



**JOINT READINESS TRAINING CENTER AND FORT POLK  
CIVILIAN PERSONNEL ADVISORY CENTER  
FORT POLK, LOUISIANA 71459-5341**



**“A Return to Prominence – One Satisfied Customer at a Time”**

**CPAC INFORMATION BULLETIN  
NUMBER 137**

**July 2011**



**Happy Independence Day**

*Monday  
July 4th*

**Training**

**HUMAN RESOURCES (HR) FOR SUPERVISORS  
COURSE**

The HR for Supervisors course was developed by the Civilian Human Resource Agency (CHRA) to train

supervisors in their responsibilities for civilian human resources management. This course is offered on a quarterly basis by the Civilian Personnel Advisory Center (CPAC) Staff. Not only are new supervisors encouraged to attend, but this course is an excellent refresher for all supervisors. We encourage all supervisors “new” and “not so new” to attend this course. Remember “continuous learning” is the KEY to Success!

The course covers HR management legal and regulatory requirements, HR processes, HR services and HR automated tools designed to assist supervisors in requesting and tracking personnel actions. HR for Supervisors is a 5 day course designed to teach civilian and military supervisors of appropriated fund civilian employees about their responsibilities for Civilian Human Resource (CHR) management. The course includes the following modules:

- Overview of the Army CHR (includes coverage of Merit System Principles and Prohibited Personnel Practices)
- Planning (NSPS, work planning, changes in mission and organizational goals impact on planning in HR)
- Structuring (NSPS, Position Classification, including an introduction to CHR automated tools such as CPOL, ART, Gatekeeper, FASCLASS)
- Acquiring (Staffing, NSPS)
- Developing (Human Resource Development)
- Sustaining (Management Employee Relations, NSPS, Appraisals)
- Sustaining (NSPS and Labor Relations)
- Federal Employees' Compensation Act
- Time and Attendance for Supervisors
- Staff Judge Advocate
- Safety

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- Employee Assistance
- Equal Employee Opportunity

The dates that we will be conducting the course in FY 11 are as follows:

### August 15-19

Supervisors who are interested in attending or those who may desire additional information should call their servicing HR Specialist at the CPAC, 531-4207/1840.



**Mandatory Birth Month Training for FY 2011** will be conducted on the dates below. Employees and their supervisors have the opportunity to choose between two dates to attend the training. Two training dates should help to alleviate the workload problems that we now face when scheduling our employees to attend this training. **Seats will be filled on a first come first serve basis.** The classroom fills up quickly. **My recommendation is that you have your employees arrive NLT 0750 to ensure that they get a seat.** Everyone is required to attend this training; mark your calendar and plan to attend. The location of the training classes will be at the new Library/Education Center, Bldg. 660, Rooms 221/223.

#### The training dates are:

July 12 & 13

August 2 & 3

September 13 & 14

**Prior to your scheduled date, you may want to check with your Organization Training Coordinator to confirm that the dates above have not been changed.**

If you have any questions regarding the above training schedule, please call 531-6814.



## Information for Prospective Retirees

### COMMENCEMENT DATE OF ANNUITY:

If you retire voluntarily under the Civil Service Retirement System (CSRS), you can set your retirement date for the first, second, or third day of the month, and your annuity

begins the following day. For example, assuming your retirement is effective April 3rd, your annuity check received May 1st is payment for the annuity which accrued from April 4th to April 30th. If you retire voluntarily on the fourth day or after, you will not begin to accrue an annuity until the following month. If you voluntarily retire under the Federal Employees Retirement System (FERS) your annuity will begin the first day of the following month that you retired.

### INCOME TAX:

Some consideration should be taken if you will, upon retirement, be receiving a large lump-sum payment for annual leave. Taxes are applied to lump-sum payments in the year in which you receive the money. Example: An employee retiring September 30 could incur a larger tax burden by collecting almost a full year's salary plus a large lump-sum payment for unused annual leave. Information about the taxation of your annuity is explained in IRS Publication 721 (<http://www.ssa.gov/>).

### ANNUAL LEAVE CARRY-OVER:

You will want to plan your retirement date and annual leave use if you expect to have "use or lose" leave to your credit. The maximum carry-over is normally 240 hours. Excess annual leave is lost at the beginning of a new leave year. When you retire, you will be paid for all of your accumulated annual leave (including that which is above your maximum carry-over).

### LEAVE ACCRUAL:

Leave can only be earned during complete pay periods. Retiring on any day of a pay period other than the last day will prevent you from earning leave for that pay period. Thus, your lump-sum payment could be less than you had anticipated.

