to the Army’s investigation of the events underlying the OSC report until after the PRB issued its recommendation” to change her Level 5 Rating to a Level 1 Rating.

Indeed, Ms. Esparraguera was notified in one fell swoop by the Under Secretary that her rating had been finalized as a Level 1 and that she would be removed from the SES as a result, without any opportunity to respond or change the Army’s mind.

Ms. Esparraguera then embarked on a quest to vindicate her constitutional right to due process, first appealing to the Federal Circuit Court of Appeals, who held that they lacked jurisdiction, pointing her instead to federal district court. But her lawsuit in federal district court was dismissed after Judge Timothy Kelly held that 5 U.S.C. § 3592’s statutory language did not create a cognizable property interest in her SES appointment. According to Judge Kelly, because she had no property interest, she was not entitled to constitutional due process – namely, meaningful notice and an opportunity to respond.

Ms. Esparraguera appealed the district court decision to the D.C. Circuit. After oral arguments, she prevailed in a 2-1 decision that reversed the district court, holding instead that career executives have a constitutionally

protected property interest in continued Senior Executive Service status. In other words, career executives cannot be deprived of their SES status without due process.

“Whether a government employee has constitutionally protected property interest in her position turns on the extent of any substantive limitations on the government’s authority to remove her,” the appeals court wrote. Here, “the statutory and regulatory provisions applicable...gave

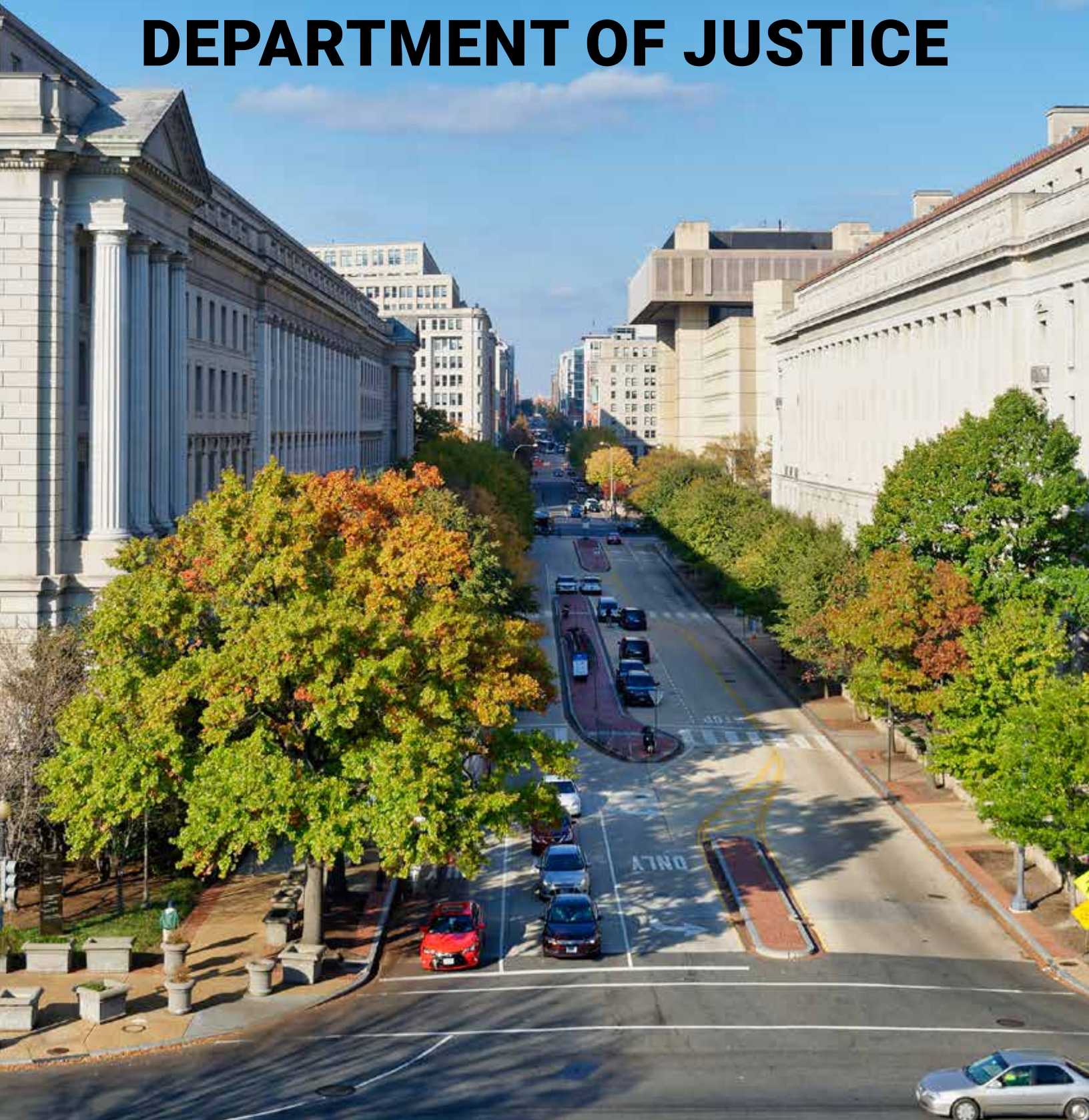
Esparraguera a property interest in her SES status.” Because “[a]n essential principle of due process is that a deprivation of life, liberty, or property ‘be preceded by notice and opportunity for hearing appropriate to the nature of the case,’” the appeals court stated, Esparraguera was entitled to “at least notice and an opportunity to respond before her removal” from the SES, “and she received neither.”

