



OCTOBER 7, 2014
TOP NEWS STORIES

OMB ISSUES FISMA GUIDANCE, INCLUDES DHS SCANS OF CIVILIAN AGENCY NETWORKS

Last week the Office of Management and Budget (OMB) released to agencies [guidance](#) on improving federal information security and privacy management practices, in accordance with the Federal Information Security Management Act (FISMA) of 2002.

Additionally, "for the first time, the annual guidance on [Improving Information Security and Privacy Management Practices](#), establishes a new process for DHS to conduct regular and proactive scans of Federal civilian agency networks to enable faster and more comprehensive responses to major cybersecurity vulnerabilities and incidents," OMB Deputy Director Beth Cobert [said in a blog post](#).

The newly announced ability of DHS to scan agency networks will not replace existing agency information security operations, but will take place in addition to them. Cobert said the new guidance for agencies and DHS "will provide a consistent scanning methodology that quickly identifies risks and vulnerabilities that may have government-wide implications."

The need for government-wide scanning capabilities, and difficulty DHS had in conducting scans of civilian agencies under previous authorities, [was made clear this spring](#) when the Heartbleed security vulnerability affected many agencies and members of the public. At that time, [DHS had to secure permission](#) from agencies to scan their networks, which delayed the response.

"The Federal Government's response to the "Heartbleed" security vulnerability highlighted the need to formalize this process, and ensure that Federal agencies are proactively scanning networks for vulnerabilities. This year's guidance clarifies what is required of DHS and Federal agencies in this area," OMB Director Shaun Donovan explained in the guidance memo.

Also new in this year's guidance are agency requirements for reporting security incidents to [DHS US-CERT](#). The changes will clarify what constitutes a security incident, when and what should be reported to DHS US-CERT, and provides common metrics for consistency and reporting.

OMB, in coordination with DHS and National Security Council staff are continuing to focus on cybersecurity governmentwide. Those parties are responsible for implementation of the FY 2015 Cybersecurity Cross Agency Priority (CAP) Goals and the DHS Continuous Diagnostics and Mitigation (CDM) program.

"Ensuring the security of information on the Federal government's networks and systems will remain a core focus of the Administration as we move forward aggressively to implement new protections and respond quickly to new challenges as they arise," said OMB's Cobert.

CDC LEADS U.S. EBOLA RESPONSE

Since the early part of 2014, experts from the Centers for Disease Control and Prevention (CDC) have participated in the global response to the outbreak of Ebola hemorrhagic fever affecting several nations in West Africa.

As of last week, CDC scientists and staff are also helping lead and guide the response to the disease domestically, following the [announcement](#) of a suspected case in Dallas, Texas after an individual returned to the U.S. after travel in West Africa.

CDC officials had been preparing for the possible spread of the disease to the U.S. for months, [providing updates online](#). Clinical guidance for hospitals and medical professionals, airlines and flight crews, and others have been published to provide the public and affected fields with information.

The CDC's Director, Dr. Tom Frieden, has also kept President Obama apprised of developments related to the virus' spread in West Africa and the preparations taking place in the U.S.

"We are stopping Ebola in its tracks in this country," said CDC Director Frieden said after the Dallas case was announced. "We can do that because of two things: strong infection control that stops the spread of Ebola in health care; and strong core public health functions to trace contacts, track contacts, isolate them if they have any symptoms and stop the chain of transmission. I am certain we will control this."

The [CDC's Ebola website](#) provides a wealth of information about the disease, what the CDC is doing, responses to questions the public may have, and much more.

AGENCY USE OF PERFORMANCE INFORMATION STAGNANT

Reported use of performance information has remained stagnant or declined governmentwide and at most agencies, a Government Accountability Office (GAO) [study of data from 2007 to 2013](#) has found.

The GAO study found fewer managers indicating that their agencies used performance information for various management activities and decision making.

GAO found a statistically significant decline governmentwide, albeit a small one, of the use of performance information to make decisions. Four agencies, including the Department of Veterans Affairs (VA), the National Aeronautics and Space Administration (NASA), the Department of Energy (DOE), and the Nuclear Regulatory Commission (NRC) also registered statistically significant declines.

Only the Office of Personnel Management (OPM) and the Department of Labor (DOL) saw statistically significant increases in the use of performance information.

GAO's finding that the use of performance information by federal managers is relatively unchanged since the passage of the Government Performance Results Act Modernization Act of 2010 (GPRAMA) is troubling, given that "GAO has long reported that agencies are better equipped to address management and performance challenges when managers effectively use performance information for decision making," GAO states in the report summary.