### CREDIT FOR SICK LEAVE:

Under CSRS, the total creditable civilian and military service combined with credit for sick leave, is used in computing the annuity payments. The total is then rounded down to include full years and months (excluding the days). For example, an employee with 30 years, 6 months, 28 days of service can increase the total service to 30 years, 7 months by delaying the retirement date by two days (30 days equals one month). However, we advise that you consider all aspects closely, keeping in mind that the Office of Personnel Management (OPM) computes your official length of service. In most cases, one month of service increases your annuity by one-sixth of one percent of the high-three average salary.

FERS employee who retires between October 28, 2009, and December 31, 2013, 50 percent of his or her sick leave will be credited toward the employee's FERS annuity computation. If the employee returns to Federal service as a reemployed annuitant, he or she is entitled to the recredit of the remaining 50 percent of his or her sick leave. FERS employee who retires on or after January 1, 2014, 100 percent of the employee's sick leave will be used in the annuity computation, consequently, no sick leave will remain for recredit should the retiree later return to Federal service.

### COST-OF-LIVING ADJUSTMENT (COLA):

For CSRS retirees, the first cost-of-living adjustment is prorated by the number of months you are on the annuity roll. FERS retirees do not receive a COLA until age 62. The first cost-of-living adjustment will not be prorated. The increase is normally 1% less than the increase in the consumer price index as determined by law.

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### ***Social Security Scoop***

Did you know that Social Security offers an online retirement application that you can complete in as little as 15 minutes? In most cases once your application is submitted electronically, you are done. Social Security will process your application and contact you if any further information is needed. You can find more information at <http://www.ssa.gov/planners/about.htm>.

**\$\$ PAY CORNER \$\$**



Control Your Pay With myPay!

*Click on MyPay Key above to be linked to the MyPay System*

*Or*

Type into your browser:

<https://mypay.dfas.mil/mypay.aspx>



### ***MyPay Goes Mobile!***

DFAS has announced that many myPay on-line services can now be accessed from mobile devices with a built in web browser such as Android, BlackBerry, iPhone, or other Smartphone, or iPod touch device.

Simply visit <https://mypay.dfas.mil> and start accessing your account anytime, anywhere!



### **Divorce, Annulment, and Legal Separation**

#### **Your TSP Account May Be Divided**

A valid retirement benefits court order to divide your TSP account may be issued at any stage of a divorce, annulment, or legal separation proceeding and may have the following effects on your account:

- It may award to your current or former spouse, or to your dependents, a specified dollar amount — or a portion of your account — as of a specific past or current date.
- It will require the TSP to freeze your account, preventing you from taking any loans or withdrawals until the award is paid out or the order is otherwise resolved. (However, a freeze will not prevent you from making contributions or changing your contribution allocation or investment choices. Also, you will still be required to make payments on existing loans.)

Be sure to read the TSP booklet *Court Orders and Powers of Attorney*  for a complete understanding of your rights and responsibilities.

#### **Review Your Beneficiary Designations**

Make sure that your TSP account will be awarded according to your wishes in the event of your death.

If you submit a Designation of Beneficiary form, the TSP will honor only beneficiaries named on that form.

If no Designation of Beneficiary form has been submitted, your account will be distributed according to the [standard order of precedence](#).

If you submitted Form TSP-3, Designation of Beneficiary (formerly TSP-U-3 for uniformed services members), and designated your spouse as your beneficiary, your account will be paid out to that spouse when you die, even if you are separated or divorced from that spouse or have remarried. The TSP will not honor a will, a property settlement agreement, separation agreement, or court order when distributing your TSP account.

Submit a new [Form TSP-3](#) , Designation of Beneficiary, to change or cancel a previous designation.

**Employee Contributions** — There are no longer any percentage limits on employee contributions to the TSP. TSP contributions are limited only by the restrictions imposed by the [Internal Revenue Code](#).

**Elective Deferral Limit (I.R.C. Section 402(g))** — The elective deferral limit for 2011 and 2010 is \$16,500. See the Fact Sheet "[Annual Limit on Elective Deferrals](#)."

**I.R.C. Section 415(c) Limit** — The limit for 2011 and 2010 is \$49,000.

**Catch-up Contributions** — The limit on catch-up contributions for 2011 is \$5,500. If you are at least age 50 (or will become age 50 during the calendar year) and if you have made or will make the maximum amount of employee contributions for the calendar year (e.g., \$16,500 in 2011), you may also make catch-up contributions to your TSP account. See the Fact Sheet "[Catch-up Contributions](#)."