In the wake of the Esparraguera decision, this much is clear: career executives have a property interest in their SES status. They cannot be deprived of it without constitutionally correct procedures. For managers who may become executives one day, it’s something to keep in mind; your right to due process does not depend on the procedures Congress passes into law – where a property interest exists, the Constitution controls. And for executives worried that they might be stripped of their SES rank through the performance process without a fair shot, this case provides some much-needed relief. ●

Conor Dirks is an associate attorney at the law firm of Shaw Bransford & Roth, P.C., where he has practiced federal personnel and employment law since 2013. Conor is a graduate of Kenyon College and the Emory University School of Law. His areas of practice include federal personnel and employment law, GSA schedule legal services, federal agency legal services, security clearances, FOIA and Privacy Act, employment law training, and association law.

DID YOU KNOW?

A BRIEF HISTORY OF THE DEPARTMENT OF JUSTICE



By Ben Neverov

The United States Department of Justice (DOJ) was founded in 1870, and currently operates with more than 115,000 employees, across 40 varied component organizations. According to the DOJ, the agency's mission is "to uphold the rule of law, to keep our country safe, and to protect civil rights." The DOJ executes this mission through the work of a variety of components and agencies with their own unique specializations.

The DOJ headquarters is located in the Robert F. Kennedy Building in Washington, D.C., and conducts operations across the United States through ten regional offices which operate alongside a number of field offices spread across the country. The DOJ's operations extend even beyond the U.S., with the Office of International Affairs and the Criminal Division actively operating through DOJ Attachés operating in U.S. Embassies all over the world.

Before The Department of Justice

Before its official inception in 1870, the DOJ operated as the Office of the Attorney General (AG), which was established through the Judiciary Act of 1789. The first Attorney General of the United States, Edmund Jennings Randolph, attended the College of William and Mary, and after serving as General George Washington's aide-de-camp in 1775, was later appointed by President Washington to the position.

Alongside the Office of the Attorney General, the Judiciary Act also established the U.S. Attorneys, a group that would serve under the Attorney General to act as litigators and ensure proper enforcement of federal laws.



They also served the United States when it was an involved party in civil litigation.

The final administrative body created by the Judiciary Act of 1789 was the U.S. Marshals Service, which became the first federal law enforcement agency in the United States. The Marshal Service holds a host of responsibilities, including apprehending fugitives, providing federal protection services, transporting federal prisoners, and protecting federal witnesses.

