

114TH CONGRESS
2D SESSION

S. 3528

To provide for mandatory training for Federal Government supervisors and the assessment of management competencies.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

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

A BILL

To provide for mandatory training for Federal Government supervisors and the assessment of management competencies.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Supervisor
5 Training Act of 2016”.

6 **SEC. 2. MANDATORY TRAINING PROGRAMS FOR SUPER-**
7 **VISORS.**

8 (a) IN GENERAL.—Section 4121 of title 5, United
9 States Code, is amended—

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

3 “(a) DEFINITIONS.—For purposes of this section—

4 “(1) the term ‘program’ means any activity,
5 project, function, or policy that has an identifiable
6 purpose or set of objectives; and

7 “(2) the term ‘supervisor’ means—

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

10 “(B) a management official, as defined
11 under section 7103(a)(11); or

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

15 (2) by striking “In consultation with” and in-
16 serting “(b) TRAINING PROGRAMS TO BE ESTAB-
17 LISHED.—In consultation with”; and

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

22 “(2) a program—

23 “(A) to require supervisors to have indi-
24 vidual development plans that provide for train-

ing on actions, options, and strategies a supervisor may use in—

“(i) developing and discussing relevant performance goals and objectives with the employee and ensuring the performance goals and objectives align to the mission and priority goals of the agency;

“(ii) communicating and discussing progress relative to performance goals and objectives, and conducting performance appraisals;

“(iii) mentoring and motivating employees and improving employee engagement, performance, and productivity;

“(iv) fostering a work environment characterized by fairness, respect, equal opportunity, and attention paid to the merit of the work of employees;

“(v) effectively managing employees with unacceptable performance, including training to understand the disciplinary options and procedures available to the supervisor;

“(vi) effectively using the probationary period to examine whether an em-

1 employee has demonstrated successful per-
2 formance or conduct to continue past the
3 probationary period;

4 “(vii) addressing reports of a hostile
5 work environment, retaliation, or harass-
6 ment of, or by, another supervisor or em-
7 ployee;

8 “(viii) meeting supervisor com-
9 petencies established by the Office of Per-
10 sonnel Management or the employing agen-
11 cy of the supervisor;

12 “(ix) collaborating with human re-
13 sources employees to recruit, select, ap-
14 praise, and reward employees to build a
15 workforce based on organizational goals,
16 budget considerations, and staffing needs;
17 and

18 “(x) otherwise carrying out the duties
19 or responsibilities of a supervisor;

20 “(B) to provide training to supervisors on
21 the prohibited personnel practices under section
22 2302 (particularly with respect to such prac-
23 tices described under paragraphs (1) and (8) of
24 subsection (b) of that section), employee rights,

1 and the procedures and processes used to en-
2 force employee rights; and

3 “(C) under which experienced supervisor
4 mentors are identified, evaluated, and approved
5 to provide guidance and advice to new or under-
6 performing supervisors to—

7 “(i) transfer knowledge and advice in
8 areas such as communication, critical
9 thinking, responsibility, flexibility, moti-
10 vating and engaging employees, teamwork,
11 leadership, and professional development;
12 and

13 “(ii) identify strengths and areas for
14 development.

15 “(c) REQUIREMENTS FOR TRAINING DESIGN.—
16 Training in the program components established under
17 subparagraphs (A) and (B) of subsection (b)(2) shall—

18 “(1) be designed using principles of adult learn-
19 ing and an industry standard instructional design
20 model; and

21 “(2) to the extent practicable, as determined by
22 the agency, be training that is instructor-based.

23 “(d) TIMING OF TRAINING.—

24 “(1) INITIAL TRAINING.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date on which an individual is ap-
3 pointed to the position of supervisor, that indi-
4 vidual shall be required to have completed each
5 program component established under sub-
6 section (b)(2).

7 “(B) EXTENSIONS.—The Director of the
8 Office of Personnel Management may establish
9 and administer procedures under which an
10 agency may extend the 1-year period described
11 under subparagraph (A) with respect to an in-
12 dividual.

13 “(2) SUBSEQUENT TRAINING.—After comple-
14 tion of a program component under subparagraphs
15 (A) and (B) of subsection (b)(2), each supervisor
16 shall be required to complete a program component
17 under such subparagraphs not less frequently than
18 once every 3 years.

19 “(3) CREDIT FOR SIMILAR TRAINING.—Each
20 program component established under subsection
21 (b)(2) shall include provisions under which the agen-
22 cy gives a supervisor credit toward a period of train-
23 ing that the agency determines is similar to training
24 that the supervisor previously completed.

1 “(4) EFFECTIVENESS EVALUATION.—Each
 2 agency shall measure the effectiveness of training
 3 program components established under subsection
 4 (b)(2).

5 “(e) INFORMATION ON DEVELOPMENTAL OPPORTU-
 6 NITIES.—An agency shall make available to each super-
 7 visor—

8 “(1) a detailed list of developmental opportuni-
 9 ties available to the supervisor; and

10 “(2) the policies of the agency for requiring su-
 11 pervisor development.

12 “(f) REGULATIONS.—Notwithstanding section
 13 4118(c), the Director of the Office of Personnel Manage-
 14 ment shall prescribe regulations to carry out this section,
 15 including the monitoring of agency compliance with this
 16 section. Regulations prescribed under this subsection shall
 17 include measures by which to assess the effectiveness of
 18 agency supervisor training programs.”.

