

## BLACKS IN GOVERNMENT

### REGION XI WEEKLY ANNOUNCEMENTS

October 1, 2012

# SCHOLARLY SUPPORT!

*Hello Region XI!*

*With September firmly behind us, students are comfortably back in school and parents are back into the school year routine of after school activities and looking over homework. And, since I have also started back teaching accounting on Thursday nights at Montgomery College in Germantown, it reminded me that many of you are also going back to school to get advanced degrees and in some instances first degrees. That fact makes me wonder, and hope at least, that all of you are well aware of BIG's national STACK program that can help you with your school expenses. If not, shame on me for just now using my weekly remarks to focus on this important program!*



*STACK stands for Scholarships to Acquire Career Keys. The operative word there is "Scholarships". While many of our BIG Chapters annually offer scholarships for high school graduates that are heading off to college, BIG also has a national scholarship for members to use to advance their own careers. Of course, this can be a tremendous benefit to our members and it is my pleasure, indeed my job, to tell you more about the benefits of membership.*

*The eligibility requirements and application can be found at our BIG national website at [www.bignet.org](http://www.bignet.org) but here's the gist of it. First, you must be financial (as determined by your records at the National Office) and active (associated with a chapter) for two consecutive years (with no lapse in membership) before applying. The applicant must then show that the training is desired for current or potential employment but employer funds are not available (e.g. you've submitted a training request that has been rejected). The funds can be used for a broad category of expenses, including books, tuition, travel, and other associated expenses.*

*As I said at the outset, shame on me for just now using my remarks to highlight this important benefit to our members. So, over the course of the next several weeks, I will also use my remarks to make sure you are aware of other national benefits that are available to you like the Attorney Assistance Program grants where members can apply for up to \$2500 towards their legal fees for an EEO case, and the Monetary Assistance Program (MAP) for chapters to support a specific activity that is in line with the goals and objectives of BIG but that the chapter doesn't have the funds to administer. For more information, stay tuned. In the meantime, feel free to visit our national website.*

*Shirley A. Jones, Esq.*

**RXIC PRESIDENT**



*Post. Enjoy your week, unless you have other plans*

**KHALFANI CHAPTER**

*Outstanding Chapter of the Week!*



## BLACKS IN GOVERNMENT



### OSC ANNOUNCES HATCH ACT VIOLATION BY HHS SECRETARY KATHLEEN SEBELIUS

On September 12, 2012, the Office of Special Counsel (OSC) notified President Obama that Department of Health and Human Services (HHS) Secretary Kathleen Sebelius violated the Hatch Act while giving a speech earlier this year. OSC concluded that Secretary Sebelius violated the Act when she served as the guest of honor and keynote speaker at a February 25, 2012 gala in Charlotte, North Carolina, for the Human Rights Campaign, a private, nonprofit civil rights organization. At the time of the event, the HHS Secretary's travel was billed as official travel since she appeared at the event in an official capacity, so the investigation also looked into whether the costs of political activity had been paid for by the U.S. Treasury in violation of 5 U.S. C. Section 7324(b). According to the OSC report, HHS "retroactively reclassified the event as political," and reimbursed the federal government for the costs of her travel so no violation of that provision occurred. And, because Secretary Sebelius was appointed by the President and confirmed by the Senate, the final step in their investigation was to send a letter to President Obama reporting the Hatch violation. The letter to the President did not, however, specifically recommend that any action be taken against Secretary Sebelius.

According to Secretary Sebelius, the remarks at issue were an off the cuff departure from her official text. She admitted that advocating for the election of the Lt. Governor in his race for governor and for the re-election of President Obama should not have been made in her official capacity. She took issue, however, with how OSC ultimately addressed her violation, one that she described as technical and minor and not the type that the Hatch Act is intended to address. In a letter to OSC, Secretary Sebelius noted that while she appreciated that OSC did not recommend that any action be taken against her, she believed OSC should have concluded that the violation had been "corrected" when the event was reclassified as "political" and the expenses reimbursed.

There are two very interesting points that should be taken away from this OSC investigation. First, it shows that even the head of an agency isn't immune from a Hatch Act investigation. And, that highlights how much more we as every day civil servants should be cognizant of what the Hatch Act allows and doesn't allow. Second, Secretary Sebelius' position on her Hatch Act violation seems to be a novel one that we shouldn't rely on. Since the law itself doesn't have an "intent" element and whether an action is a violation would seem to be determined at the time the action is taken, I would question whether a Hatch Act violation could ever be "corrected".

