

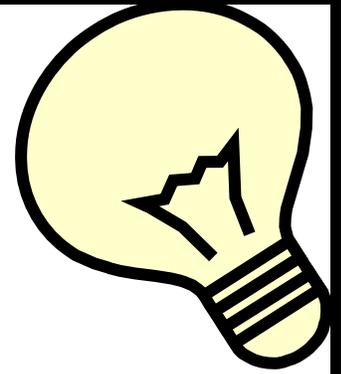
The

Illuminator

Shedding Light on the HR World

9-2010

Article Directory



Page

Retirement, Life/Health Insurance, TSP, Social Security and Such

Open Season Dates Set	3
Get a Jump on Retirement	3
So Many Great Retirement Towns, So Hard to Choose	6
Social Security Payback Option May Disappear	12

Employment-Related News

Managers Struggle to Reverse Understaffing	13
EEOC Summarizes Workforce Statistics	16
More Feds Receive Student Loan Help	19
NSPS Phase-Out Continuing	19
Different Generations, Different Styles in the Federal Workforce	20
EEOC Process Gets Even Slower	23
2011 Financial Questions (and Some Answers) For Federal Employees	24

Management-Employee Relations

Deal with Office Criticism Diplomatically	26
MSPB Reverses Indefinite Suspension	28
Definition of Disability	29
Telework: A Closer Look	30

Training, Self-Development, and Personal Improvement

Prove you are a Problem Solver	32
Human Resources (HR) for Supervisors Course	34
How to Guard Against Age Bias	34
RPA and ART Workshop	36

This publication is issued to ensure the Fort Benning commanders, managers, supervisors, and employees are kept informed of employment and staffing issues. Monthly issuances will contain updated information on specific employment topics (i.e., compensation, recruiting procedures, travel entitlements, classification issues, NSPS, the Maneuver Center of Excellence (MCOE) civilian transition, etc.).

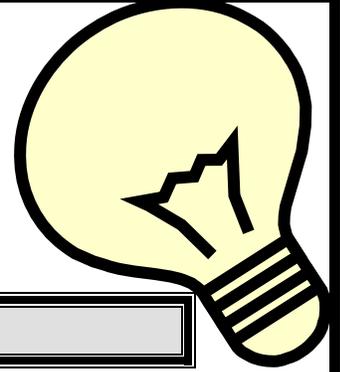
This newsletter is an apercu of articles written by CPAC staff [members] as well as information excerpted from various sources which include, but is not limited to, the Government Executive Newsletter, FedWEEK, the Federal Manager's Daily Report, FEDSmith, and the ABC-C Newsletter.

Some articles taken from FEDSmith were copyrighted. Where so warranted, permission was sought and granted to use them in their entirety. Further use of these articles requires permission from the author(s).

Please log on to our website at <https://www.benning.army.mil/Cpac/Index.htm>. If you have suggestions for improvement or topic recommendations, please contact the CPAC Director at <mailto:blanche.d.robinson@us.army.mil>

The Illuminator

9-2010



Retirement, Life/Health Insurance, TSP, Social Security and Such

Open Season Dates Set. The annual federal benefits open season will run from November 8-December 13 this year. That opportunity traditionally is of greatest interest regarding the FEHB, allowing enrollees to change plans or levels of coverage, and allowing those eligible but not currently enrolled to get into the program. Those who make no changes will continue with their current choices, although it's common each year for several plans to drop out, compelling their enrollees to switch plans. OPM earlier this year proposed making the open season run the month of November each year but if that change is finalized, it won't be effective until next year.

During the open season, employees also may sign up for flexible spending accounts for the 2011 plan year.

FSAs allow employees (but not retirees) to set aside pre-tax money that can be used for certain health and dependent care expenses. Individuals must reenroll each year—enrollment does not renew automatically as it does in FEHB. Employees can enroll in one type of account, both, or neither. One change, due to the national health insurance law enacted earlier this year, is that FSAs no longer will cover over the counter medicines unless prescribed by a doctor. Also during the same open season period will be an opportunity to sign up for or change coverage in the FEDVIP vision-dental insurance program. That program is open to both active and retired employees and certain family members, generally following FEHB eligibility rules. FEDVIP enrollment does continue year to year unless changed. Eligible persons can enroll in a vision plan, a dental plan, both, or neither.

Get a Jump on Retirement. Older workers typically begin to get serious about their retirement exit strategy during their final few years on the job. But the sooner you start, the more time you'll have to explore your options and, if necessary, get your plans on track. Think of it as planning a long, expensive vacation for which every detail matters, rather than deciding at the last minute to take a weekend trip. "Deciding to retire without having substantially completed specific tasks can put a successful transition and a satisfying retirement at risk," says Sandra Timmermann, director of the MetLife Mature Market Institute.

Quiz: Are you Really Ready to Retire?

Unfortunately, most Americans never tackle those crucial chores while they still have time to boost current [savings](#) or trim future costs. Tom Kmak, head of Fiduciary Benchmarks, a firm that helps employers improve their 401(k) plans, sums up the situation for many preretirees with a quote from *Alice in Wonderland*: "If you don't know

The Illuminator

9-2010



where you are going, any road will get you there." The problem with such an approach, says Kmak, is that you may not like where you end up.

Consider the following guidelines a GPS that will lead you to a secure retirement.

Enlist help

Gary Duhamel of Alpine, Cal., started mapping his exit strategy about ten years ago. "I wanted to make sure I had investigated every option available to me," says Duhamel, now 60. A supervisor at an electrical contracting company, he attended retirement-planning seminars, interviewed several financial planners and asked a lot of questions about how they would manage his money before choosing J. Graydon Coghlan, head of the Coghlan Financial Group, in San Diego.

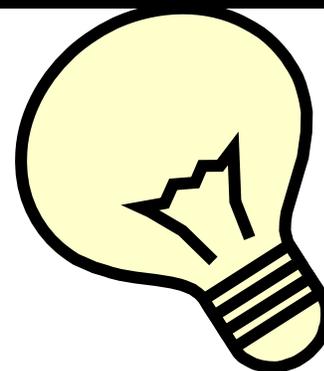
Initially, Duhamel shifted a portion of his savings to Coghlan's firm. But once he grew comfortable with Coghlan's tactical investment style rather than a more passive buy-and-hold strategy, Duhamel allowed Coghlan to manage the rest of his money. Coghlan's fees range from 1% to 1.5% of assets, depending on the size of the [account](#) and investment style.

When Duhamel passed the magic milestone of 59 1/2 years old -- after which you can withdraw retirement money without penalty -- he took an in-service distribution from his 401(k), transferring the balance to an IRA. Coghlan manages the IRA while Duhamel continues to shovel the maximum (\$22,000 in 2010) into his 401(k); he relies on Coghlan to advise him on how to allocate his 401(k) investments to complement his other assets. Coghlan encourages clients to take advantage of in-service distributions when their plan rules allow it (not all do). "It enables you to diversify your investments beyond the limited choices in your 401(k), increases your potential for [investment](#) returns and allows you to build a relationship with an adviser before you retire," says Coghlan. "I've done everything I could possibly do to get ready," says Duhamel, who hopes to retire in two years -- when he'll qualify for Social Security benefits and can collect a company pension. "Now it's up to the market."

Meanwhile, Duhamel's wife, Donna, a former elementary school teacher who retired three years ago, says retirement is everything she had hoped it would be. She takes classes and dancing lessons, tends her rose garden, walks her dog, Bella, and makes travel plans.

The Illuminator

9-2010



Test-drive your budget

Joy Kenefick and Marcia Tillotson, a financial-consulting team in Charlotte, N.C., base their approach to retirement on cash-flow analysis. "Some people have no idea what their lifestyle costs them," says Tillotson. "Generally, those people are not prepared for retirement."

A good way to get a handle on your expenses is to look in the rearview mirror by going over a year's worth of bank records and credit-card receipts, says Tillotson. If you don't keep good records, you can start fresh by tracking your expenses, but it could take a while to develop an accurate estimate of your routine costs.

The debt-averse duo, who work for Wells Fargo Advisors, urge clients to pay off their mortgage before retiring and build up a cash reserve to tap for emergencies. They also encourage clients within two years of retirement to test-drive their future budget. For example, if you expect to live on 85% of your pre-retirement salary, cut your spending by 15% now and save the rest, preferably by maxing out your retirement savings. A working couple can stash up to \$44,000 a year into their 401(k) plans.