Participant statements are on-line in [Account Access](#) on this Web site. Click on [Your TSP Participant Statement](#) for more information.

**Loan interest rate** for new loans is 2.625%.

**Annuity interest rate index:** 3.250% for annuities purchased in July 2011 and 3.375% for annuities purchased in June 2011. [Click here](#) for historical annuity interest rates.

**Your account balance** is updated each business day. To access your account balance on this Web site, you will need your TSP 13-character account number and your 8-character [Web Password](#). To obtain your account balance from the [ThriftLine](#), you will need your TSP account number and 4-digit TSP Personal Identification Number (PIN).

**Civilian TSP participants who are members of the Ready Reserve** — If you are a civilian TSP participant with an outstanding TSP loan and are placed in non-pay status to perform military service, make sure your agency provides the TSP with documentation to certify your status and suspend loan payments. The Internal Revenue Code

allows the TSP to suspend loan payments for all participants placed in non-pay status for up to one year of non-pay. However, participants placed in non-pay status to perform military service for more than one year are authorized suspension of loan payments for the entire period of military service. For more information, see the Fact Sheet [Effect of Nonpay Status on TSP Participation](#).

**TSP RATES OF RETURN**

Rates of Return were updated on July 1, 2011

(Figures in parenthesis indicate a negative return)

\*\*\*\*\*

	G Fund	F Fund	C Fund	S Fund	I Fund
June 2011	0.21%	(0.30%)	(1.67%)	(2.35%)	(1.16%)
Last 12 Months	2.63%	4.03%	30.66%	39.43%	32.26%

(07/01/2010-06/30/2011)

\*The G, F, C, S, and I Fund returns for the last 12 months assume unchanging balances (time-weighting) from month to month, and assume that earnings are compounded on a monthly basis.

	L Income	L 2020	L 2030	L 2040	L 2050
June 2011	(0.18%)	(0.84%)	(1.10%)	(1.30%)	(1.48%)
Last 12 Months	8.30%	19.43%	23.47%	26.76%	

(07/01/2010-06/30/2011)

\*The monthly G, F, C, S, and I fund returns represent the change in their respective share prices for the month. The changes in share prices reflect net earnings after accrued TSP administrative expenses have been deducted. The F, C, S, and I fund share prices also reflect the deduction of trading costs and accrued investment management fees.

The TSP is a retirement savings plan for civilian federal employees. The monthly G, F, C, S, and I Fund returns represent the actual total rates used to allocate monthly earnings to participant accounts. Allocations are usually completed by the fourth business day of the month. The returns are shown after deduction of accrued TSP administrative expenses. The F, C, S, and I Fund returns also reflect the deduction of trading costs and accrued investment management fees.

The TSP performance history for the past 12 months can be accessed through the following link:  
[http://www.tsp.gov/curinfo/annuity\\_history.html](http://www.tsp.gov/curinfo/annuity_history.html)

## HOLIDAY/LIBERAL LEAVE SCHEDULE FOR FY 2011

DAY/DATE	HOLIDAY	Training/Liberal Leave Day
Monday, 11 October 10	Columbus Day	Friday, 8 Oct *
Thursday, 11 November 10	Veterans Day	Friday, 12 Nov*
Thursday, 25 November 10	Thanksgiving Day	Friday, 26 Nov *
Friday, 24 December 10	Christmas	Monday, 27 Dec*
Friday, 31 December 10	New Year's Day	Monday, 3 Jan*
Monday, 17 January 11	Birthday of Martin Luther King, Jr.	Friday, 14 Jan*
Monday, 21 February 11	Washington's Birthday	Friday, 18 Feb*
Monday, 30 May 11	Memorial Day	Friday, 27 May*
Monday, 4 July 11	Independence Day	Monday, 5 Jul
Monday, 5 September 11	Labor Day	Friday, 2 Sep*
*DESIGNATES TRAINING HOLIDAY FOR MEDDAC		



## Benefits

### Frequently Asked Questions

**Q. Will my insurance coverage begin to reduce when I reach age 65 even though I won't be retired at that time?**

**A.** No. Coverage for employees does not reduce based on age. The post-age 65 reductions can only affect retirees.

**Q. What happens to my life insurance if I leave my government job to go into the military?**

**A.** If you separate from service to enter the military you are considered to be in a non-pay status for FEGLI Purposes. As long as you have reemployment rights under USERRA, you can keep your FEGLI coverage for up to 12 months, or until 90 days after your military service ends, whichever date comes first. This coverage is free. At the end of 12 months (or 90 days after the military service ends), the coverage terminates. You also get the 31-day extension of coverage and the right to convert. Public Law 110-181, the Department of Homeland Security Appropriations Act, enacted January 28, 2008, authorizes the continuation of FEGLI coverage for an additional 12 months for Federal employees called to active duty whose coverage terminated after the law's enactment.