*Shirley A. Jones, Esq.*  
RXIC President & National Legal Review Chair



# “Ask the Lawyer”

By, Neil A.G. McPhie, Esq.



**Q. What happens if you return from active duty to find that the federal civil service job you left to serve in the military was abolished while you were deployed?**

A. When that “old job” is not there when the veteran returns and applies for reemployment, employers are required by the Uniformed Services Employment and Reemployment Rights Act to hire him or her to a position of “like status.”

In *Heidel v. U.S. Postal Service* (1996), the Merit Systems Protection Board noted that Congress did not define “like status” in USERRA. Case law, the Board said, indicated the phrase can be determined through the consideration of “pertinent factors,” such as “opportunities for advancement, general working conditions, job location, shift assignment, rank and responsibility, ect.” To this the Board added that a position is not of “like status” “if the duties and responsibilities of the new position are not comparable to those of the former position.”

For example, *Heidel* involved a G-4 mail handler who left his job at the Postal Service to serve on active duty. He returned with a service-connected disability, and the Postal Service reemployed him to a PS-2 custodial position. The MSPB found this personnel action violated USERRA and ordered the agency to assign the veteran to a position of “like status.” The agency then assigned the veteran to a position requiring him to handle and repair damaged mail. This position had the same title and grade as the position the veteran had prior to going on active duty, but it was more socially isolating and had fewer responsibilities. The employee again appealed to the Board, which found the position and the original one had different duties and responsibilities and therefore were not of “like status.”

If an agency eliminates a position while an employee is on active duty and replaces it with a higher-ranking position, this newly created position may not be considered of like status. For example, *Leite v. Dep’t of the Army* (2008) involved a GS-13 resource management chief whose position was eliminated and replaced with a GS-14 financial manager position while she was on active duty. Upon her return, the agency reemployed her to a comparable GS-13 position, but she believed that USERRA entitled her to the GS-14 position. Noting that promotion to this GS-14 position was not a privilege of seniority and that there was no way of knowing whether the veteran would have been assigned the duties of this new position had she never left for active duty, the Board found the agency satisfied USERRA by assigning her to the comparable GS-13 position.

Veterans experiencing difficulty returning to their federal sector jobs should immediately contact a federal employment law attorney.



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*Neil McPhie is the Virginia Managing Partner for Tully Rinckey PLLC and the former chairman of the U.S. Merit Systems Protection Board. He concentrates his practice in federal sector employment and labor law and can be reached at [nmcphie@fedattorney.com](mailto:nmcphie@fedattorney.com). To schedule a meeting with an attorney call 202-787-1900.*

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BLACKS IN GOVERNMENT

# 2012 AWARDS



BLACKS IN GOVERNMENT  
**REGION XI COUNCIL**  
2012 AWARDS CRITERIA



**IMPORTANT:** All Awards submissions are due by the person(s) identified in the criteria on or before the deadline date of: November 2<sup>nd</sup>, 2012 (1200). Late submissions will not be accepted, or returned to the submitting party.

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**[AWARDS CRITERIA LINK!](#)**

*James E. Wood*

Awards Committee Chair  
[RXICAWards@gmail.com](mailto:RXICAWards@gmail.com)

## BLACKS IN GOVERNMENT

Good morning BIG!

The Deputy Assistant Secretary of the Navy (Civilian Human Resources) is holding the 2012 DON Leadership & Career Development Training "Expanding Leadership Opportunities," 22-23 October at the Washington Navy Yard Catering & Conference Center in Washington, DC. This training is being presented in partnership with the Executive Diversity Advisory Council (EDAC) and the African American SES Advisory Committee.

Registration will began 17 September 2012 at <http://www.donhr.navy.mil> and DON civilians GS-14/15 (or equivalent) in the local commuting area are invited to attend. The POC for this training is Adelle Dantzler. She can be reached at [adelle.j.dantzler@navy.mil](mailto:adelle.j.dantzler@navy.mil) or (703)695-2872.