The forced savings boosts your nest egg, reduces your taxable income and helps you stick to a budget. If you need extra money, the financial team says it's better to tap your cash reserves than cut back on your 401(k) contributions. And they bet you'll think twice about dipping into savings to cover want-tos rather than have-tos.

Sprint to the finish line

At age 59, Wayne Russell finally found someone to review his retirement savings and tell him whether he was on track to retire in five years. Russell, the senior plant supervisor of Maola Milk and Ice Cream Co., in New Bern, N.C., didn't have to look far. When the Principal Financial Group took over the administration of his employer's 401(k) plan, it offered one-on-one consultations with all participants.

After the meeting, Russell felt more confident that his retirement goals were attainable. A Vietnam War veteran who describes himself as gun-shy when it comes to investment risk, he also reviewed his asset allocations and upped his 401(k) contribution from 6% of his salary to 10% as a result of the advice session. "If I had been able to meet with somebody five to ten years ago, I would have invested more," he says.

A majority of Americans say that they are behind in saving for retirement, according to a new survey by TD Ameritrade, and many of them blame their savings deficit on getting a late start. But late bloomers, take heart: There is still time to build a respectable nest egg for retirement. It may not be easy, but it is possible.

The Illuminator

9-2010



Consider this extreme example: Say you're 55 years old and you've saved zilch so far for retirement. You don't have to be a Wal-Mart greeter well into your eighties. Let's assume you earn \$80,000 a year and your company offers a 50% match in your 401(k), up to 6% of pay. If you contribute just enough to your plan to capture your employer match, you could accumulate about \$130,000 by age 65. (That assumes your investments grow by 6% annually and your salary grows by 3% a year, which would raise the dollar amount of both your contribution and your employer match in future years.) Or, if you contributed the maximum \$22,000 a year (including catch-up contributions for workers 50 and older) for each of the next ten years, you could accumulate nearly \$400,000 by the time you turn 65.

Of course, saving a whopping 28% of your salary would be tough, concedes Christine Fahlund, senior financial planner for T. Rowe Price, who created this example for us. "But the potential results are significant enough that it may be worth making such a strong commitment to saving," she says.

And for those of you who have been saving for decades but still feel you need to plump up your nest egg before you call it quits, Fahlund recommends working a little longer. But, she says, take time along the way to treat yourself to vacations, work on your hobbies, shop for a sailboat or pursue whatever is your passion. "We are redefining the transition period," she says. "You're working, but you're also playing as you continue to make good money and enjoy employer benefits."

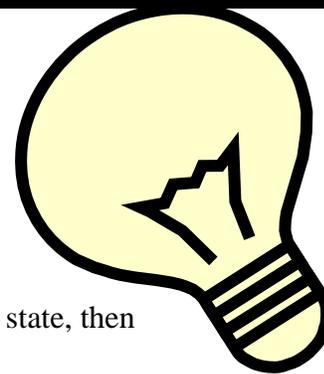
To help you assess whether you should delay retirement, download MetLife's new *Retirement Readiness Index* and the accompanying *Retirement Readiness Workbook* at www.maturemarketinstitute.com. Your answers to 15 tasks outlined in the free workbook -- from assessing the adequacy of your retirement benefits to deciding what you'll do with your newfound time -- will indicate whether you're ready.

So Many Great Retirement Towns, So Hard to Choose. In mid-June, NARFE sent a request to members via the Association's GEMS e-mail messaging system, asking them to provide a 140-character answer (the limit to messages in Twitter, the popular social networking service) to this question: "Why should other federal retirees consider retiring in your town?" Nearly 600 responses came back within a few days. Thank you!

Hundreds of towns were recommended in every state and at least four foreign countries, along with more than 25 active adult and 55+ communities. This much was clear: The responding NARFE members are overwhelmingly happy with their retirement towns and communities! Unfortunately, there were far too many towns named to include them all in this article. In the end, we decided to profile towns from the group of 30 that received multiple mentions. But the other responses were too good not to share. So, we have put

The Illuminator

9-2010



them on the NARFE Web site, www.narfe.org, where they are searchable by state, then locality (see sidebar below on how to access this information).

Here is what your fellow NARFE members told us about their best places to retire.

The Exotic

There are some NARFE members who have gone in for unusual choices of retirement locations. Several have taken up the mobile lifestyle – living out of an RV for all or most of the year, traveling from place to place as the mood strikes them. Here’s what two retirees said about their “turtle” (home on your back) lifestyle:

George Gravlee is a believer: “South Carolina is our home, but Texas is our mailing address. We travel in an RV most of the year.” Vernon Funkhouser describes why he chose an RV retirement: “When I get tired of the scenery, I just move on.”

Foreign Countries. A few respondents chose retirement in a foreign country. William Middlemas was one of them. Speaking of his new home in Vicenza, Italy, he reported: “Nice small city in the heart of the Veneto. Plenty to do if you like culture. No state income taxes; free health care.” Larry Pellegrini retired to Lake Chapala, Mexico, a popular area for American expatriates near Guadalajara. He chose it for its “low cost of living, excellent weather and being close to the United States.” William Wacyck retired to Ecuador because... “it’s very cheap to live here. The weather is great.”

Hawaii. The 50th state is a popular retirement destination, despite its distance from the mainland and high cost of living. At least four members told us why they think federal employees would like to retire to places like Honolulu, Aiea and Waialua. R. Caplett had one good reason for choosing a Hawaiian retirement: “The weather is usually nice, and sometimes it’s as you’d imagine heaven to be.” Kathleen Ebey noted that, in addition to perfect weather, “Federal pay isn’t taxed. Military facilities abound. Beaches galore – swim, fish, surf, picnic, camp.” Gloria Samala likes its “...fruits from trees.”

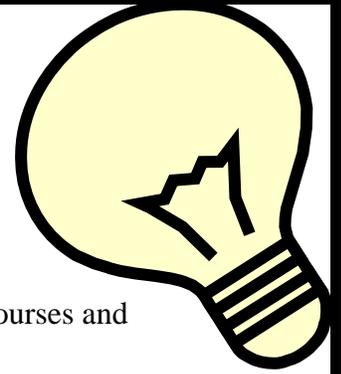
The Top Spots

The Runaway Favorite – The Villages, FL. Many of your fellow retired federal employees recommended the active adult communities they live in. The Villages (south of Ocala, FL) was mentioned the most. It also got the most enthusiastic comments – NARFE members who live in The Villages love it there! Their comments pretty much say it all:

“It is the world’s largest retirement community, the world’s largest golf community and the world’s largest golf cart community. Wonderful!”

The Illuminator

9-2010



“Beautifully maintained with friendly population. Over 25 free 9-hole golf courses and 53 pools. Solid real estate investment.”

“This place is Disney World for adults! So much to do, it is unbelievable! Nice NARFE chapter here.”

“The Villages offers more for your money.”

“You must see it to believe it.”

“This is the most fun we ever had.”

Although it doesn't have quite the brand recognition as the Sun City franchise, The Villages is probably the single most popular retirement community in the world. You can eavesdrop on daily life in The Villages by visiting www.TheTalkoftheVillages.com, a popular forum for residents.

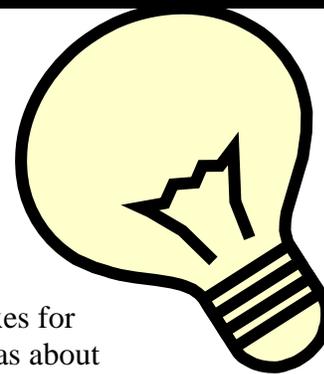
Some of the other active adult and 55+ communities recommended by members included most of the Sun City locations, Air Force Village, Terra Vista, Bella Vista, Solvita, Robson Ranch, Fairfield Glade, Green Valley and Carolina Shores. Note: If you are interested in exploring what it would be like to live in one of these active adult communities, many of them offer “Discover” or “Stay and Play” programs where you can stay for a few days at discounted rates. Call or check their Web sites to find out more.

Climate Driven – Las Cruces, NM. This small city of 92,000 in extreme southern New Mexico regularly makes most of the “100 Best Retirement Towns” lists, and for good reason. Las Cruces has a rich Anasazi heritage going back 8,000 years. Rick Colwell chose Las Cruces, and he likes that the “climate is dry and rarely gets below freezing. Cost of living is very, very affordable.” John Hills also appreciates the “warm/dry climate, perfect weather, and nearby New Mexico State University.” According to City-Data.com, the median price of a home in Las Cruces has remained at about \$160,000 for several quarters running.