The law allows employees who enter on active duty or active duty for training in one of the uniformed services for more than 30 days to continue their FEGLI for up to 24 months. FEGLI coverage is free for the first 12 months. However, employees must pay both the employee and agency share of the premiums for their Basic coverage, and also pay the entire cost (there is no agency share) for any Optional insurance they may have for the additional 12 months of coverage. See more details in BAL 08-203.

At the end of 12 months, or 90 days after your military service ends, whichever date comes first your former agency must complete an Agency Certification of Insurance Status (SF 2821) and a Notice of Conversion Privilege (SF 2819). If a claim needs to be filed while you are still covered under FEGLI, you or your survivors should contact your former employing agency.

**Q. Can I increase my FEGLI coverage if I am deployed as a civilian in support of a contingency operation?**

**A.** Yes, Public Law 110-417, the Duncan Hunter National Defense Authorization Act, allows new election opportunities if you are a civilian employee eligible for FEGLI who is deployed in support of a contingency operation as defined by section 101 (a) (13) of Title 10. You may elect Basic, Option A and Option B (up to the maximum of 5 multiples). You must make the election on the SF 2817 (or its electronic equivalent) within 60 days after the date of notification of your deployment in support of a contingency operation. Contact your employing agency human resources office for more information. See more details in [BAL 08-204](#) [45 KB].



## EMPLOYEE WELLNESS

### Get Enough Sleep

#### The Basics

You need plenty of sleep to stay healthy. Getting a good night's sleep can have many benefits.

- You will be less likely to get sick.
- You will be more likely to stay at a healthy weight.
- You can boost your brainpower and your mood.

- You can think more clearly and do better in school and at work.
- You can make better decisions and avoid injuries. For example, sleepy drivers cause thousands of car crashes every year.
- You can lower your risk of high blood pressure and diabetes.

### **How much sleep do I need?**

Most adults need 7 to 8 hours of sleep each night. If you are having trouble sleeping, make changes to your routine to get the sleep you need. For example, stay away from caffeine in the afternoon.

Kids need even more sleep than adults.

- Teens need at least 9 hours of sleep each night.
- School-aged and preschool children need 10 to 12 hours of sleep.
- Newborns sleep between 16 and 18 hours a day.

### **Does it matter when I sleep?**

Yes. We have a natural cycle for when we feel tired and awake. Sunlight plays a big role in this cycle.

Our “biological clocks” are set to make us feel the most sleepy between midnight and 7 a.m. We’re most alert during the day, although many people have a sleepy period between 1 p.m. and 4 p.m.

Our natural sleep cycle is very hard to break or change. When people have to work during the night, they can have trouble getting enough sleep during the day. People who travel to a different time zone can also have trouble sleeping.

### **Why can’t I fall asleep?**

Many things can make it harder for you to sleep, including:

- Stress
- Pain
- Caffeine
- Some medicines
- Sleep disorders, like insomnia

### **How can I tell if I have a sleep disorder?**

Signs of a sleep disorder can include:

- Difficulty falling asleep
- Trouble staying asleep
- Sleepiness that makes it difficult to do daily tasks like driving a car

If you have any of these signs, talk to a doctor or nurse. You may need to be tested or treated for a sleep disorder.

## **Take Action!**

Small changes to your daily routine can help you get the sleep you need.

### **Change what you do during the day.**

- Exercise earlier in the day, not right before you go to bed.
- Stay away from drinks and foods with caffeine (such as coffee, tea, soda, or chocolate) late in the day.
- If you have trouble sleeping at night, limit daytime naps to less than 1 hour.
- If you drink alcohol, [drink only in moderation](#). Alcohol can keep you from sleeping soundly.
- Don’t eat a big meal close to bedtime.

### **Set a bedtime routine.**

- Go to bed at the same time every night.
- Get the same amount of sleep each night.
- Make sure your bedroom is dark and quiet.
- Avoid eating, talking on the phone, or watching TV in bed.
- Try not to lie in bed worrying about things.

If you are still awake after staying in bed for more than 20 minutes, get up. Do something relaxing until you feel sleepy.

