

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5810
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Federal Supervisor
3 Education Act”.

**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 to read as follows:

8 “§ 4121. Specific training programs

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘program’ has the meaning given
11 that term in section 1122(a)(1)(C) of title 31; and

12 “(2) the term ‘supervisor’ means—

13 “(A) a supervisor (as that term is defined
14 in section 7103(a)(10));

15 “(B) a management official (as that term
16 is defined under such section); or

1 “(C) any other employee as the Director of
2 the Office of Personnel Management may by
3 regulation prescribe.

4 “(b) ESTABLISHMENT OF TRAINING PROGRAMS.—In
5 consultation with the Office of Personnel Management,
6 the head of each agency shall establish—

7 “(1) a comprehensive management succession
8 program to provide training to employees to develop
9 managers for the agency; and

10 “(2) a program—

11 “(A) under which supervisors have individual development plans, established by the head, that provide for training on actions, options, and strategies a supervisor may use in—

15 “(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;

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

- 1 “(iii) mentoring and coaching employees and improving employee engagement, performance, and productivity;
- 2 “(iv) fostering a work environment characterized by fairness, respect, equal opportunity, and attention paid to the merit of the work of employees;
- 3 “(v) effectively managing employees with unacceptable performance, including training to understand the disciplinary options and procedures available to the supervisor;
- 4 “(vi) effectively using the probationary period to examine whether an employee has demonstrated successful performance or conduct to continue past the probationary period, and to assess the needs and interests of the agency with respect to the probationary employee’s final appointment;
- 5 “(vii) addressing reports of a hostile work environment, retaliation, or harassment of, or by, another supervisor or employee;

1 “(viii) meeting supervisor competencies established by the Office of Personnel Management or the employing agency of the supervisor; and

2 “(ix) collaborating with human resources employees to recruit, select, appraise, and reward employees to build a workforce based on organizational goals, budget considerations, and staffing needs;

3 “(B) to provide training to supervisors on the prohibited personnel practices under section 2302, employee rights, and the procedures and processes used to enforce employee rights; and

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

5 “(i) transfer knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating and engaging employees, teamwork, leadership, and professional development; and

6 “(ii) identify strengths and areas for development.

1 “(c) REQUIREMENTS FOR TRAINING DESIGN.—

2 Training in the program components established under
3 subparagraphs (A) and (B) of subsection (b)(2) shall—4 “(1) be designed using principles of adult learn-
5 ing and an industry standard instructional design
6 model; and7 “(2) to the extent practicable, as determined by
8 the agency, be training that is instructor-based.

9 “(d) TIMING OF TRAINING.—

10 “(1) INITIAL TRAINING.—

11 “(A) IN GENERAL.—Not later than 1 year
12 after the date an individual is appointed to the
13 position of supervisor, such individual shall be
14 required to have completed each program com-
15 ponent established under subsection (b)(2).16 “(B) EXTENSIONS.—The Director of the
17 Office of Personnel Management may establish
18 and administer procedures under which an
19 agency may extend the 1-year period described
20 under subparagraph (A) with respect to an in-
21 dividual.22 “(2) SUBSEQUENT TRAINING.—After comple-
23 tion of a program component under subparagraphs
24 (A) and (B) of subsection (b)(2), each supervisor
25 shall be required to complete each program compo-

1 nent under such subparagraphs not less frequently
2 than once every 3 years.

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

9 “(4) EFFECTIVENESS EVALUATION.—Each
10 agency shall measure the effectiveness of training
11 program components established under subsection
12 (b)(2).

13 “(e) INFORMATION ON DEVELOPMENTAL OPPORTU-
14 NITIES.—An agency shall make available, in a manner
15 that may be determined by the Director of the Office of
16 Personnel Management, to each supervisor—

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

19 “(2) the policies of the agency for requiring su-
20 pervisor development.

21 “(f) REGULATIONS.—Not later than 1 year after the
22 date of enactment of the Federal Supervisor Education
23 Act, and notwithstanding section 4118(c), the Director of
24 the Office of Personnel Management shall prescribe regu-
25 lations to carry out this section, including the monitoring

1 of agency compliance with this section. Regulations pre-
2 scribed under this subsection shall include measures by
3 which to assess the effectiveness of agency supervisor
4 training programs.”.

5 (b) REGULATIONS.—Not later than 1 year after the
6 date of the enactment of this Act, the Director of the Of-
7 fice of Personnel Management shall prescribe regulations
8 under section 4121(f) of title 5, United States Code, as
9 amended by subsection (a) of this section.

10 (c) EFFECTIVE DATE AND APPLICATION.—

11 (1) IN GENERAL.—The amendments made by
12 this section shall take effect 1 year after the date of
13 the enactment of this Act.

14 (2) APPLICABILITY.—The amendments made
15 by this section shall apply to—

16 (A) each individual appointed to the posi-
17 tion of a supervisor (as that term is defined in
18 section 4121(a) of title 5, United States Code,
19 as added by subsection (a) of this section) on
20 or after the effective date in paragraph (1); and

21 (B) each individual who is employed in the
22 position of a supervisor on the effective date in
23 paragraph (1).

1 SEC. 3. MANAGEMENT COMPETENCIES.

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

4 (1) by redesignating section 4305 as section
5 4306; and

6 (2) by inserting after section 4304 the fol-
7 lowing:

8 “§ 4305. Management competencies

9 “(a) DEFINITION.—In this section, the term ‘super-
10 visor’ has the meaning given that term in section 4121(a).

11 “(b) GUIDANCE.—The Director of the Office of Per-
12 sonnel Management shall issue guidance to agencies on
13 competencies supervisors are expected to meet in order to
14 effectively manage, and be accountable for managing, the
15 performance of employees to fulfill the organizational
16 goals and mission of the agency.

17 “(c) ASSESSMENT BY AGENCIES.—Based on guid-
18 ance issued under subsection (b) and on any additional
19 competencies developed by an agency, each agency shall
20 assess the performance of the supervisors and the overall
21 capacity of the supervisors in that agency.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) TABLE OF SECTIONS.—The table of sections
24 for chapter 43 of title 5, United States Code, is
25 amended by striking the item relating to section
26 4305 and inserting the following:

“4305. Management competencies
“4306. Regulations”.