The German-American Town of New Braunfels, TX. This town of 54,000 near San Antonio has a rich German heritage, festivals and good medical access. Ronald Walton decided to retire here because “South Central Texas has the best lifestyle for the money for senior citizens.” John Creswell retired to New Braunfels for similar reasons: “We love the people, weather, excellent health care, beautiful hill country and safe living environment.” Loretta Carter loves New Braunfels because there is “lots to do and many

The Illuminator

9-2010



good restaurants. People are friendly, and there are garden homes and duplexes for downsizing.” In early 2010, the median price of a home in New Braunfels was about \$180,000, near the Texas median price, according to zillow.com.

Perennial #1 Retirement Town – Asheville, NC. In surveys of baby boomers, the #1 choice of retirement towns frequently is Asheville, located in North Carolina’s western mountains.

It offers mild summers, beautiful mountains and a vibrant town with a university (UNC-Asheville). Although Asheville doesn’t appear to be the runaway favorite among NARFE members, it did get at least five recommendations. Federal retirees like its “great climate and recreation in the mountains” as well as no taxes on federal retirement. The town’s active arts community (symphony, opera, crafts), diversity, thriving downtown and good health care system were all praised. On the down side, some people thought housing was a bit costly.

All-Around City on the Gulf – Sarasota, FL. Several NARFE retirees believe that Sarasota, FL, is the best place to retire. They like that it has a long list of attractions and “so many things to do.” Beaches, golf, fishing, theater, ballet, opera, restaurants, parks, museums and a successful NARFE chapter are some of those attractions. Robert Sousa likes many of those things, but he was clear about what he likes best: “Did I mention good fishing?”

Honorable Mentions

Vancouver, WA. “Beautiful – no income tax. Moderate climate, close to Portland.” “Green most of the year.”

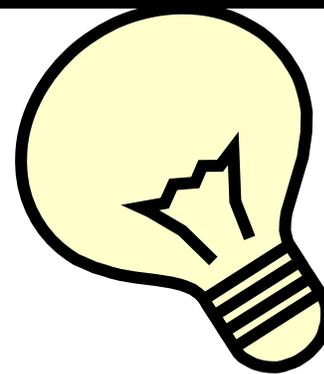
Chatham, MA. Ronald Kangas likes this beautiful town on Cape Cod’s elbow because of its “low property taxes and active senior community with travel, theater and dining.”

Prescott, AZ. Here’s why Neil Sampson is crazy about retiring in Prescott: “After a long federal career, it’s nice to go to a place that values public service, has great weather, nice people and lots to do.”

Georgetown, TX. This town north of Austin is home to Sun City Texas. As David Morton says, “Plenty to do for everyone – if it’s not here in Sun City Texas, they will start it for you.”

The Illuminator

9-2010



Notable Quotes and Wise Words

The collective wisdom and humor that came back in the responses was so good, we just had to share a few intriguing quotes:

John Chester likes Washington, DC, because he ... “can walk to the Hill, carrying tar, feathers and a rail, if a reduction in retirement benefits is ever seriously considered.” Felicia Cochran of Sun City, AZ, has a retort for anyone who points out the hot summers Arizona is famous for: “Yes, hot summers, but we don’t have to shovel sunshine!”

Consider these wise words from Merl Miller on what you should consider when choosing a place to retire: “Family and friends are ... essential to enjoying years of retirement. Consider what is important now and what will be important 20 or more years down the line.”

How to Find Your Best Place to Retire

Planning, evaluating your options and ranking your priorities will greatly increase your likelihood of success in retirement. Topretirements.com offers a free eBook, *The Baby Boomers Guide to Selecting a Retirement Community*, to help with that process (www.Topretirements.com/Ebookdownloadguest.html).

Once you’ve done your initial fact-finding, finding places to retire that match your needs can be fun. “Best places to retire” lists are readily available on the Internet – just type that phrase into your favorite search engine and start exploring. Or, better yet, go to www.narfe.org and check out what your fellow NARFE members have to say about where they live!

John Brady started www.Topretirements.com in 2007 as the place for baby boomers to find their best places to retire. The site offers objective reviews of more than 500 towns and almost 1,000 active adult communities, in addition to news stories, feature articles and forums on all aspects of retirement. Topretirements offers a free newsletter that profiles retirement communities and offers helpful advice. The site’s Retirement Ranger is a free, 10-question quiz that provides a personalized retirement scouting report.

NARFE Members’ Picks

Nearly 600 NARFE members recommended their communities as good places for federal employees to choose for retirement. To see what your NARFE colleagues said, go to

The Illuminator

9-2010



www.narfe.org, click on NARFE magazine, and then “Where to Retire, NARFE Members Tell Us Their Top Spots.” Click on a state on the map, and then select a city/town to see NARFE members’ comments.

What NARFE Members Want in a Place to Retire

Respondents to our member survey gave at least 49 different reasons for choosing a community. Here are the top reasons cited by NARFE retirees:

- Pension not taxed. This was by far the most common theme. NARFE retirees are tickled pink about not being taxed on their federal annuities and/or Social Security.*
- Plentiful activities. Your fellow members enjoy a multitude of different activities – golf, fishing, hiking and skiing are just some of those mentioned.*
- Access to good medical care. Respondents have clearly considered the quality and availability of medical care in their retirement deliberations.*
- Climate. Most people like the climate where they retired, no matter where that is. (As an example, one person from Anchorage thought it was mild enough there!) A number of people said they enjoy the four seasons, or the fact that they can do what they want throughout four seasons.*
- Friendly people. They like their neighbors and find it easy to make friends.*
- Good value for the money. Not just having a lower cost of living, but getting good value for it was important.*
- Beaches/close to beach. Sometimes, being close to a beach is measured in hours rather than minutes, but that is still viewed as a benefit.*
- Food/restaurants. Having access to good restaurants is a plus for many.*
- University or adult education. Many, many NARFE members cited living in a college town or being able to take classes as a real advantage.*

Other reasons cited included: “I went to college here,” “grandkids,” “good programs for seniors,” “transportation,” “mountains,” “good library” and “like my 55+ community.” Not to be overlooked is the attraction of friends, family and familiar places.

The Illuminator

9-2010



As Larry Hull, one of several NARFE members who advocate staying where you live now, says, "I strongly suggest retirees consider the benefits of retiring in their own community if they have family, friends and strong ties."

Social Security Payback Option May Disappear. A little-known strategy that allows Social Security recipients to boost their income by repaying benefits received in earlier years and then claiming a bigger monthly check based on their older age may soon disappear. *Kiplinger's* has learned that the Social Security Administration is moving to eliminate the so-called do-over strategy. If the agency gets its way, the new rule could take effect within a few months.

The payback strategy has been gaining attention in recent years, thanks in part to a series of articles by *Kiplinger's* that unveiled several ways of making the most of your Social Security benefits (see [Secrets to Maximizing Social Security](#)).

If you or someone you know might benefit from the payback strategy, now's the time to consider it and come to a decision. Putting it off could mean letting the government make the decision for you -- by eliminating the opportunity.

Retirees can collect Social Security benefits as early as age 62, but monthly payments are reduced by 25% compared with what they would be if claimed at normal retirement age, which is 66 for those who claim benefits this year. Those who are willing to wait past age 66 can boost their benefits by 8% for every year they delay, up to age 70, increasing annual benefits to 132% of their base amount.

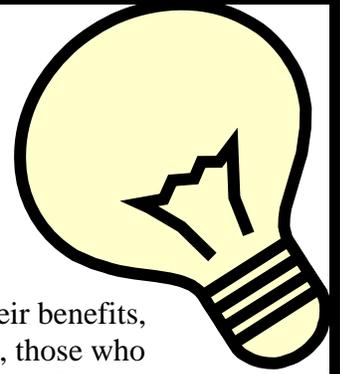
Maybe you decided to collect early just because you could, but now you regret your decision and wish you had held out for a bigger monthly check. In order to get one, you must first file SSA Form 521 ("Request for Withdrawal of [Application](#)") at your local Social Security office.