### **If you are concerned about your sleep, see a doctor.**

Talk with a doctor or nurse if you have any of the following signs of a sleep disorder:

- Frequent, loud snoring
- Pauses in breathing during sleep
- Trouble waking up in the morning
- Pain or itchy feelings in your arms or legs that may happen more often at night
- Trouble staying awake during the day

Even if you aren’t aware of problems like these, talk with a doctor if feel like you often have trouble sleeping.

[Keep a sleep diary \[PDF - 351 KB\]](#) for a week and share it with your doctor. A doctor can suggest

different sleep routines or medicines to treat sleep disorders. Talk with a doctor before trying over-the-counter sleep medicine.

Printed from healthfinder.gov

### BRAIN TEASER

If you have it, you want to share it. If you share it, you don't have it. What is it?

Answer on page 12



**Safety Boudreaux's Den**

### POOL SAFETY

Source: <http://www.aap.org/family/tippool.htm>

- Never leave children alone in or near the pool or spa, even for a moment.
- Install a fence at least 4 feet high around all four sides of the pool. The fence should not have openings or protrusions that a young child could use to get over, under, or through.
- Make sure pool gates open out from the pool, and self-close and self-latch at a height children can't reach.
- If the house serves as the fourth side of a fence surrounding a pool, install an alarm on the exit door to the yard and the pool.
- Keep rescue equipment (a shepherd's hook - a long pole with a hook on the end - and life preserver) and a portable telephone near the pool. Choose a shepherd's hook and other rescue equipment made of fiberglass or other materials that do not conduct electricity.
- Avoid inflatable swimming aids such as "floaties." They are not a substitute for approved life vests and can give children and parents a false sense of security.

- Children ages 1 to 4 may be at a lower risk of drowning if they have had some formal swimming instruction. However, there is no evidence that swimming lessons or water survival skills courses can prevent drowning in babies younger than 1 year of age.
- The decision to enroll a 1- to 4-year-old child in swimming lessons should be made by the parent and based on the child's developmental readiness, but swim programs should never be seen as "drown proofing" a child of any age.
- Whenever infants or toddlers are in or around water, an adult – preferably one who knows how to swim and perform CPR – should be within arm's length, providing "touch supervision."
- Avoid entrapment: Suction from pool and spa drains can trap a swimmer underwater. Do not use a pool or spa if there are broken or missing drain covers. Ask your pool operator if your pool or spa's drains are compliant with the Pool and Spa Safety Act. If you have a swimming pool or spa, ask your pool service representative to update your drains and other suction fitting with anti-entrapment drain covers and other devices or systems. See PoolSafely.gov for more information on the Virginia Graeme Baker Pool and Spa Safety Act.
- Large inflatable above-ground pools have become increasingly popular for backyard use. Children may fall in if they lean against the soft side of an inflatable pool. Although such pools are often exempt from local pool fencing requirements, it is essential that they be surrounded by an appropriate fence just as a permanent pool would be so that children cannot gain unsupervised access.



**Equal Employment  
Opportunity**

### **COMPENSATION DISCRIMINATION**

#### **Is compensation discrimination really a problem?**

Yes. Despite longstanding prohibitions against compensation discrimination under the federal EEO laws, pay disparities persist between workers in various demographic groups. For example, women earn, on average, about 75 cents for every dollar that men earn.

Moreover, in two recent studies by the President's Council of Economic Advisers on the gender wage gap, the Council found that after accounting for measurable factors that affect employee compensation, there is still a significant pay gap that could be due to discrimination. EEOC's Internet web site contains statistics on the number of discrimination charges filed and resolved alleging discriminatory compensation as an issue, as well as summaries of recent equal pay cases resolved by EEOC through litigation and the administrative process.

### **What is "compensation"?**

Compensation refers to any payments made to or on behalf of employees as remuneration for employment. All forms of compensation are covered, including salary, overtime pay, bonuses, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits.

### **Under what circumstances is compensation discrimination unlawful under Title VII, the ADEA, and the ADA?**

Compensation discrimination is unlawful when an employee is paid less because of his or her race, color, religion, sex, national origin, age, disability or genetic information. The following are examples:

- An employer pays women less than similarly situated men, and the employer's explanation (if any) does not satisfactorily account for the difference.
- An employer sets the pay for jobs predominantly held by Hispanics below that suggested by the employer's job evaluation study, while the pay for jobs predominantly held by non-Hispanics is consistent with the level called for by the job evaluation study.
- A discriminatory compensation system that disadvantaged African-Americans has been discontinued, but salary disparities caused by the system still continue.

