

Calendar No. 691111TH CONGRESS
2^D SESSION**S. 674****[Report No. 111-364]**

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

IN THE SENATE OF THE UNITED STATES

MARCH 24, 2009

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

DECEMBER 14, 2010

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Supervisor
3 Training Act of 2009”.

4 **SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPER-**
5 **VISORS.**

6 (a) **IN GENERAL.**—Section 4121 of title 5, United
7 States Code, is amended—

8 (1) by inserting before “In consultation with”
9 the following:

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

11 “(1) a supervisor as defined under section
12 7103(a)(10);

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

15 “(3) any other employee as the Director of the
16 Office of Personnel Management may by regulation
17 prescribe.”;

18 (2) by striking “In consultation with” and in-
19 serting “(b) Under operating competencies promul-
20 gated by, and in consultation with,”; and

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

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

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

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

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

16 “(iv) effectively managing employees with
17 unacceptable performance;

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

21 “(vi) otherwise carrying out the duties or
22 responsibilities of a supervisor;

23 “(B) a program to provide training to super-
24 visors on the prohibited personnel practices under
25 section 2302 (particularly with respect to such prac-

1 tices described under subsection (b) (1) and (8) of
 2 that section); employee collective bargaining and
 3 union participation rights; and the procedures and
 4 processes used to enforce employee rights; and

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

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

12 “(ii) pointing out strengths and areas for
 13 development.

14 “(e) Training in programs established under sub-
 15 section (b)(2) (A) and (B) shall be interactive instructor-
 16 based for managers in their first year as a supervisor.

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

21 “(2) After completion of a program under subsection
 22 (b)(2) (A) and (B), each supervisor shall be required to
 23 complete a program under subsection (b)(2) (A) and (B)
 24 at least once every 3 years.

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

4 “(e) Notwithstanding section 4118(e), the Director of
5 the Office of Personnel Management shall prescribe regu-
6 lations to carry out this section, including the monitoring
7 of agency compliance with this section. Regulations pre-
8 scribed under this subsection shall include measures by
9 which to assess the effectiveness of agency supervisor
10 training programs.”.

11 (b) REGULATIONS.—Not later than 180 days after
12 the date of enactment of this Act, the Director of the Of-
13 fice of Personnel Management shall prescribe regulations
14 in accordance with subsection (e) of section 4121 of title
15 5, United States Code, as added by subsection (a) of this
16 section.

17 (c) EFFECTIVE DATE AND APPLICATION.—

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

21 (A) each individual appointed to the posi-
22 tion of a supervisor, as defined under section
23 4121(a) of title 5, United States Code (as
24 added by subsection (a) of this section), on or
25 after that effective date; and

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

4 ~~(2) SUPERVISORS ON EFFECTIVE DATE.—~~Each
 5 individual who is employed in the position of a su-
 6 pervisor on the effective date of this section shall be
 7 required to—

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

13 ~~(B)~~ complete programs every 3 years
 14 thereafter in accordance with section 4121(d)
 15 ~~(2)~~ and ~~(3)~~ of such title.

16 **SEC. 3. MANAGEMENT COMPETENCIES.**

17 ~~(a) IN GENERAL.—~~Chapter 43 of title 5, United
 18 States Code, is amended—

19 ~~(1)~~ by redesignating section 4305 as section
 20 4306; and

21 ~~(2)~~ inserting after section 4304 the following:

22 **“§ 4305. Management competencies**

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

24 “(1) a supervisor as defined under section
 25 7103(a)(10);

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

3 ~~“(3) any other employee as the Director of the~~
4 ~~Office of Personnel Management may by regulation~~
5 ~~prescribe.~~

6 ~~“(b) The Director of the Office of Personnel Manage-~~
7 ~~ment shall issue guidance to agencies on competencies su-~~
8 ~~pervisors are expected to meet in order to effectively man-~~
9 ~~age; and be accountable for managing; the performance~~
10 ~~of employees.~~

11 ~~“(c) Each agency shall—~~

12 ~~“(1) develop competencies to assess the per-~~
13 ~~formance of each supervisor and in developing such~~
14 ~~competencies shall consider the guidance developed~~
15 ~~by the Director of the Office of Personnel Manage-~~
16 ~~ment under subsection (b) and any other qualifica-~~
17 ~~tions or factors determined by the agency;~~

18 ~~“(2) assess the overall capacity of the super-~~
19 ~~visors in the agency to meet the guidance developed~~
20 ~~by the Director of the Office of Personnel Manage-~~
21 ~~ment issued under subsection (b);~~

22 ~~“(3) develop and implement a supervisor train-~~
23 ~~ing program to strengthen issues identified during~~
24 ~~such assessment; and~~

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

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

9 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

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

“4305. Management competencies.
“4306. Regulations.”.

14 (2) **REFERENCE.**—Section 4304(b)(3) of title 5,
15 United States Code, is amended by striking “section
16 4305” and inserting “section 4306”.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Federal Supervisor*
19 *Training Act of 2010”.*

20 **SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPER-**
21 **VISORS.**

22 (a) *IN GENERAL.*—Section 4121 of title 5, United
23 States Code, is amended—

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

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

4 “(1) a supervisor as defined under section
5 7103(a)(10);

6 “(2) a management official as defined under sec-
7 tion 7103(a)(11); and

8 “(3) any other employee as the Director of the
9 Office of Personnel Management may by regulation
10 prescribe.”;

11 (2) by striking “In consultation with” and in-
12 serting “(b) Under operating competencies prescribed
13 by, and in consultation with,”; and