Your [retirement benefits](#) will stop almost immediately, and if your spouse receives benefits based on your work record, his or her benefits will stop, too. Then the SSA will send you a letter telling you how much you need to repay (including any spousal benefits). That process may take several weeks or even months. Once you repay the benefits -- which can top \$100,000 -- you can reapply for a higher payment based on your current age, locking in a larger base amount for future cost-of-living adjustments and maximizing lifetime benefits for a surviving spouse.

In 2007, only about 500 people -- out of more than 37 million retirees and their dependents receiving benefits -- took advantage of the payback option. By 2009, the

The Illuminator

9-2010



number had nearly doubled as more retirees learned how they could repay their benefits, interest- and penalty-free, and restart them at a new, higher level. As a bonus, those who repay benefits can claim a tax credit or a tax deduction -- whichever results in a bigger tax break -- for any income taxes paid on the benefits as they received them.

The strategy has gained popularity as retirees realized that it is cheaper to repay Uncle Sam and lock in inflation-adjusted payments for life than it is to buy a similar amount of guaranteed income in the form of an annuity from an [insurance](#) company. But that attention was apparently unwanted and has led the Social Security Administration to rethink its policy.

Under the newly proposed rule, retirees would be allowed to withdraw their application for Social Security benefits only once during their lifetime and only within 12 months of when they began receiving benefits. If they changed their mind within the first year, they could stop their benefits, pay back what they had already received and restart them later at a higher level based on their age at that time. But once that 12-month deadline passed, they would no longer be able to repay benefits to "buy" a higher benefit later. The federal government's Office of Management and Budget has the final say.

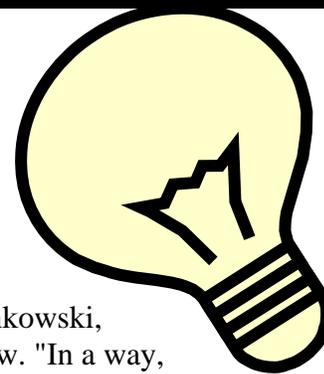
Employment-Related News

Managers Struggle to Reverse Understaffing. The federal government's latest survey of its work force appears to show growing concerns about insufficient staffing and other resources and a work force that may not have the right knowledge and skills to do the job. And those problems are surfacing in different ways throughout the government. At the Veterans Affairs Department, senior officials are worried they can't lure enough specialized doctors such as oncologists to work in rural areas.

At the U.S. Agency for International Development, some employees risk burnout by wearing two or three hats at a time, while some important duties fall between the cracks. And — reflecting both a cause and a symptom of the understaffing problem — human resources officials are overstretched and scrambling to meet their agencies' demands. In the case of USAID, the problem stems from insufficient work-force planning as the agency failed to hire new employees as experienced employees retired. Now, USAID is hiring again, but it lacks midlevel officers who ought to have been developed over the last several years.

The Illuminator

9-2010



"We've gone more than a decade without replacing attrition," Mary Beth Zankowski, USAID's senior adviser for strategic work-force planning, said in an interview. "In a way, we're playing catch-up. The bill has come due."

A June report from the Government Accountability Office found that USAID's work force dropped 2.7 percent — from 7,626 to 7,421 — between 2004 and 2009. Meanwhile, USAID's program funding nearly doubled to \$17.9 billion as its missions have increased in places like Iraq, Afghanistan and Sudan. USAID doesn't have data on work-force gaps, but a GAO review found that 66 of 546 authorized positions in six countries were unfilled.

"Mission officials in each of these countries stated that it is not uncommon for positions to remain vacant for a lengthy period," GAO wrote. "During this time staff may assume multiple responsibilities and accept additional workload, which present some challenges in the agency's ability to manage and oversee its activities."

Zankowski said burnout is a real danger for employees who are asked to do several jobs at once. What's more, the department's projects suffer. Contracts and approvals get delayed, staffers don't have time to conduct vital meetings with the people working on the projects, and they don't travel to sites to oversee work as much as they should. If someone finishes the first phase of a project and then is reassigned elsewhere, the second phase could languish because nobody is there to take up the project, she said.

USAID employees are so overstretched that the department can't even get a handle on how far behind they are.

"Going out and asking each mission what their backlog is would be another burden," Zankowski said.

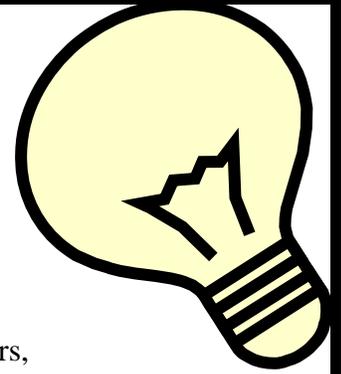
To try to fix the problem, Zankowski said USAID has brought in contractors and rehired former employees. Meanwhile, USAID is trying to develop junior staffers as quickly as possible so they don't have to fill positions for which they aren't ready.

In previous years, USAID threw inexperienced officers "in over their head" by putting them in charge of overseas offices with multimillion-dollar budgets, said Bill Douglass, USAID's acting development initiative coordinator. This led to a high failure rate, he said. But in 2008, USAID started the Development Leadership Initiative, where officers are trained and mentored in Washington and overseas for up to three years, to ease them into higher positions.

"They need seasoning," Zankowski said. "If you put them in a position that is beyond their experience to perform, they're not going to be successful."

The Illuminator

9-2010



At VA, managers must recruit constantly to avoid vacancies as nurses, doctors, pharmacists, therapists and other medical staffers retire or otherwise leave the agency, Chief Human Capital Officer John Sepulveda said.

The need for people with rare, high-demand skills, even in remote parts of the country, is increasing along with the growing veteran population returning from Iraq and Afghanistan. And new regulations making it easier for veterans to obtain treatment for post-traumatic stress disorder are certain to create even more hiring demands at VA, Sepulveda said.

"We're competing, even in this economy," Sepulveda said. "We're constantly looking to fill those positions."

VA is relying on recruitment, retention and relocation incentives to draw talented medical staffers to its clinics. In 2008, VA spent almost \$54 million on incentives, second only to the Defense Department.

At the General Services Administration, contracting officers tasked with overseeing Recovery Act spending are overburdened, due both to understaffing and a growing, high-pressure workload.

"I think the federal government has been historically understaffed when it comes to contracting officers," GSA Inspector General Brian Miller said in a June meeting with Federal Times. "Now they need to hire quickly. Just gearing up the human resources people to hire new people, get them trained, get them experience and to find them — those are factors in terms of hiring the contracting officers."

But HR offices are facing a crunch of their own, especially at USAID.

GAO said USAID's chief operating officer last year found the agency's HR office was "barely meeting its current workload demands with its existing staff of 86 and will not be able to meet the demands generated by the agency's human capital initiatives and planned growth."

Zankowski said the downsizing of the late 1990s took a devastating chunk out of the government's HR specialists, and offices are still suffering as a result. She said her office hears complaints about poor customer service, and said the office probably needs about 120 people to properly function.

The Illuminator

9-2010



"Rebuilding that cadre is extremely important," Zankowski said. "If we want to retain our work force, we have to have a robust, vibrant HR office that can provide services to employees."

And Zankowski, a 35-year federal employee, worries about what will happen to her office when she retires in December.

"There's no one behind me when I leave," Zankowski said.

EEOC Summarizes Workforce Statistics. Following is the executive summary of a new EEOC report on the federal workforce.

In FY 2009, there were almost 2.8 million women and men employed by the federal government across the country and around the world.

55.9% were men and 44.1% were women; after a slow but steady increase, the participation rate for women fell slightly from last year (44.13% to 44.06%).

7.9% were Hispanic or Latino, 65.6% were White, 18.0% were Black or African American, 5.8% were Asian, 0.3% were Native Hawaiian/Other Pacific Islander, 1.7% were American Indian/Alaska Native, and 0.7% were persons of Two or More Races.

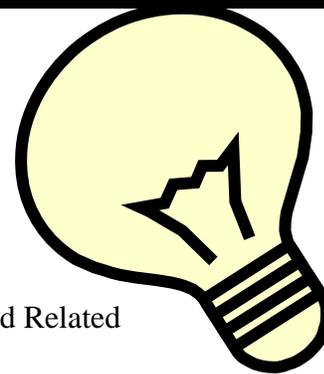
Between FY 2008 and FY 2009, Women, Hispanic or Latino men and women, men and women of Two or More Races, and White women remained below their overall availability in the national civilian labor force, as reported in the 2000 census (CLF).