### **How can you tell whether compensation discrimination may be occurring in a workplace?**

Of course, there can be an explicit policy or other direct evidence of compensation discrimination. For example, in the past, some employers provided lower pension benefits to women even though the women made the same pension contributions as men. This was held unlawful by the Supreme Court.

Typically, however, discrimination in compensation is more subtle and requires closer examination. The basic

approach outlined in the Compliance Manual section is to identify similarly situated employees and compare their compensation. If there are differences, the next step is to determine whether there are nondiscriminatory reasons for the differences. If not, the differences may well be due to discrimination. Even if there appear to be nondiscriminatory reasons, those reasons should be evaluated to determine whether they actually explain the pay differences.

### **How do you determine whether employees are similarly situated?**

The jobs the employees hold should be similar enough that one would expect the jobs to pay the same. This need not be an overly rigid process. The key is what people actually do on the job, not job titles or departmental designations. Skill, effort, responsibility, and the general complexity of the work are guideposts in determining job similarity.

### **Is it unlawful to discriminate in bonuses, commissions, and other compensation not included in base pay?**

Yes. Bonuses, commissions, stock options, and any other payments in addition to base pay must also be provided on a nondiscriminatory basis. It is important to determine whether the employer's policy for providing non-base compensation is nondiscriminatory in design and application. There are two basic issues to consider in determining whether there is discrimination in non-base pay: (1) whether the eligibility criteria for the non-base compensation are applied in a nondiscriminatory way, and (2) whether, among those eligible, employees receive non-base compensation in nondiscriminatory amounts.

### **What if members of one protected group are lower-paid than others but there is no indication that the pay practices themselves are discriminatory? For example, what if job category A requires less skill, and therefore is lower-paid, and almost all of the employees in job category A are women?**

In this situation the mere fact that almost all of the employees in job category A are women does not in and of itself violate the law. But it is important to make sure that the employer does not limit the employment opportunities of women. The focus should be on whether women are hired into job category A and other job categories on a nondiscriminatory basis, and whether women are treated equally in promotions and transfers. In addition, performance appraisals, procedures for assigning work, and training opportunities must be nondiscriminatory. If any of these employer practices are discriminatory, they violate the law in their own right, in addition to affecting employee compensation.

## THE EQUAL PAY ACT

### What does the Equal Pay Act require?

The Equal Pay Act requires that equal wages be paid to men and women who perform jobs that require substantially equal skill, effort, and responsibility, and that are performed within the same establishment under similar working conditions.

### How similar do jobs have to be under the Equal Pay Act?

Under the Equal Pay Act, jobs must be substantially equal, but not identical. Therefore, minor differences in job duties, or the skill, effort, or responsibility required for the jobs will not render them unequal. Also, differences between the people in the jobs are not relevant to whether the jobs are substantially equal, though differences in qualifications could ultimately be a defense to a claim of pay discrimination.

### What does the Equal Pay Act mean by the terms "skill," "effort," "responsibility," and "working conditions"?

"Skill" refers to factors like the experience, ability, education, and training required to perform the job. "Effort" is the amount of physical or mental exertion needed to perform a job. "Responsibility" is the degree of accountability required in performing a job. "Working conditions" refer to the environmental surroundings and physical hazards of the job. Importantly, working conditions of jobs only have to be similar, while the other factors must be substantially equal.

### When are pay differentials between men and women lawful under the Equal Pay Act?

The Equal Pay Act permits pay differentials when they are based on a bona fide seniority system, merit system, incentive system (in terms of quality or quantity of production), or any other factor other than sex. These are known as "affirmative defenses" and it is the employer's burden to prove that they apply.

### How do you evaluate seniority, merit, and incentive systems?

They must be bona fide systems. This means that the system was not adopted with discriminatory intent; is an established system containing predetermined criteria for measuring seniority, merit, or productivity; has been communicated to employees; and has been consistently and even-handedly applied to employees of both sexes. And of course the system must in fact be the basis for the compensation differential.

### What are common "factors other than sex" that can be defenses under the Equal Pay Act?

Examples include employees' job-related education, experience, training, and ability; shift differentials; job classification systems; and market factors. These and other common "factors other than sex" are explained in the Compliance Manual section.

