



January 7, 2016

In order to further improve the lines of communication and to respond to the concerns between the National VA Council and you our members, I have established a National VA Council Briefing. This NVAC Briefing will bring you the latest news and developments within DVA and provide you with the current status of issues this Council is currently addressing. I believe that this NVAC Briefing will greatly enhance the way in which we communicate and the way in which we share new information, keeping you better informed.

Alma L. Lee
National VA Council, President

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In This Briefing: MSPB Law Week

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FEDERAL EMPLOYMENT LAW
TRAINING GROUP

MSPB Law Week

March 7 @ 8:00 am - March 11 @ 5:00 pm

Event Navigation

- [« Webinar – Preventing and Correcting Workplace Discrimination: A Focus on Religion and National Origin](#)
 - [Leave and Attendance Management and Performance Management »](#)

Instructors: William Wiley, Deborah Hopkins

Registration forms:

- [March 7-11](#) (Washington, DC)
- [June 13-17](#) (San Francisco)
- [September 12-16](#) (Washington, DC)

MSPB Law Week covers the basics of charges, penalties and performance cases, with special emphasis on leave abuse and medical issues. Join top MSPB practitioners and topic authors, and learn the law, strategies, and techniques from their many years of combined experience.

Daily Agenda:

Monday – Adverse Actions: The five elements of every disciplinary case and the burdens of proof, the fundamentals of penalty selection and defense, obtaining testimony to protect the penalty selection should one or more charges fail, types of evidence necessary to support a penalty selection, the MSPB's power to mitigate a penalty and recent trends in the Board's use of that authority, educating uninformed arbitrators, using alternatives to discipline

Tuesday – Charges: Types of charges, parts of a charge, how charges are interpreted, the role of the proposing and deciding officials, capitalizing on the general charge, allowing the inclusion of lesser-included offenses, charging in the alternative, attractive options to difficult charges and common charging mistakes, proving the difficult "intent" charge element, a step by step approach to charge drafting.

Wednesday – Penalties: MSPB and Federal Circuit lead cases in penalty determination, getting "intent" penalties off of "non-intent" charges, proving harsh penalties off of vanilla charges, charging down and proving up, how the maximum penalty is established, an update of recent Board and court decisions: what's really new and what's old wine in new bottles, placing the emphasis on notice, the Obama-Board and big penalty mitigation changes.

Thursday – Unacceptable Performance: Performance actions in perspective, drafting a defensible performance standard, implementing PIP's, defeating the PIP rollercoaster, accommodating disability-related poor performance, converting an unacceptable

performance problem into a Part 752 disciplinary action, termination based on failing a performance quiz.

Friday – Defending Against Affirmative Defenses: Claims of harmful error; whistleblower reprisal; reprisal for union activity; excessive penalty findings. Special Discussion: Recent Procedural Errors.