After a steady decline for the past ten years, the participation rate of employees with targeted disabilities in the federal work force held steady in FY 2009 at 0.88%. Despite a modest net gain of 236 employees in FY 2009 over FY 2008, Individuals with Targeted Disabilities still fell far short of the 2% goal set by EEOC's LEAD Initiative.

Of the total work force, 0.74% held senior pay level positions, which is an increase from 0.68% in FY 2000. Over the last ten years women, Hispanic or Latino employees, Black/African American employees and Asian employees have made the most gains in securing senior level positions in the federal government, increasing their participation rates to 45.03%, 34.36%, 21.52% and 129.33% respectively. Comparatively, women increased their participation rates in the total work force over the same period by 19.88%, Hispanic or Latino employees by 33.56%, Black/African American employees by only 10.62% and Asian employees by only 28.08%.

The Illuminator

9-2010



Of the total work force, 47.56% of employees occupied General Schedule and Related pay system positions.

The average grade for permanent and temporary General Schedule employees was 9.9 (\$51,869 per annum). For Hispanic or Latino employees (9.4, \$45,044 per annum), Black or African American employees (9, \$40,949 per annum), Native Hawaiian/Other Pacific Islander employees (7.9, \$42,405 per annum), American Indian/Alaska Native employees (8.4, \$40,783 per annum) and employees of Two or More Races (8.5, \$42,019 per annum). All had average grades lower than the government-wide average. The average grade for Asian employees (10.4, \$49,604 per annum) and White employees (10.2, \$46,598 per annum) exceeded the government-wide average.

The average General Schedule grade for women remained at 9.3 (\$43,679 per annum), more than one grade below the average grade level for men of 10.4 (\$49,604 per annum).

The average General Schedule grade for Individuals with Targeted Disabilities remained at 8.5 (\$42,019 per annum), nearly one and a half grades below the government-wide average (for permanent and temporary employees) of 9.9 (\$51,869 per annum).

Of the total work force, 6.99% of employees occupy positions in the Federal Wage System. In comparison to the General Schedule and Related positions, the Federal Wage System had a higher percentage of men (89.36%), Hispanic or Latino men (6.89%), Black or African American men (14.54%), Asian men (3.39%), Native Hawaiian/Other Pacific Islanders (0.74%), American Indian/Alaska Natives (2.46%) and Individuals with Targeted Disabilities (1.07%) and a lower percentage of women (10.64%).

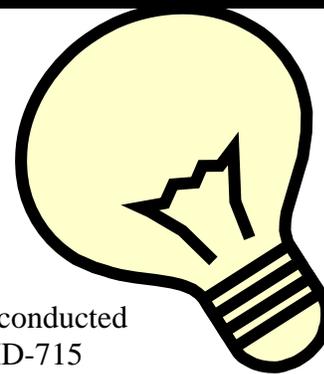
Of the total work force, 44.72% of employees occupied positions in Other Pay Systems (i.e. other than Senior Pay, General Schedule and Federal Wage Systems). In comparison to the General Schedule, the other pay systems had a higher percentage of men (56.19%), Asian employees (7.17%), Native Hawaiian/Other Pacific Islander employees (0.36%) and Persons of Two or More Races (0.75); and a lower percentage of Black or African American employees (18.05%), Hispanic or Latino employees (7.84%), White employees (64.78%), and American Indian/Alaska Native employees (1.08%).

Of the 180 agencies and subcomponents that submitted a FY 2009 MD-715 report, 61% reported that they had issued an EEO policy on an annual basis, a decrease from the 79% of the 173 agencies and subcomponents that submitted an MD-715 report in FY 2008.

Of the 93 agencies (with 100 or more employees) that submitted a FY 2009 EEOC Form 462 report, 69 (74.2%) reported that the EEO Director reports directly to the agency head.

The Illuminator

9-2010



A state of the agency briefing to the agency head, required by MD-715, was conducted by 77% of the 180 agencies and subcomponents that submitted a FY 2009 MD-715 report, up from 76% of the 173 agencies and subcomponents that submitted a FY 2008 MD-715 report.

Pre-complaint EEO counseling and alternative dispute resolution (ADR) programs addressed many employee concerns before they resulted in formal EEO complaints. Of the 39,038 instances of counseling in FY 2009, 52.8% did not result in a formal complaint due either to settlement by the parties or withdrawal from the EEO process. In FY 2009, 15,825 individuals filed 16,947 complaints alleging employment discrimination against the federal government.

The number of complaints filed increased by 1.2% from the number filed the previous year and there was a 1.8% increase in the number of individuals who filed complaints over the same period. In FY 2009, 6.6% of the complaints filed were by individuals who had previously filed at least one other complaint during the year, a decrease from the 7.2% in FY 2008.

A total of 10,199 investigations were completed government-wide in an average of 185 days in FY 2009. Significantly, 7,432, or 72.9%, of the investigations were timely completed, less than FY 2008's 74.0% timely completed rate. Without the United States Postal Service's (USPS) investigations, the government-wide average drops to 61.8%, an increase from the 58.7% timely completed in FY 2008.

Agencies issued 4,150 merit decisions without a decision by an EEOC Administrative Judge, and 2,276 (54.8%) of these decisions were timely issued, down from 63.5% timely issued in FY 2008. Without the USPS' merit decisions, the government-wide average drops to 35.2%.

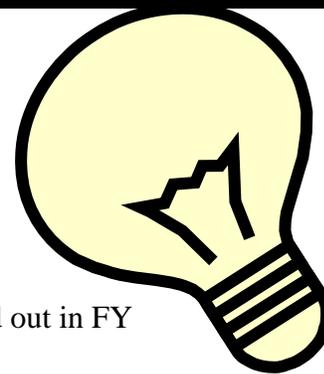
EEOC's hearing receipts decreased by 9.4%, from 8,036 in FY 2008 to 7,277 in FY 2009. The average processing time for a hearing was 294 days, a 12.2% increase from FY 2008's average of 262 days.

EEOC's appeal receipts decreased by 6.6%, declining from 5,082 in FY 2008 to 4,745 in FY 2009. The average processing time for appeals in FY 2009 was 290 days, a 4.3% increase from the FY 2008 average of 278 days.

In FY 2009, as a result of final agency decisions, settlement agreements, and final agency actions in which agencies agreed to fully implement EEOC Administrative Judges' decisions, agencies paid monetary benefits to EEO complainants totaling \$41.7 million, up slightly from the \$41.0 million paid in FY 2008. An additional \$8.5 million was paid

The Illuminator

9-2010



out in response to appellate decisions, a decrease from the \$12.3 million paid out in FY 2008.

In FY 2009, EEOC's training and outreach program reached 4,095 federal employees through 139 sessions.

In FY 2009, EEOC Form 462 reports were timely filed by 81 or 87% of the 93 agencies (with 100 or more employees) that were required to submit an EEOC Form 462 report.

In FY 2009, 79% or 143 of the 180 agencies and subcomponents that submitted an MD-715 report did so by the February 1, 2010 deadline. No extensions were granted in FY 2009. In FY 2008, 50% or 73 of the agencies and subcomponents that submitted reports were timely; with extensions 80.7% or 117 of the 145 reports submitted in FY 2008 were timely. In FY 2007, MD-715 reports were timely filed by 77 or 44.7% of the 172 reporting agencies and subcomponents down from the 50% or 84 of the 167 reporting agencies and subcomponents in FY 2006.

More Feds Receive Student Loan Help. Federal employees benefited more from student loan repayment programs in 2009, according to a new [report](#) by the [Office of Personnel Management](#).

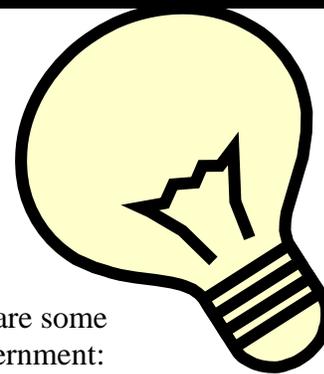
Overall, 36 federal agencies provided 8,454 employees a total of more than \$61.8 million in student loan repayment benefits. Compared with 2008, this represents a 23 percent increase in the number of employees receiving benefits and a 20 percent increase in agencies' overall financial investment in the program, OPM found. The average loan repayment benefit was \$7,317.