Furthermore, GAO's periodic surveys into the use of performance information by agency managers found that use of performance information has not changed significantly since 1997.

GAO did find that SES managers used performance information more than non-SES managers, both governmentwide and within specific agencies.

“The use of performance information will remain a challenge unless agencies can narrow the gap in use between Senior Executive Service (SES) and non-SES managers,” GAO stated in their concluding observations.

FROM THE HILL

SECRET SERVICE DIRECTOR GRILLED IN HOUSE HEARING, RESIGNS NEXT DAY

Bipartisan frustration and lack of confidence in the Secret Service and its Director, Julia Pierson, was on full display at a House Oversight and Government Reform [hearing](#) last week.

The rare out-of-session hearing was ordered in the wake of a [September 19 incident](#) where a man, Omar J. Gonzalez, was able to jump the White House security fence, cross the lawn, and run into and through the executive mansion wielding a knife.

Preceding and following the hearing, new revelations about the extent of the September 19 breach by Gonzalez, as well as past security breaches and failures to follow protocol were reported by the media.

Those revelations include findings about a [September 16 incident](#) where an armed security contractor with a criminal background was able to ride in an elevator with President Obama during a visit to the Centers for Disease Control and Prevention (CDC) in Atlanta. Rather than conducting an official inquiry, a manager was asked by Director Pierson to conduct an informal inquiry without “any paperwork,” [according to media reports](#).

Fresh details also emerged about a [November 2011 incident](#) where Oscar R. Ortega-Hernandez fired several rounds from a rifle into the White House. Several members of the Obama family, although not the president or First Lady, were home at the time. Although an agent responded to the shots and sounds of glass shattering initially, the incident was subsequently disregarded by a Secret Service supervisor as a backfire from a vehicle, telling agents to stand down.

Collectively, these incidents, as well as the embarrassing Cartagena, [Columbia prostitution incident](#) and [agents being sent home](#) ahead of a presidential visit to Amsterdam, [and others](#), came to a head at the House hearing that twenty Members of Congress participated in.

Director Pierson told lawmakers at the [hearing](#) that “it is obvious that mistakes were made,” saying “I take full responsibility. What happened is unacceptable.”

She also [pledged a full review of security procedures](#) to angry lawmakers. Several lawmakers said they would be requesting an independent review by the Department of Homeland Security (DHS), the Secret Service’s parent agency since it was removed from the Treasury Department after DHS’ creation. A few days after the hearing, Oversight Committee Chairman Darrell Issa (R-CA) and Ranking Member Elijah Cummings (D-MD) [sent a letter](#) to DHS Secretary Jeh Johnson requesting an independent review of the entire Secret Service, including management, personnel, training, and cultural issues.

Lawmakers also challenged Pierson’s assertion that the September 19 incident “is an operational incident,” saying that the problem lay in a [poor workplace culture](#) and morale where employees are hesitant to raise concerns to their supervisors.

On Wednesday, one day after the House hearing, Director Pierson offered her resignation to DHS Secretary Johnson, who accepted it. Pierson worked for the Secret Service for 30 years.

Secretary Johnson [said in a statement](#) that an official inquiry into the September 19 incident is underway, under the leadership of Deputy DHS Secretary Alejandro Majorkas, along with the DHS General Counsel, and that the review and findings will be complete by November 1.

Secretary Johnson also indicated a “distinguished panel of independent experts” will review the September 19 incident, and provide a report by December 15.

“It is worth repeating that the Secret Service is one of the finest official protection services in the world, consisting of men and women who are highly trained and skilled professionals prepared to put their own lives on the line in a second’s notice for the people they protect. Last week, the Secret Service was responsible for the protection of the President as well as 140 visiting heads of state or government as they convened at the United Nations General Assembly in New York City. Likewise, in August the Secret Service handled the protection of 60 world leaders as they convened in Washington, D.C. for the African Summit. As usual, the Secret Service executed these highly complex and demanding assignments without incident. There is no other protection service in the world that could have done this,” Secretary Johnson also stated.

Joseph Clancy, formerly Special Agent in Charge of the Presidential Protective Division of the Secret Service, who retired in 2011 and agreed to come back to the agency, has been named as interim Acting Director.