## INTERACTION OF TITLE VII AND EQUAL PAY ACT

### How do Title VII and the Equal Pay Act interact?

Both statutes prohibit sex discrimination in compensation. But despite the considerable overlap of the two statutes, they are not identical. Title VII broadly prohibits discriminatory compensation practices, while the Equal Pay Act is more targeted in that it only prohibits sex-based differentials in substantially equal jobs in the same establishment. Therefore, not all compensation practices that violate Title VII also violate the Equal Pay Act. On the other hand, the Commission's longstanding Equal Pay Act guidelines state that a practice that violates the Equal Pay Act also will violate Title VII.

## RELIEF

### If compensation discrimination is found, what is the appropriate relief?

The remedy should include a salary increase and back pay in the amount of the unlawful difference in pay. It is important to keep in mind that compensation discrimination is always remedied by raising the pay of the lower-paid person to match the pay of the higher-paid person. The victims are also entitled to their attorneys' fees and costs, and to damages that may be available under the particular statute.

For more information, visit the EEOC's website at [www.eeoc.gov](http://www.eeoc.gov) or call the Fort Polk EEO office at 337-531-1802.



## Did You Know?

Over \$211 million has been spent on the importation of fireworks from China.

The words *Under God* were not added to the Pledge of Allegiance until the year 1954.

The stars on the original American flag were arranged in a circle to ensure that all colonies were equal.

The Fourth of July was not declared a national holiday until 1941.

The national anthem is actually set to the tune of an old English drinking song called *To Anacreon in Heaven*.

The first Fourth of July party held at the White House was in 1801.

level of knowledge given the constant flood of cyber security news, alerts and horror stories in the media.

It seems that of those who picked them up, 60 percent plugged the devices into computers in their office. Oh, wait. It gets better. If the drive or CD case had an official logo, our well trained, cyber savvy government employees and contractors plugged in 90 percent of the bogus mobile media. Does that mean that official logos make mobile media that much safer? It would seem so, at least to some.

Now it is possible that in some parts of the country, there are those who would believe that this simply proves that government employees aren't too smart. Pardon the cynicism, but it is likely that the percentages would be the same if the disks and drives were dropped in the parking lots of retail stores, doctor's offices and fast food restaurants. Others might argue that the statistics were easily manipulated, since the quote from the article began with "of those that were picked up." One might argue that it is just as likely that the DHS may have dropped thousands of these test devices, but with only a small fraction actually being picked up. But as we know, it only takes the introduction of one piece of malware onto a network to cause significant damage. So then, do the raw numbers matter? Perhaps not so much.

This isn't picking on certain groups like government employees or patrons of fast food establishments. All this does is highlight why there is a large group of people from all walks of life who are victims of cyber crime.

It also demonstrates why cyber criminals are still using phishing techniques like get rich quick schemes, opportunities for adult encounters and pleas for help from rich but oppressed citizens of foreign countries. It shows why cyber "baddies" still hang around in internet cafes or drive around suburban neighborhoods gleaning private data from ill protected networks. It shows why dedicated hackers can breach the online security of the Sony Corporation, the Central Intelligence Agency and various other U.S. government web sites for no other reason than simply because they can.

There are few who engage in a struggle against an opposing force that are not familiar with the insight and wisdom of the ancient Chinese General Sun Tsu. Indeed, everyone from computer war gamers to four star generals are often heard to quote him. His advice on waging war is as applicable in corporate board rooms as it is in Command and Control Centers. Of all the general's famous quotes, there is one that those who protect data should find chilling, especially coming from a cyber

## July 2011 On Cyber Patrol

### The Dangers of Getting Picked Up in a Parking Lot



You just have to shake your head. According to a recent story in Bloomberg News, the Department of Homeland Security tried a little experiment by dropping CDs and thumb drives in the parking lots of government building and private contractors. Well, one would imagine this would be a great opportunity for our government employees and the specialized contractors that support them to show off their cyber security chops. After all, isn't it a given that these people would have cyber security and information assurance best practices drilled into them? If not, you would at least assume they would have some

criminal or foreign agent; "Can you imagine what I would do if I could do all I can?"

As you walk down the fairway of  
life you must smell the roses, for  
you only get to play one round.

~ Ben Hogan ~

## ANTITERRORISM

### Antiterrorism Awareness Month (1-31 August 2011)

#### What is it?

Individual personal protection ensures members of the Army community (Soldiers, DA civilians, and family members) are aware of the risks associated with the threat of terrorist activity and the personal security measures they can take to reduce that risk.

#### Why is it important?

When informed about the indicators of terrorist activity, and empowered by the knowledge of how to protect themselves, the Army-community is postured to defend against the threat. The risk to individuals and small groups living and traveling throughout the world is real. An effective way to reduce the risk is by training and educating the community and providing them with information and resources on individual personal protection.