19 (b) REPORT ON EXTENSIONS FOR TRAINING RE-
 20 QUIREMENTS.—

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 22 TEES.—In this subsection, the term “appropriate
 23 congressional committees” means—

24 (A) the Committee on Homeland Security
 25 and Governmental Affairs of the Senate; and

1 (B) the Committee on Oversight and Gov-
2 ernment Reform of the House of Representa-
3 tives.

4 (2) REPORT.—Not later than 2 years after the
5 date of enactment of this Act and annually there-
6 after, the Director of the Office of Personnel Man-
7 agement shall submit a report with respect to the
8 preceding fiscal year to the appropriate congres-
9 sional committees on—

10 (A) the number of extensions granted
11 under section 4121(d)(1)(B) of title 5, United
12 States Code, as added by subsection (a) of this
13 section, which shall include—

14 (i) a brief description of the reason
15 why the training was not completed;

16 (ii) the actions the agency plans to
17 take to ensure training is received; and

18 (iii) the date by which the agency in-
19 tends to complete the training; and

20 (B) the number of individuals completing
21 the requirements of section 4121(d)(1)(A) of
22 title 5, United States Code, as added by sub-
23 section (a) of this section.

24 (c) REGULATIONS.—Not later than 1 year after the
25 date of enactment of this Act, the Director of the Office

1 of Personnel Management shall prescribe regulations
 2 under section 4121(f) of title 5, United States Code, as
 3 added by subsection (a) of this section.

4 (d) CAREER TRACK FOR TECHNICAL EXPERTS.—
 5 Section 5106 of title 5, United States Code, is amended
 6 by adding at the end the following:

7 “(d) To the extent practicable under the require-
 8 ments under this chapter, each agency shall develop a ca-
 9 reer track for employees of the agency whom the agency
 10 determines are mission critical technical experts that af-
 11 fords the employees the opportunity for career advance-
 12 ment, without being required to be appointed to a manage-
 13 ment or supervisory position.”.

14 (e) EFFECTIVE DATE AND APPLICATION.—

15 (1) IN GENERAL.—The amendments made by
 16 this section shall take effect 1 year after the date of
 17 enactment of this Act.

18 (2) APPLICABILITY.—The amendments made
 19 by this section shall apply to—

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

1 (B) each individual who is employed in the
2 position of a supervisor on the effective date of
3 the amendments as provided under paragraph
4 (3).

5 (3) EXISTING SUPERVISORS.—Each individual
6 who is employed in the position of a supervisor, as
7 defined under section 4121(a) of title 5, United
8 States Code (as added by subsection (a) of this sec-
9 tion), on the effective date of the amendments made
10 by this section and is not subject to an extension
11 under section 4121(d)(1)(B) of title 5, United
12 States Code (as added by subsection (a) of this sec-
13 tion) shall be required to—

14 (A) complete each program component es-
15 tablished under subparagraphs (A) and (B) of
16 section 4121(b)(2) of title 5, United States
17 Code (as added by subsection (a) of this sec-
18 tion), not later than 3 years after the effective
19 date of the amendments; and

20 (B) complete program components every 3
21 years thereafter in accordance with paragraphs
22 (2) and (3) of section 4121(d) of that title (as
23 added by subsection (a) of this section).

24 (f) GAO REPORT.—Not later than 1 year after the
25 date of enactment of this Act, the Comptroller General

1 shall submit to Congress a report on the mandatory train-
 2 ing programs required to be established by under section
 3 4121(b)(2) of title 5, United States Code (as added by
 4 subsection (a) of this section) and the effectiveness of
 5 those programs.

6 **SEC. 3. MANAGEMENT COMPETENCIES.**

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

9 (1) by redesignating section 4305 as section
 10 4306; and

11 (2) by inserting after section 4304 the fol-
 12 lowing:

13 **“§ 4305. Management competencies**

14 “(a) DEFINITION.—In this section, the term ‘super-
 15 visor’ means—

16 “(1) a supervisor, as defined under section
 17 7103(a)(10);

18 “(2) a management official, as defined under
 19 section 7103(a)(11); or

20 “(3) any other employee as the Director of the
 21 Office of Personnel Management may by regulation
 22 prescribe.

23 “(b) GUIDANCE.—The Director of the Office of Per-
 24 sonnel Management shall issue guidance to agencies on
 25 competencies supervisors are expected to meet in order to

1 effectively manage, and be accountable for managing, the
 2 performance of employees.

3 “(c) ASSESSMENT BY AGENCIES.—Based on guid-
 4 ance issued under subsection (b) and on any additional
 5 competencies developed by an agency, each agency shall
 6 assess the performance of the supervisors and the overall
 7 capacity of the supervisors in that agency.

8 “(d) REPORTS.—Every year, or on any basis re-
 9 quested by the Director of the Office of Personnel Man-
 10 agement, each agency shall submit to the Office of Per-
 11 sonnel Management a report on the progress of the agency
 12 in implementing this section, including measures used to
 13 assess program effectiveness.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) TABLE OF SECTIONS.—The table of sections
 16 for chapter 43 of title 5, United States Code, is
 17 amended by striking the item relating to section
 18 4305 and inserting the following:

“4305. Management competencies.

“4306. Regulations.”.

19 (2) REFERENCE.—Section 4304(b)(3) of title 5,
 20 United States Code, is amended by striking “section
 21 4305” and inserting “section 4306”.

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