YGL PROFILES

AN INTERVIEW WITH MIGUEL JOEY AVILES, AN EMERGING FEDERAL MILLENNIAL LEADER

During the last seven years, Miguel Joey Aviles has supported the Department of Defense (DoD) to implement high visibility employment initiatives and development programs with the mission of optimizing a highly capable and diverse workforce. He is the Deputy Program Manager of the Defense Civilian Emerging Leader Program (DCELP), a leadership program designed to develop the next generation of innovative leaders with the technical competence to meet the future leadership needs of DoD. Miguel also volunteers as a Chief Learning Officer of Young Government Leaders, a non-profit organization providing an authentic voice for aspiring government leaders.

1. What is the best leadership lesson you've learned?

Don’t be afraid to take the first step. I am originally from the island of Puerto Rico, and while I was attending school, I applied to an internship program through the Hispanic Association of Colleges and Universities (HACU), Hispanic National Internship Program (HNIP). After patiently waiting, I received an email informing applicants that 95% of the vacancies were already filled. Immediately after reading the email, I called my old manager to secure a job for the summer as “restrooms cleaner” at the retirement home where I used to work. Soon after, I received a call from HACU notifying me that a manager from the US Department of Agriculture Forest Service selected me for a summer internship. To be honest, the only word I understood was “selected”, because at that time my English was not very good. That was the moment of truth, when you have only two options: either face the challenge in front of you or run away. I did not know how to speak the language, nor did I have the money to travel. The first leadership lesson I learned was to not be afraid to take the first step towards your goals. The second leadership lesson was about confronting challenges. The 10 weeks I spent in DC taught me that every challenge holds your next promotion – face it. Every challenge contains a hidden treasure – find it. Every challenge has the power to make you a leader – embrace it.

2. How did you get to where you are today?

After successfully completing my first internship program, I returned to the University of Puerto Rico in Mayaguez to complete my last two years. At the time, the Department of Defense (DoD) had a job opening

through the Student Training and Academic Recruitment (STAR) Program. I decided to apply, and everything else is history. I was hired into the federal government through the now extinct, Student Career Experience Program (SCEP). For a year and a half I served as a recruiter Student Trainee GS-4. My job was to promote DOD as the employer of choice. I had a radio program, participated in several career fairs, and assisted my peers in developing their first federal resumes and applying to federal jobs through USAJOBS. After graduation, the Defense Civilian Personnel Advisory Service (DCPAS) offered me a full time job as a Human Resources Specialist in Recruitment, with the responsibility of managing the STAR Program. I worked at the Recruitment Assistance Division for over six years, and graduated from the Defense Civilian Emerging Leader Program (DCELP). I recently accepted a career broadening experience in the Leadership, Learning and Development (LL&D) Division as the DCELP Deputy Program Manager.

3. What strengths do you bring to your organization?

The most conspicuous strength I bring to my organization is diversity; the perspective of a bilingual Hispanic, mixed with the standpoints of a Millennial.

4. What is your weakness and how do you compensate for it?

As an emerging leader in the Federal government, there are many areas I am still working on. For example, strategic thinking, conflict management, team building, and problem solving are huge areas for growth. I believe training, developmental assignments, and a good attitude are helping me to acquire skills in those areas. I am also lucky to have great leaders and mentors who are always willing to provide their knowledge and guidance. At the beginning of my career, language barriers were very challenging at times. However, when communication turned to a wall, I dissipated it with a dose of genuine charisma.

5. What career accomplishment are you most proud of and why?

My most recent accomplishment was winning the Human Resource Leadership Award (HRLA) in the Washington, DC greater area for "Excellence in Mentoring." The HRLAs were established in 2001, to honor HR executives for outstanding contributions to their organization and to the field of human resource management through organizational leadership, risk-taking, innovation, vision, mentoring, community service, and ethics. The Mentoring Award recognizes an individual who demonstrates leadership, dedication, and support to the professional growth, and development of others, and I am honored to have received it.

6. Why did you win this award?

Very early in my life, I had to face many challenges and mentors played a vital role in my development. Those obstacles sparked my passion for mentoring. Today I am designing and will manage the development and maintenance of the first Department of Defense Mentoring Resource Portal as well as manage the Senior Executive Association (SEA) & Young Government Leaders (YGL) Mentoring Program serving senior executives and emerging leaders from various federal agencies around the United States.

The SEA & YGL Mentoring Program is a blend of formal and informal mentoring that provides a low cost strategy to develop emerging leaders in the federal government by connecting successful senior executives at the pinnacle of their careers with high potential emerging leaders. The program combines networking events with learning and development initiatives and a community of practice providing the right tools to nurture business connections and turning them into successful mentoring relationships. I participated as a mentee during the pilot program and upon completion was selected as the first YGL Chief Learning Officer. The first

initiative I had to manage was the Mentoring Program, which we grew from 25 mentee applications to 150 spanning 33 federal agencies and resulting in the selection of 64 mentees.