#### What is the Army doing?

In June 2011, the Department of the Army's Office of the Provost Marshal General approved the Army's antiterrorism awareness themes for August AT Awareness Month. The purpose of the themes is to focus and encourage Army-wide community awareness and outreach efforts to address important topics related to protecting our communities from terrorist acts.

The following themes for AT Awareness are to help focus and guide commanders and managers on high pay off tasks that directly support the Army's AT program. **Theme 1:**

**Recognizing and reporting suspicious activity and indicators of high risk behavior. Theme 2: Active Shooter response procedures (Community Response). Theme 3: Application of AT Doctrinal Principles. Theme 4: Integrating AT into the operation process.** Areas which support the theme include training and educating individuals across the Fort Polk community on topics such as integrating AT principles and operation processes, anticipating the threat, maintaining vigilance, how to not be a target, response to Active Shooter procedures, and how to report suspicious activity.

Resources to support personal protection awareness include CJCS Guide 5260 (A Self-Help Guide to Antiterrorism), CJCS pocket card for individual protection, Brochure and pocket guide to active shooter, tips for commanders and family members, terrorist attack vignettes, and iWATCH Army products. Additional resources include antiterrorism individual awareness briefings (AT Level-I Training), as well as videos and public service announcements highlighting antiterrorism awareness, personal protection, and iWATCH Army. All of these resources are available on the Army Antiterrorism Enterprise Portal (ATEP).

**See Something Say Something. To report suspicious activities, contact the Antiterrorism Hotline at 337-531-6584. For all emergencies, contact the Military Police at 337-531-COPS/2677 or dial 911.**

**Point of contact: Mr. Mitchell Smith at 337-531-0413 Antiterrorism Branch**

#### Resources:

AKO log-in: **Army Antiterrorism Enterprise Portal Web (ATEP)** <https://www.us.army.mil/suite/page/605757>



### A Disturbing Workplace Trend

Regardless of the type of work we do, it's clear that we do our best work in an atmosphere of friendliness and cooperation. But recent research by professors Christine Pearson of the Thunderbird School of Global Management and Christine Porath of the USC Marshall School of Business reveals that an atmosphere of incivility is enveloping the workplace. In their book, *The Cost of Bad*

**Behavior** (penguin Publishing), Pearson and Porath share these shocking statistics:

- 96% of employees surveyed have experienced incivility at their workplace
- 48% of employees claim they are treated uncivilly by co-workers at least once a week
- 10% of employees say they witness mean spirited incivility every day
- 94% of workers who are treated uncivilly spend time thinking about how to get even with their offenders

Incivility is defined as "the exchange of seemingly inconsequential inconsiderate deeds and words that violate conventional norms of conduct." Examples include:

- Gossiping about co-workers behind their backs
- Mocking or mimicking another co-worker's mannerisms or physical characteristics
- Permitting a co-worker to struggle with an operation making light of the situation
- Interrupting a co-worker's conversation
- Engaging in "horseplay" that can escalate and become increasingly ugly
- Encouraging co-worker's to shun or be dismissive of an individual

Quite possible, workplace incivility might be a reflection of the general coarsening of behaviors in society at large. For example, it is now commonplace for political discussions to involve name-calling or the questioning of one's patriotism. But Pearson and Porath emphasize that civility isn't about "being nice." It's about mutual respect.

Just as targets of incivility may experience added stress, lowered moral and possibly negative health implications, the bystanders who witness workplace incivility can also be negatively affected. When victims work less, careless or even leave their jobs, the bystanders are directly affected by having to pick up the slack of extra work created by this decreased morale and performance.

As we approach the end of another fiscal year, many of us look back at what positive changes we made in our workplace. Can we look back and say that we were civil to each other. We can make positive changes in our workplace today and as we move forward in our work lives. This can be as simple as helping a co-worker who is struggling, abstaining from workplace conversations that demean or ridicule others, and making an effort to be friendly to others even when we feel stressed or preoccupied.

For more information or assistance contact your EAP Office: 337-531-1964

### BRAIN TEASER ANSWER

A secret.

### ARTICLES FOR BULLETIN

If you have any suggestions on topics or issues that you would like addressed in future bulletins, please call **531-1847**.

Suggestions will be reviewed and addressed if at all possible.

**// original signed //**  
**DONALD R. MALLET**  
**Director, Civilian Personnel**  
**Advisory Center**