Information technology management was one of the top fields federal agencies recruited for using the student loan repayment incentives. For example, 163 IT management employees received the benefits, representing 1.9 percent of overall recipients. The Justice, Defense and State departments, the Securities and Exchange Commission and the Government Accountability Office made the greatest use of the program, OPM found.

NSPS Phase-out Continuing. The phase-out of the NSPS system is continuing, with nearly 110,000 of the 226,000 employees who at one time were in NSPS now moved out. Of those, 72 percent received raises that average nearly \$1,500, another 8 percent received no raises and another 20 percent who are above the maximum for their new grade and who under current DoD policy will remain at their salary levels but will be eligible for only half-sized annual raises until the underlying rate catches up. Various other potential approaches are being considered in Congress

The Illuminator

9-2010



Different Generations, Different Styles in the Federal Workforce. Here are some lessons Spencer Clark has learned in three years working for the federal government:

When he goes to boring meetings, he sits at the table so no one will think he's a slacker. He knows when to keep his mouth shut. He's not the best thing since sliced bread. Baby boomers have a lot to offer, even if they drive him crazy.

The earnest 27-year-old with a goatee who bikes with his laptop to his job administering the Paperwork Reduction Act for the Environmental Protection Agency is helping to rescript one of the oldest cliches in Washington. A new movement is shaking up the federal bureaucracy, as an expanding pool of idealistic, results-oriented Gen X and Yers challenges the predictability and authority-driven rules of the World War II generation and the pay-your-dues baby boomers who followed.

Many of the younger workers are arriving in a hiring spree. The Obama administration hopes to fill 50,000 to 60,000 entry-level jobs in the next year, the largest burst since the Kennedy era. The administration is creating positions in security, public health, defense - - and is pushing many jobs held by outside contractors inside the government.

The pipeline at the entry and mid-levels is opening fast as close to half a million baby boomers and older workers head out the door in the next four years.

After watching government responses to such crises as Hurricane Katrina and the Gulf of Mexico oil spill, this new crop of federal workers wants to do better. Almost one in three of the 142,690 federal workers hired last year was 29 or younger, while more than one in four were between 30 and 39, a demographic that's reshaping the bureaucracy -- and creating tension and opportunity along the way.

In 10 years, about 400,000 of the 2 million federal workers will be younger than 35, government personnel experts say.

With private-sector job prospects for college graduates at their bleakest in years, government leaders see a window to attract new talent, as well as compete with Teach for America and the Peace Corps for the service-minded.

Seeking risk

For all their bravado, today's young feds know they are following a Great Society generation that nurtured programs such as Medicare and Medicaid, sent the first man to the moon, and gave birth to the very agency Clark bikes to every morning. They know, too, that those baby boomers, a generation with their own sense of mission, will take expertise and institutional memory with them when they go.

The Illuminator

9-2010



Young workers are restless for risk. They don't want to be GS-9s forever. They expect to be consulted and engaged -- no head-down, it-has-always-worked-this-way chain of command here. They're digital natives, too, who want to manage acquisition contracts on Twitter and who think crowd sourcing and cloud computing are the future of customer service. "Sure, I deal with a lot of bureaucratic drudgery," said Clark, whose first job in government was shelving library books in high school. "But I came here because of the mission."

His job is to help reduce the burden of paperwork on the public. He was working for a labor union and fresh off two years as a missionary in France after college when the EPA called three years ago. Clark likes the agency's mission "to protect human health and the environment."

These are many of the young people who sent Barack Obama to the White House, where the president has repeated John F. Kennedy's call to service from 49 years ago and pledged to make working for the government cool again.

"We've seen incompetence in government and we want to fix it," said Timothy Sommella, 31, a Coast Guard officer with a degree from Harvard's Kennedy School and six years at sea, now on detail as a program reviewer in the budget office.

"Our parents talked about calling the DMV and being frustrated," he said. "Government doesn't have be the DMV." With a young wife now overseeing an oil cleanup crew in the Gulf of Mexico and no kids, Sommella channels his after-hours energy into heading Young Government Leaders, a professional group founded in 2003. It has grown to six chapters -- from Richmond to Denver -- with 1,800 members.

Facebook for feds

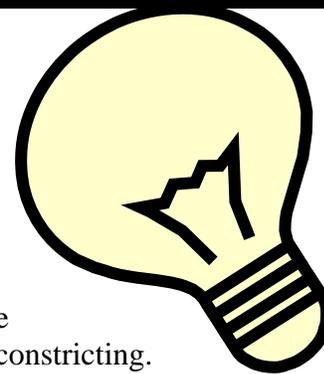
The younger generation converses on a type of Facebook for feds, started by a 28-year-old IT worker at the Homeland Security Department. Steve Ressler sent his idea for an online community to five friends one night after work in June 2008. GovLoop blossomed so fast that a private company snapped up the site last year. Membership for the part water cooler, part chat room site just hit 32,000.

"Government's different now," said Ressler, who now runs GovLoop full time. "Why shouldn't citizens be able to report emergencies on Twitter? Or take a picture of a pothole on their cellphone?"

Networking is a personal career-builder but also a way the younger generation thinks agencies should work: emerge from their silos and share ideas.

The Illuminator

9-2010



"They're very results-driven and they demand feedback," said John Berry, the government's personnel chief. "They often find some of the traditional roles constricting. They say, 'Why can't I wear flip-flops to work?' I've told them, 'I don't care what you wear, as long as you don't have a meeting at the White House.' "

Berry assigned a 27-year-old special adviser with a Stanford MBA to develop a strategy to recruit college students to government. Matt Collier pulled in a group representing agencies from the State Department to the IRS. Berry quickly dubbed it the "Cool Team." Part of the mission is to retain young workers.

At 51, Berry understands that the young guns and the boomers can rankle one another. "We like to work mostly by ourselves," he said. "They want to know, 'How am I doing?' The old folks are not used to being pestered every day for feedback."

With clerical jobs being replaced by technology, today's young feds are more educated and a little older than their predecessors were -- with an average age of 34 now, up from 31 in 1990 -- personnel experts say. They've got graduate degrees, nonprofit experience and military service on their résumés. Some say they've made a difference just by showing older colleagues quicker ways to do things.

Before his colleagues would submit paperwork-reduction strategies for approval, "they'd give me a whole packet of stuff when I needed a fraction of it," Clark said. Now he's revising the EPA's internal system to speed up the process. For improving efficiency, he got a "Splash" award from the Department of Water.

Some might call his job the epitome of bureaucracy. But Clark calls it the "churning of the internal cogs of government to serve the public interest."

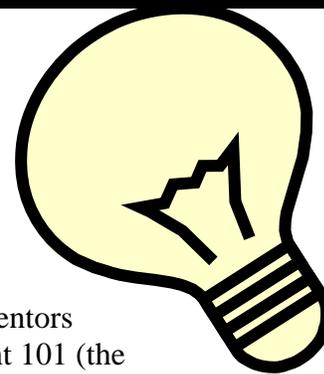
'Part of the team'

Serving the public interest at times has seemed like waiting in line for some. As a management analyst for an Agriculture Department program that gives farmers conservation incentives, Rebecca Roggenbuck often finds herself making copies instead of working up allocation formulas for states. "You want to be part of the team, not the copy girl," said the 28-year-old agri-scientist from tiny Harbor Beach, Mich. She came from a farm family and decided on a government career in agriculture. She's pursuing a master's degree at night and has worked her way up to a GS-13. And she has had to learn patience: "Your first instinct is you want to run everything and make it your own. But you have to learn your place respectfully."

The Next Gen movement reached a milestone last month, a two-day summit in Arlington that drew 250 workers.

The Illuminator

9-2010



It was a hothouse benefiting a Google conference, as young feds and their mentors opined on Getting Your Geek On (mastering tech tools), Project Management 101 (the real story on getting things done) and Managing Up (influence without authority). They exchanged e-mail addresses and Twitter handles on white MingleSticks dangling from their lanyards.

Mostly they got inspiration. Collier was the rock star who told his audience to be patient but persistent and learn from senior leaders. "They've probably tried it and hit the same walls."

Clark brought his own PowerPoint on networking, urging everyone to "use lunch to transform your agency and your career."

The generation gap was a big concern. "How do you deal with comments from managers such as 'I was born in 1962' and people referring to me as a 'tween?'" Keisha Forde, a program analyst at the Transportation Security Administration, asked during one session.