7. Why do you think mentoring is important?

When I was 13 years old, my mom and I faced the most tumultuous experience of our lives. We were homeless; we lost our home, car, money, everything. Life as I knew it, changed in its entirety. On my 14th birthday, my eighth-grade teacher had a surprise for me. Ms. Eduarda gave me a box of Jordan Almonds. Yes, a box of almonds! But what she said next carried a lot of power: "Miguel your personality, talents, and gifts are many, just as the different colorful almonds in this box. Your life will be memorable and the world needs your leadership and contributions." The actions of one propelled me to sturdily take ownership of my life, embrace my talents and go forward with confidence. Mentors do that through their guidance and support. In the workplace, mentoring has the potential to improve employee retention, engagement, recruitment, support diversity efforts, succession planning, and knowledge management, among other important initiatives.

8. What is the most important thing you have learned in your career?

I learned that your People IQ will make or break you. Your ability to empathize, connect, and influence people will help you achieve great things.

9. Tell me something your coworkers do not know about you.

As a preacher's kid, I spent several years as a youth pastor when I was living in Puerto Rico.

10. What do you do after work for fun or to relax?

I really enjoy reading a good book in relaxing scenery. We recently built a deck on our house, so after work, I love to sit with my wife and enjoy the sunsets. Our schedules are usually pretty hectic, so when we do have the time, we like to take a step back to enjoy the precious things in life.

11. What is a good book you've read recently?

The Magic of Thinking Big is a great book to approach your career, life, and goals with the correct mindset.

12. What motivates you?

What really motivates me is helping others achieve their goals. More specifically, I truly enjoy helping emerging leaders to achieve their potential. I feel very passionately about the mission of the Defense Civilian Emerging Leader Program (DCELP), which is to develop the next generation of leaders in the Department of Defense.

To hear more from Miguel, [listen to the recorded FEDtalk show from last Friday, October 3, 2014, titled, "Hiring and Managing Millennials"](#).

This article was written by Lynnie Martin, Young Government Leaders.

[Young Government Leaders](#) is a non-profit professional organization founded and led by young government employees. YGL strives to build a community of leadership for young feds through professional development events, networking opportunities, social events, seminars, fellowships and scholarships.

EDUCATE YOURSELF
OPM EXPLAINS NEW UNLOCKTALENT.GOV TOOL AT ACT-IAC EVENT -
OCTOBER 9, WASHINGTON, DC

In July, the Office of Personnel Management (OPM) [unveiled a new dashboard tool](#) for agency supervisors, managers, and executives – [UnlockTalent.Gov](#).

The tool gives managers a visualization of the results of annual Federal Employee Viewpoint Survey (FEVS) results, as well as other management data, which can assist in developing employee engagement strategies.

This week, on October 9 from 10:00 AM – 11:30 AM in Washington, D.C., officials from OPM will present and explain the UnlockTalent.Gov tool at a [forum hosted by the ACT-IAC Human Capital Shared Interest Group](#).

Arienne Jolene Gallagher, Senior Policy Analyst/Advisor, Planning & Policy Analysis, Office of the Director, OPM, along with early agency users of the system who helped develop the tool, will lead the presentation and discussion.

For registration and event information, [click here](#).

CASE LAW UPDATE
OSC FILES FIRST WHISTLEBLOWER ‘FRIEND OF THE COURT’ BRIEF WITH THE SUPREME COURT

The Whistleblower Protection Enhancement Act of 2012 granted the Office of Special Counsel (“OSC”) the authority to file an amicus curiae (“friend of the court”) brief with the Supreme Court in whistleblower cases. On September 29, 2014, OSC filed its first such brief, supporting a former Department of Homeland Security (“DHS”) air marshal in a case concerning the employee’s disclosure that the Federal Air Marshal Service (“FAMS”) was stopping its coverage of long-distance flights despite an increase in intelligence warnings concerning terrorists targeting those flights.

According to OSC, the key issue in *Department of Homeland Security v. Robert MacLean* (scheduled for oral argument before the Court on November 4, 2014) is “whether [the employee’s] disclosure of sensitive security information (SSI), a form of controlled unclassified information, constituted a whistleblower disclosure specifically prohibited by law for purposes of 5 U.S.C. § 2302(b)(8)(A).”