*Janel Whitehart*

Administrative Assistant

Office of the Deputy Assistant Secretary of the Navy (Civilian Human Resources)

Office: 703-571-9033 CHR Main Line: 703-695-2633

## Equality

Advocates for justice!

We've often heard it said that knowledge is power, and indeed it is. One of the objectives of the Region XI EEO Committee is to empower you, the members. It is toward that end that we have developed an Advocacy Assessment survey to gauge your advocacy needs. We ask that you please complete this survey so that we may better serve you. Completed surveys may be given to your chapter's Regional Representative(s) for collection at the October Regional Council meeting (October 13) or emailed to [BIGadvocacy@comcast.net](mailto:BIGadvocacy@comcast.net). If you have questions/concerns, please don't hesitate to contact me at [202-606-6893](tel:202-606-6893) or [BIGadvocacy@comcast.net](mailto:BIGadvocacy@comcast.net).

[EEO LINK!](#)

Yours in service,

*Carolyn Thompson, Chair*

Region XI EEO Committee

### ***Big Members:***

If you live in Maryland and own a home, make sure your application for the **Homestead Tax Credit** is on file!!! You have to call [410-767-2165](tel:410-767-2165) to see if you have an application on file, if you do not have an application on file, which most people don't, you have to file one before **December 31, 2012**. If you do not file the needed application, you will no longer receive the credit effective 2013 and your property taxes will increase.

***You will not be able to file an application after the deadline.***

This is a onetime process, applications are not being sent out you must call to have one sent to you. It would be wise for everyone to complete an application just in case your home is appraised at a higher value in the future. As long as you have an application on file, you will receive the credit or there will be a cap to how much your property tax can increase.

For more information go to the link: <http://www.dat.state.md.us/sdatweb/homestead.html>

*Mr. Gerald Kyler*

BIG IRS NCC



## BLACKS IN GOVERNMENT



# Library of Congress Chapter Going to New York!

**Subject:** Apollo Theater Historic Tour

Library of Congress Chapter of BIG Fundraiser, Escape with a day of Fun in New York City

Saturday, November 3, 2012 Cost: \$125.00\*\*payment plan

Apollo Theater Historic Tour and Cotton Club and Soul Food Buffet  
Bus Departs: 5:45 am Equestrian Center, Upper Marlboro, MD  
6:00 am - Forestville Military, 7001 Beltz Drive, Forestville, MD  
Return 10:00-10:30 pm

**\*\*\$45.00 deposit (Due Now)-\$40.00 due by 9/17**

**Final payment due by 10/5/12 No Refunds**

All proceeds benefit LC Chapter operating expenses, tickets on sale NOW so please let us know if you planning on travelling with us on November 3<sup>rd</sup>:

Darlene  
202.707.4529 office  
202.498.5828 cell

Angie  
202.707.7393 office  
301.675.0376 cell

## BLACKS IN GOVERNMENT REGION XI PROUDLY SPONSORS THE LOUDEST DUCK FEDERAL EMPLOYEES TOWN HALL



**\*\*\* NEW DATE \*\*\***

**SATURDAY, October 13, 2012 / 10:00 a.m. - 12:00 p.m.**



**NOAA Auditorium and Science Center  
1301 East-West Highway, Silver Spring, MD**



Want your voices heard against pay freezes, reductions in benefits, and destructive comments maligning the image of government employees? Mark your calendars and plan to attend our BIG Region XI Council's moderated panel discussion with a cross section of employee organizations e.g. FEW (National President confirmed), FMA (National President tentatively confirmed), AFGE (National Vice President Dwight Bowman, District 14, confirmed), NTEU, NARFE, and AAFEA discussing the use of federal government employees as targets in the budget debates and how we can collectively fight against these issues. For more information, contact BIG Region XI Council President, Shirley A. Jones, Esq., at <http://www.bigrxi.org> using the "Ask The President" link or by phone on (202) 465-5852 (mobile).

## BLACKS IN GOVERNMENT

BIG Members:

*We celebrate Mother's Day once a year. To some, that's just not enough!!!!*

Please join the FMS-BIG Chapter as we extend our Mother's Day with a trip to Las Vegas, NV. Take in some shows, enjoy the night-life, shopping, and casino winning, all at your leisure. All are welcomed!!!!

For further information, please contact the members listed on the flyer.