14 (3) by striking paragraph (2) (of the matter re-
15 designated as subsection (b) as a result of the amend-
16 ment under paragraph (2) of this subsection) and in-
17 serting the following:

18 “(2)(A) a program to provide training to super-
19 visors on actions, options, and strategies a supervisor
20 may use in—

21 “(i) developing and discussing relevant
22 goals and objectives together with the employee,
23 communicating and discussing progress relative
24 to performance goals and objectives and con-
25 ducting performance appraisals;

1 “(ii) mentoring and motivating employees
2 and improving employee performance and pro-
3 ductivity;

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

8 “(iv) effectively managing employees with
9 unacceptable performance;

10 “(v) addressing reports of a hostile work en-
11 vironment, reprisal, or harassment of, or by, an-
12 other supervisor or employee;

13 “(vi) meeting supervisor competencies estab-
14 lished by the Office of Personnel Management or
15 the employing agency of the supervisor; and

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

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

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

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

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

10 “(c) Training in programs established under sub-
11 section (b)(2) (A) and (B) shall be—

12 “(1) interactive training which may include
13 computer-based training; and

14 “(2) to the extent practicable as determined by
15 the head of the agency, training that is instructor-
16 based.

17 “(d)(1)(A) Not later than 1 year after the date on
18 which an individual is appointed to the position of super-
19 visor, that individual shall be required to have completed
20 each program established under subsection (b)(2).

21 “(B) The Director of the Office of Personnel Manage-
22 ment may establish and administer procedures under which
23 the head of an agency may extend the 1-year period de-
24 scribed under subparagraph (A) with respect to an indi-
25 vidual.

1 “(2) *After completion of a program under subsection*
 2 *(b)(2) (A) and (B), each supervisor shall be required to com-*
 3 *plete a program under subsection (b)(2) (A) and (B) at*
 4 *least once every 3 years.*

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

8 “(4) *Each agency shall measure the effectiveness of*
 9 *training programs established under subsection (b)(2).*

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

17 **(b) REPORT ON EXTENSIONS FOR TRAINING REQUIRE-**
 18 **MENTS.—**

19 **(1) APPROPRIATE CONGRESSIONAL COMMIT-**
 20 **TEES.—***In this subsection, the term “appropriate con-*
 21 *gressional committees” means—*

22 **(A) the Committee on Homeland Security**
 23 **and Governmental Affairs of the Senate; and**

24 **(B) the Committee on Oversight and Gov-**
 25 **ernment Reform of the House of Representatives.**

1 (2) *REPORT.*—Not later than November 1 of the
2 *first full fiscal year following the date of enactment*
3 *of this Act and not later than November 1 of each fis-*
4 *cal year thereafter, the Director of the Office of Per-*
5 *sonnel Management shall submit a report with respect*
6 *to the preceding fiscal year to the appropriate con-*
7 *gressional committees on—*

8 (A) *the number of extensions granted under*
9 *section 4121(d)(1)(B) of title 5, United States*
10 *Code, as added by subsection (a) of this section;*
11 *and*

12 (B) *the number of individuals completing*
13 *the requirements of section 4121(d)(1)(A) of title*
14 *5, United States Code, as added by subsection*
15 *(a) of this section.*

16 (c) *REGULATIONS.*—Not later than 1 year after the
17 *date of enactment of this Act, the Director of the Office of*
18 *Personnel Management shall prescribe regulations under*
19 *section 4121(e) of title 5, United States Code, as added by*
20 *subsection (a) of this section.*

21 (d) *EFFECTIVE DATE AND APPLICATION.*—

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

1 (A) each individual appointed to the posi-
2 tion of a supervisor, as defined under section
3 4121(a) of title 5, United States Code (as added
4 by subsection (a) of this section), on or after that
5 effective date; and

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

9 (2) SUPERVISORS ON EFFECTIVE DATE.—Each
10 individual who is employed in the position of a su-
11 pervisor on the effective date of this section shall be
12 required to—

13 (A) complete each program established
14 under section 4121(b)(2) of title 5, United States
15 Code (as added by subsection (a) of this section),
16 not later than 3 years after the effective date of
17 this section; and

18 (B) complete programs every 3 years there-
19 after in accordance with section 4121(d) (2) and
20 (3) of such title.

21 **SEC. 3. MANAGEMENT COMPETENCIES.**

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

24 (1) by redesignating section 4305 as section
25 4306; and

1 (2) *inserting after section 4304 the following:*

2 **“§ 4305. Management competencies**

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

4 “(1) *a supervisor as defined under section*
5 *7103(a)(10);*

6 “(2) *a management official as defined under sec-*
7 *tion 7103(a)(11); and*

8 “(3) *any other employee as the Director of the*
9 *Office of Personnel Management may by regulation*
10 *prescribe.*

11 “(b) *The Director of the Office of Personnel Manage-*
12 *ment shall issue guidance to agencies on competencies su-*
13 *pervisors are expected to meet in order to effectively man-*
14 *age, and be accountable for managing, the performance of*
15 *employees.*

16 “(c) *Based on guidance issued under subsection (b)*
17 *and on any additional competencies developed by an agen-*
18 *cy, each agency shall assess the performance of the super-*
19 *visors and the overall capacity of the supervisors in that*
20 *agency.*

21 “(d) *Every year, or on any basis requested by the Di-*
22 *rector of the Office of Personnel Management, each agency*
23 *shall submit a report to the Office of Personnel Management*
24 *on the progress of the agency in implementing this section,*
25 *including measures used to assess program effectiveness.”.*

1 **(b) TECHNICAL AND CONFORMING AMENDMENTS.—**

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

 “4305. *Management competencies.*

 “4306. *Regulations.*”.

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

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A BILL

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