Sunny Hester, director of human capital for the Department of Human Services and a boomer, told Forde that patient communication is critical.

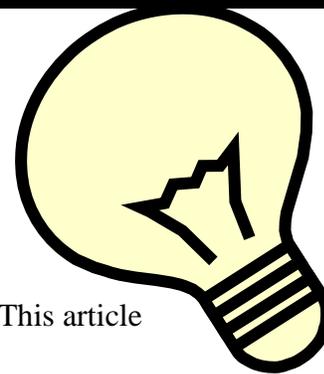
"The biggest change is the questioning of the status quo," said Hester, who finds the impatience of her younger colleagues refreshing. She has become something of a cheerleader and coach who embraces their enthusiasm while reminding them to use proper English in e-mails and that the world once survived on carbon paper and faxes.

"The phone would ring," she said. "You put the paper into a cylinder. You wait for the modem to transmit at six minutes a page. It was rocket science."

EEOC Process Gets Even Slower. The process for resolving complaints by federal employees of various forms of discrimination in the workplace continues to miss its timeliness goals and in fact slowed down even further in 2009, according to EEOC. Agencies met a general 30 day deadline of completing counseling in 90 percent of cases, down about 2 percentage points from 2008, resulting in either a settlement or a decision not to file a complaint about 55 percent of the time. When a complaint is filed, employing agencies met a 180 day deadline for completing the investigation in about 73 percent of cases, down about 1 percentage point; excluding USPS, which has special procedures, the rate is only about 62 percent. The average time for completing the investigation is 207 days. After investigations, about 21 percent of cases are settled and only 3 percent result in a finding of discrimination. EEOC in turn affirms about 71 percent of agency decisions that are appealed, but its backlog of hearings increased to about 7,000, up from about 5,000 in 2006, and the average age of pending cases is now more than a year, nearly double that of 2006.

The Illuminator

9-2010



2011 Financial Questions (and Some Answers) For Federal Employees. This article was written by Ralph Smith and posted in FEDSmith.

It is the time of year when readers are wondering about answers to several questions.

- How much will my raise be next year?
- How much of a COLA will federal retirees receive in January?
- Will my health insurance benefits go up?

Some of the answers are starting to come into focus.

Federal Pay in 2011

As far as a federal employee raise in 2011, the most likely answer at this point is an average increase of 1.4%. That is the amount that was proposed by the administration early in the year. Also, an appropriations bill that includes a 1.4 percent average raise for federal employees cleared a Senate committee late last week. A House subcommittee has approved a 1.4% increase for military personnel although the House has passed an appropriations bill for the Department of Defense which includes a 1.9% increase for military personnel.

In other words, an average raise of 1.4% is not necessarily the final figure as anything could happen by the time a final figure is passed by Congress and approved by the President. Moreover, this is an election year and nothing focuses the attention of Congressional representatives more than retaining their seat for another two years.

The news media have been trumpeting the average pay for federal employees as being considerably higher than it is for private sector workers. An [article in USA Today](#) stated in the opening paragraph: "The number of federal workers earning six-figure salaries has exploded during the recession." The article also stated: "The growth in six-figure salaries has pushed the average federal worker's pay to \$71,206, compared with \$40,331 in the private sector."

There have also been attempts to freeze federal pay in 2011. This has not been popular in Congress but it does give one a sense that there is not going to be a groundswell of support for a large pay increase in the pay of federal employees in 2011.

To give readers an idea of how widely this article has been read, a Google search using the terms "USA Today, federal pay" yields 15,900,000 results.

There is little doubt that the article has had an impact on federal pay for next year.

The Illuminator

9-2010



Federal employees have been receiving pretty good annual pay raises in recent years. For example, the average federal employee received a pay raise of 3.9% in 2009. Federal employees received an average pay increase of 3.5% in 2008, 2.7% in 2007 and 3.1% in 2006 and 4.1% back in 2004.

Last year, federal employees received a basic pay increase of 1.5% with an 0.5% locality pay increase to be distributed so that some localities had a bigger increase than others

Keep in mind that your pay may be more than the average of 1.4% if that figure becomes a reality in 2011. Locality pay can make a considerable difference in your actual pay. [You can use our pay calculator](#) to see how much your pay actually changed in 2010 based on an average of 1.5%. For example, some federal employees in Atlanta received an actual increase of 2.13%; those in the Washington, DC metro area received about 2.42%.

Your COLA in 2011

In 2010, for the first time, there was no cost of living increase for federal retirees. What about in 2011?

It isn't official yet but you will not be getting a COLA in 2011 either.

The federal inflation figures that are used to determine the amount of a cost of living increase currently show a [decrease](#) in prices instead of inflation pushing prices higher. While the time period for computing next year's COLA does not end until September, the chances of this figures skyrocketing in the next few weeks is close to zero.

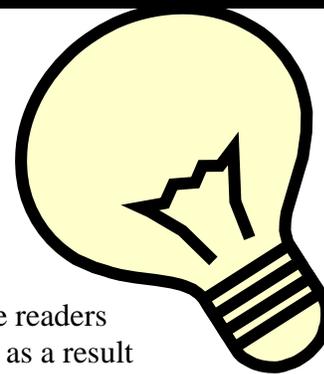
Keep in mind that the prices for goods and services the retirees use may still have gone up. But, while the prices you are paying may have gone up, these are not necessarily the items used to calculate your COLA. Under the regular consumer price index, transportation is 18% of the index; education is 6% and medical care is only 6%. Retirees are more likely to be going to a doctor or a hospital than getting a college education so the price index does not necessarily reflect your real expenses.

Health Insurance Premiums

OPM's annual call letter on the 2011 health insurance rates went out in April and asked insurance companies to submit their rates for 2011 by May 31, 2010. We do not know yet the health insurance premium rates for 2011. The call letter explains some of the changes you may expect in your health insurance plans next year.

The Illuminator

9-2010



Health care has been the predominant political issue in 2010. No doubt, some readers may be expecting little or no increase in their health insurance rates for 2011 as a result of the recent legislation enacted on health care.

But here is [one clue](#) about what will happen to health premium rates in 2011. "Preliminary results from Milliman's 2010 Group Health Insurance Survey indicate premium rate increases continue to exceed the government's official rate of inflation and are higher than premium increases in recent years. The estimated January 2011 renewal increases are about 9.0% for health maintenance organizations (HMOs) and 11.0% for preferred provider organizations (PPOs)."

Obviously, the rates for federal employees under the federal program could be lower. This [article](#) from the Society of Human Resource Management outlines some of the changes that will impact 2011 rates. While this article covers American society as a whole, the companies that provide insurance are still impacted by many of these changes and these will impact our 2011 rates.

This year's open season for health benefits will run from Monday, November 8, 2010 through Monday, December 13, 2010. When the new rates become available, we will make readers aware of the changes.

Summary

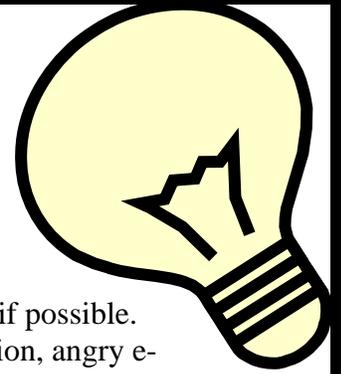
As with many Americans, federal employees and retirees are likely to feel more of a financial squeeze in 2011. Salary levels are likely to remain stable and retirees are likely to get little in the way of more income in their retirement checks in 2011. At the same time, check the health insurance premium rates and changes to your health insurance plans for 2011 as rates and coverage are likely to change and you may want to consider switching to a plan that may be a better fit for your individual needs and budget.

Management-Employee Relations

Deal with Office Criticism Diplomatically. Whenever you receive criticism from a boss or colleague, you have a choice: You may respond defensively and make an instant enemy out of someone you will have to interact with for a long time, or you may attempt to take the high road by responding in ways that defuse, rather than aggravate, tensions. Some tips on doing so:

The Illuminator

9-2010



- Respond in person. Even if you're criticized via e-mail, respond in person, if possible. Why? Because e-mail is devoid of body language and tone of voice. In addition, angry e-mails are frequently fired off quickly without due consideration.

E-mails tend to come across harsher than in-person communications.