OSC argued that the Federal Circuit Court of Appeals correctly rejected the MSPB’s decision in concluding that Congress intended to exclude agency regulations, like the SSI regulation used to discipline the employee here, from the definition of “law” in the Civil Service Reform Act of 1978 (“CSRA”) that disallows disclosures “specifically prohibited by law.” More clearly, OSC argued that while the Aviation and Transportation Security Act of 2011 authorized the Federal Aviation Administration to promulgate SSI regulations, and was a law, its lack of specificity precluded it from qualification under the CSRA’s “specifically prohibited by law,” because the term “specifically” is assumed to carry meaning.

OSC stated that “a clear statutory purpose of the CSRA” is to encourage employees to disclose genuine threats to public safety by providing protections to whistleblowers who may be victimized by retaliatory acts in the wake of their disclosure. OSC’s amicus brief asserted that if the Court allowed agencies to prohibit whistleblower disclosures by regulation, it risked affirmatively subverting that statutory purpose through empowerment of agencies’ efforts to circumvent restraints on disciplining whistleblowers. The amicus brief further observed that if Congress had wanted the SSI regulations to preempt whistleblower disclosures, it could

have done so, and that its silence “further militates against the ATSA qualifying as a “law” that specifically prohibits whistleblower disclosures.”

OSC also noted that legitimate reasons did exist for keeping certain information secret from the public, but argued that the CSRA’s less restrictive safeguards were more than adequate: disclosures concerning public safety are only protected if they evidence substantial and specific dangers.

Expressing concern with DHS’s position regarding disclosures of SSI, OSC worried that “agencies could abuse their regulatory power to over-designate the information that is to be prohibited from disclosure as a means of suppressing a broad swath of information and stifling whistleblowers. Likewise, agencies may selectively enforce such broad regulations to punish and deter whistleblowing.” Citing the Court’s decision in *Lane v. Franks*, 134 S. Ct. 2369 (2014), OSC argued that there is “considerable value in encouraging, rather than inhibiting, speech by public employees. For [g]overnment employees are often in the best position to know what ails the agencies for which they work.”

Focusing on the effect on potential future whistleblowers, OSC’s brief wrote that scenarios could arise in which whistleblowers whose disclosures potentially concerned SSI would have to weigh whether their agency might decide that the information disclosed was indeed sensitive. This, OSC argued, may cause whistleblowers to refrain from alerting the public to dangers that could otherwise be “averted or mitigated.”

For the above stated reasons, OSC requested that the United States Supreme Court affirm the Federal Circuit’s decision in *Department of Homeland Security v. Robert Maclean*.

[You can read OSC’s full brief here.](#)

This case law update was written by [Conor D. Dirks](#), associate attorney, [Shaw Bransford & Roth, PC](#).

For thirty years, Shaw Bransford & Roth P.C. has provided superior representation on a wide range of federal employment law issues, from representing federal employees nationwide in administrative investigations, disciplinary and performance actions, and Bivens lawsuits, to handling security clearance adjudications and employment discrimination cases.

GEICO’S GOOD STUFF OCTOBER IS NATIONAL CYBER SECURITY AWARENES MONTH

GEICO’s Good Stuff is a column series highlighting great stuff happening in the federal community.

October 2014 marks the 11th Annual [National Cyber Security Awareness Month](#) (NCSAM).

The [Department of Homeland Security](#) (DHS) in cooperation with the [National Cyber Security Alliance](#) and the [Multi-State Information Sharing and Analysis Center](#) sponsor the month.

National Cyber Security Awareness Month is designed to engage and educate public and private sector partners through events and initiatives with the goal of raising awareness about cybersecurity and increasing the resiliency of the nation in the event of a cyber incident.

The [DHS website](#) has resources and information for the entire month.

Weeks are broken into themes, and [individual daily activities](#) are recommended to help individuals, organizations, and agencies share information about cyber security.

For more information on how to practice cybersecurity during National Cyber Security Awareness Month and throughout the year, visit [Stop.Think.Connect.](#)

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HEARD INSIDE THE BELTWAY

We are not without tools, but we do have a dire need for legislation to better equip us.

DHS Deputy Secretary Alejandro Mayorkas [discussing](#) the “dire need” for Congress to pass cyber security legislation at an [event hosted by The Washington Post](#)

WEEKLY LEADERSHIP REFLECTION

The conventional definition of management is getting work done through people, but real management is developing people through work.

Agha Hasan Abedi