[YOUR LINK TO FUN!](#)

*Donna M. Harper*

Fundraising Committee  
FMS-BIG Chapter

QUEEN  
OF  
THE  
CASTLE

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### ***Membership Note!***

***Please have your Membership Chairman double check your numbers for the year of 2012. All financial members will be counted from February 1<sup>st</sup> to November 1<sup>st</sup>, 2012. Many of the Chapters have done well to increase their membership! Congrats and thanks for all you do, it has not gone unnoticed!***

*Sincerely,  
Billy Hill  
2<sup>nd</sup> VP*

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## BLACKS IN GOVERNMENT



**Saturday,  
November 3, 2012**

**Cost: \$125.00  
Payment Plan Available**

**\$45.00 Deposit  
(Due NOW)**

**\$40.00 due by 9/17/12**

**Final payment due by  
Friday, October 5, 2012**

**Please make checks  
payable to LC BIG and  
mail to P.O. Box 15841  
Washington, DC 20003**

### **NO REFUNDS!!**

**Bus Departs:  
5:45 am:  
Equestrian Center  
Upper Marlboro, MD**

**6:00 am:  
Forestville Military  
Academy  
7001 Beltz Dr.  
Forestville, MD**

**Estimated return time  
between 10 -10:30 pm.**

**\*\*Proceeds Benefit  
Outreach and Educational  
Programs\*\***

**For ticket info, call or email:**

**Michele Chisholm: 202.707.6506  
(mchi9917@yahoo.com)  
Darlene Flowers: 202.498.5828  
(dflo3929@gmail.com)  
Angie Harris: 301.675.0376  
(lovethesecondles@gmail.com)  
Shamika Mungin: 202.707.4660  
(Willie Price: 301.503.6495  
(wilche\_tretanbre@yahoo.com)**

**Library of Congress Chapter of  
BLACKS IN GOVERNMENT FUNDRAISER  
Escape with a Day of Fun  
in New York City**

### **APOLLO Theater Historic Tour**



### **COTTON CLUB**

### **Gospel Show and Soul Food Buffet**



[www.cottonclub-newyork.com](http://www.cottonclub-newyork.com)

[www.apollotheater.org](http://www.apollotheater.org)



**BLACKS IN GOVERNMENT**

***“Mark your calendar  
and Save the Date”*** ★

**December**

**Saturday**

**1<sup>st</sup>**



**Martins Crosswinds**

**7400 Greenway Center Dr.**

**Greenbelt, MD 20770**

**7:00pm until 12:00AM** ★

**Cost: \$65.00 per person or \$600 per table**

# **Blacks In Government Annual** ★ ***Mae Napier Holiday Gala***

**Menu: Sit-down Buffet, Carving Stations (Prime Rib & Turkey),  
Dessert Table, Holiday Decorations and more.....**

**Cash Bar, Music, Photographer, Door prizes and Region XI Awards**

***Tickets will be available at the September 8, 2012 Council Meeting.  
Tables will only be reserved for chapters that sell 10 or more tickets.*** ★

**Contacts: Michael McCrimmon,  
Fundraising Chair  
(202) 781-3690**

**Marion Allen,  
Programs and Education Chair  
(240) 402-1584** ★

**BLACKS IN GOVERNMENT**

**FMS-BIG CHAPTER**

*Presents*

**An Overnight Trip to Atlantic City**

Sunday, November 4, 2012 to Monday, November 5, 2012  
*(Proceeds to benefit the Scholarship Fund)*

Trip Includes

- ✓ Round trip Motor Coach
- ✓ 1 Night Hotel Accommodation at the Showboat Casino & Hotel
- ✓ \$30.00 Rebate; \$10.00 Food Voucher
- ✓ Shopping at the Atlantic City Outlets

**Cost - \$170.00 per person (Double Occupancy)  
\$195.00 (Single)**

\$162.00 per person (Triple)

**Departure – 6301 Ivy Lane, Greenbelt, Md**

**Departure Time - 8:00am (Sunday, 11/4/12)**

**Arrival to Maryland – 4pm (Monday, 11/5/12)**

**(\*\*Departure time subject to change)**

\*\*\*\*\*

**Suggested Payment Plan:**

Initial Deposit - \$100.00 due on or before 9/1/2012  
(NO REFUNDS)

Final Payment - Due on or before 10/1/2012

Click [here](#) to download registration form