The Origin of The Department of Justice

Before its official establishment, responsibility for representing the legal interests of the U.S. had been distributed across several administrative bodies in the federal government, with many falling under the jurisdiction of the Treasury Department. The first AG, Edmund Randolph, advocated for the legal dilemmas of the U.S. to fall under his direction. In 1870, following the Civil War, the U.S. faced a mountain of necessary litigation which prompted Congress to officially pass

the act which created the Department of Justice as we know it today. The newfound DOJ was to be headed by the Attorney General of the United States and would be tasked with handling all legal matters involving the United States. The arms of the DOJ held control over all federal law enforcement, as well as all criminal and civil cases in which the U.S. is an invested party. The first Attorney General to head the DOJ, Amos Akerman, was appointed by President Grant on June 23, 1870, following his tenure as the district attorney of Georgia. The most pressing matter calling the agencies attention at the time was assuring the voting and civil rights of African Americans as America progressed through Reconstruction in the formerly confederate states. Despite being a former Confederate Army officer, AG Akerman effectively employed the powers provided to him by President Grant to prosecute members of the Ku Klux Klan who were actively violating the civil rights of African Americans. Throughout the early 1870s, the DOJ was responsible for over 3,000 indictments and 600 convictions of Ku Klux Klan members, resulting in a significant decrease of violence in these states. This was the first major victory in the long operating history of the U.S. Department of Justice.

Accomplishments of The Department of Justice

One of the first "milestone documents" enforced by the DOJ was the Sherman Antitrust Act, which was the first issued federal act which targeted monopolistic business practices. This Act was, and is,

continued on next page

DID YOU KNOW?

enforced by the Antitrust Division of the DOJ, the goal of which is to protect competition and consumers and prevent harmful business practices. These include price fixing, bid fixing, and dominating entry in a market.

In 1908 during the presidency of Theodore Roosevelt, the DOJ, under the direction of AG Charles Bonaparte, created a force of special agents which would later become the Federal Bureau of Investigation (FBI). This came as the result of growing crime rates in the United States due to an increasing population, especially in more densely populated cities. AG Bonaparte, in the face of limitations enforcing federal law, created his own force of federal investigators originally named the Bureau of Investigation (BIA) on July 26, 1908, a group which would eventually become the FBI.

In the years between 1910 and 2006 the

DOJ went on to expand its responsibilities through the creation of their many individual divisions. Some of these included the Public Lands Division, Criminal Division, and National Security Division. During this time, the DOJ also continued to evolve the Federal Prison System, increase the scope and effectiveness of the FBI, and work towards guaranteeing the civil rights of U.S. citizens. The marshals continued to act as the arm of the DOJ in ongoing disputes regarding civil rights, including assisting with the integration of schools following the ruling on *Brown v. the Board of Education*.

The Department of Justice Today

The DOJ continues to operate in the interests of U.S. citizens and their civil

rights, as well as continuing to represent the legal interests of the federal government in both national and international capacities. Throughout its 150 years of operation, the priorities of the Department of Justice's many divisions have changed with the world around them while maintaining the key principles they have held since their inception. Today, the DOJ strives to tackle issues like the American drug crisis, reducing rates of violent crime, protecting vulnerable communities, and ensuring our national security. ●

Ben Neverov was an Intern for the Federal Managers Association and is a student at William & Mary University.



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RETIREMENT MATTERS

By Christine Parker





The Civil Service Retirement System (CSRS)-Offset

e-mail and FMA’s website for continuing news on issues important to our community, including legislative updates. And always feel

free to contact me or Greg Stanford, Director of Government and Public Affairs, at FMA Headquarters if you have any questions or concerns.

In this issue, I would like to focus on Social Security benefits. When I approached the age of eligibility to claim Social Security benefits, to say I was confused is an understatement. If you are approaching 60 and have not educated yourself, please make that a goal for yourself in 2025.

Fellow FMA members and prospective members,

Thank you for reading what I have to share with you about federal retirees and our retirement benefits. There are many topics that affect retirees, and this column is by no means all-inclusive. Keep an eye on your

As federal retirees, we face a handful of options when considering retirement. Age is always a factor. However, if you are a CSRS-Offset retiree, or soon-to-be retiree, there is a rule in place that affects you. As CSRS employees, we did not pay into Social Security while employed by the federal government. Therefore, those earnings are not included in the calculation of our Social Security benefits. If you worked enough quarters in the private sector (outside of federal employment), or are married to

continued on next page

EMERGENCY LOANS | DISASTER RELIEF | SCHOLARSHIPS | CHILDCARE SUBSIDIES

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someone who paid into the Social Security system, you qualify for reduced benefits.

One key piece of information – if you are already retired when you turn 62 (your youngest Social Security benefits collection age), you will receive a letter from the Office of Personnel Management notifying you that since you are eligible to collect Social Security benefits, your retirement benefit will be reduced by X number of dollars. This is the “offset” for your “federal time” when you did not pay into Social Security. This applies even if you are not collecting Social Security benefits. Therefore, you need to weigh the benefits of collecting at the earliest eligible age, versus waiting until full retirement age. (Your full retirement age is 65 to 67, depending on your year of birth.)

Currently there is a proposed law in Congress to eliminate this rule – the Social Security Fairness Act (H.R. 82). H.R. 82 passed in the House of Representatives in mid-November. As of writing, FMA is urging the Senate to pass this legislation before the end of the 118 Congress.

Federal Employees Retirement System (FERS) Special Retirement Supplement

FERS consists of three different components: the FERS annuity (pension), Social Security, and the Thrift Savings Plan (TSP). The Special Retirement Supplement (SRS), also known as the FERS Supplement, was designed for federal employees who retire before they can start taking Social Security benefits, which is at age 62. It provides supplemental income to bridge the gap from retirement to age 62. There was a time in the recent past that this supplement was at risk of being discontinued. For now, discontinuation is off the table, however, stay informed and keep tabs on your Social Security benefits.

Social Security Benefits Increase In 2025

Social Security beneficiaries will receive a 2.5 percent increase in their monthly payments in 2025. The 2025 cost-of-living adjustment (COLA) is the lowest since 2021, reflecting a continued cooling of inflation following a surge in consumer prices during the COVID-19 pandemic. According to the Social Security Administration, starting in January 2025, the 2.5 percent COLA will bump up the estimated average Social Security retirement benefit by \$49 a month – from approximately \$1,927 to \$1,976.

Be aware: this smaller increase in benefits does not match a decrease in inflation. Don't

celebrate just yet. Again, inform yourself, look at YOUR numbers, and decide how it affects your household.

To that effort, Edward A. Zurndorfer, Certified Financial Planner, has a helpful article in My Federal Retirement titled, “Social Security: 10 Ways for Federal Employees to Maximize Future Benefits” (myfederalretirement.com). It is well worth your time to read it.

AARP also has an article that spells out how this increase builds on past increases since 2021. Read “2025 Social Security COLA Benefit Increases by 2.5%,” (aarp.org).

Social Security Changes In 2025

Finally, here is a link that provides an overview of the changes in Social Security benefits for 2025 from The Motley Fool. This article lays out each change in fairly simple terms, “3 Big Social Security Changes Are Coming in 2025. Here's What Retirees Must Know,” The Motley Fool.

Make Your Voice Heard!

Use your freedom of speech as a retiree to speak up and get involved. Check out the Legislative Action Center on the FMA website. And please take the time to send Action Letters to your Representatives and Senators. The FMA website makes it easy and efficient to send communications to Capitol Hill. To send prepared Action Letters, visit: fedmanagers.org/Action-Letters. And make sure to visit your elected representatives at their local offices or schedule a virtual meeting.

As always, thank you for reading this column! It is my absolute pleasure to share useful and interesting information with my fellow retired federal managers, and I welcome your feedback, questions, and ideas for future topics. Please reach out to me anytime at FMA121Parker@gmail.com. ●

Christine Parker is FMA's Retiree Conference Chair and National Treasurer.

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