- Let critics finish. No matter how tempted you may be to interrupt your critic, let him finish presenting his perspective before you present yours. You will thereby avoid frustrating him and increase the chances that he will let you finish your rebuttal. You will thereby help prevent disagreements from escalating.

- Don't hurl back accusations. Few people are willing to admit errors to anyone — let alone to subordinates. Therefore, if you defend yourself to superiors by accusing them of doing — or of not doing — something, your argument will probably only anger them, no matter how right you may be.

So instead of rebutting criticism with criticism, give wayward superiors face-saving opportunities. For example, when appropriate, consider attributing mishaps to misunderstandings or flawed procedures. And then carefully suggest ways to correct the situation.

If your boss exhibits what I call “implanted memory syndrome” and is under the mistaken impression that he provided you with some type of critical information, carefully mention your contrary recollection on the off chance that doing so will jog his memory. If that doesn't work, let it go.

- Get to core issues. If you're severely criticized, determine if the attack is rooted in another, larger issue. If you can't fix the core issue, you will at least be comforted by the knowledge that “it's them, not you.”
- Take a time out. Consider saying something like, “I'm so taken aback by what you just said that I cannot respond immediately. I'll be back in a little while and address this issue then.”

By securing a time out, you will assure your critic that you're not ignoring the disagreement and therefore not being insubordinate. But at the same time, you will give yourself time to organize your thoughts.

During your time out, take a walk or talk the situation over with a trusted adviser.

The Illuminator

9-2010



Then, when you're ready, return to your critic and say something like, "If this is a good time for you to address the situation, I would like to do so." When you resume your discussion, you will hopefully find that your response is less emotional and more logical than it otherwise may have been.

- Protect yourself. No matter how diplomatic you are, sometimes it's impossible to find common ground and reach agreement with a superior over serious matters. If such disagreements result in major unwarranted criticism on your annual evaluation, you would be well within your rights to defend yourself.

Submit a written rebuttal to such criticism for your personnel file. That way, anyone who reviews your file will likely consider your perspective in addition to your supervisor's perspective.

MSPB Reverses Indefinite Suspension. In the recent decision, *Gonzales v. Department of Homeland Security*, 2010 MSPB 132 (July 12, 2010), the MSPB reversed an administrative judge's decision affirming an indefinite suspension. At the conclusion of a long, technical, and scholarly review of the Board precedent concerning indefinite suspensions, the Board concluded, in short, that:

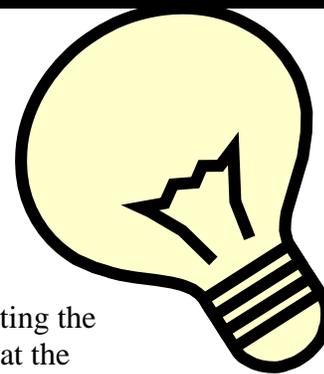
"[T]he mere existence of the agency's open investigation into allegations regarding the appellant's conduct is not 'cause' for taking an action under subchapter II of chapter 75. See 5 U.S.C. § 7513(a)."

The agency issued Gonzales a written notice of its proposal to suspend him without pay indefinitely, pending an agency investigation into allegations regarding off-duty conduct. The agency specifically stated that it was not basing the proposed suspension on "reasonable cause to believe" that Gonzales "had committed a crime for which a sentence of imprisonment may be imposed." Rather, the agency's stated basis for the proposed indefinite suspension was its own open investigation into the allegations.

The Board rejected the agency's argument that it had the right to impose the indefinite suspension for the "efficiency of the service." The Board pointed out that there have been only three limited circumstances in which the Board and its reviewing court approved the use of indefinite suspensions, and the agency here did not base its decision on any of those grounds. Rather, as stated above, the agency based the suspension on the existence of its own open investigation into the alleged off-duty conduct. The Board again rejected the agency's position. The Board reiterated that under Chapter 75 an adverse action (a suspension of more than 14 days is considered an "adverse action") may only be taken for "cause," and that the agency must prove "cause" by a preponderance of the evidence when an employee seeks review of the action by the Board.

The Illuminator

9-2010



Significantly for the Board, the agency never charged Gonzales with committing the alleged off-duty conduct. Accordingly, it dismissed the agency's argument that the deciding official believed that the allegations against Gonzales were "sufficiently credible." The Board concluded:

"The agency has failed to identify any valid statutory or regulatory basis for the proposition that it can preliminarily suspend the appellant based on some lesser standard of proof while it gathers additional evidence to support an action based on the underlying alleged misconduct."

The Board's conclusion also reiterated the centrality of "cause" in taking an adverse action under subchapter II of chapter 75, stating that the "mere existence" of the open investigation was not cause. It gave no opinion whether the agency could have imposed an indefinite suspension or other adverse action on other grounds; rather, it reviewed the action "solely on the basis charged by the agency."

* This information is provided by the attorneys at Passman & Kaplan, P.C., a law firm dedicated to the representation of federal employees worldwide.

Definition of Disability. A federal district court in Colorado recently held that gender Dysphoria falls within the realm of conditions specifically excluded from protection against disability-based discrimination under the Rehabilitation Act. *Michaels v. Akal Security and U.S. Department of Justice*, 2010 WL 2573988 (D. Colo. 6-24-10).

Sue Ann Michaels was born male, but began hormone treatments in or before February 2007 as part of the process of transitioning to the female gender. Ms. Michaels worked as a court security officer for Akal Securities, a provider of court security services for a federal courthouse in Denver, Colorado, under contract with the U.S. Marshal Service. In September 2007, during her annual medical examination, Ms. Michaels disclosed to Akal that she had been diagnosed with gender Dysphoria. Akal later ordered Ms. Michaels to undergo another medical examination ostensibly to determine whether she was still able to meet the physical requirements of her position as a court security officer, and allegedly ordered her to produce additional medical documentation on three or more occasions.

In October 2007, Ms. Michaels began presenting herself as female at work and using female restrooms, which resulted in complaints from staff and coworkers. Ms. Michaels responded by sending a letter to her supervisor in which she claimed that her work environment had become tense, and offering to take part in a question-and-answer session about her transgender status. In November, 2007, Akal informed Ms. Michaels that it had initiated an investigation into her continued use of female restrooms. In January 2008, Akal placed Ms. Michaels on involuntary leave without pay while its continued investigation was pending.

The Illuminator

9-2010



Ms. Michaels timely filed complaints alleging violations of Title VII based on gender and retaliation, a claim of harassment based on perceived disability in violation of the Rehabilitation Act, and Fifth Amendment Due Process and Equal Protection claims. The Attorney General sought dismissal of several of Ms. Michaels' claims.

The district court held that based on Tenth Circuit precedent, Ms. Michaels could not sustain a claim of gender discrimination based solely on her status as a transsexual. However, the court did find that Ms. Michaels' claims could be susceptible to treatment as discrimination for failure to conform to gender stereotypes – Ms. Michaels was a biological male whose appearance was out-of-line with stereotypical gender norms. The district court therefore refused to dismiss Ms. Michaels' claims alleging violations of Title VII based on sex.

As for Ms. Michael's retaliation claims, the district court found that she had not put her employer on notice of her perception that she was being subject to discrimination. Rather, Ms. Michaels had simply described her work environment as tense, without establishing any causal connection between that tension and her protected activity. The court therefore dismissed Ms. Michael's retaliation claims.

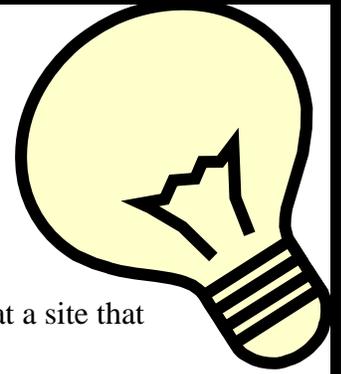
Because Title VII preempts any constitutional claims brought by federal employees which might also be brought under Title VII, the court dismissed Ms. Michaels' Fifth Amendment claims as “clearly based on her position as a federal employee.” Finally, the court also dismissed Ms. Michael's claim of disability-based discrimination under the Rehabilitation Act. The court reasoned that the Rehabilitation Act expressly excludes from the definition of disability, “transvestism, transsexualism ... [and] gender identity disorders not resulting from physical impairments.” The court held that gender Dysphoria falls within the express exclusions under the Rehabilitation Act.

This information is provided by the attorneys at Passman & Kaplan, P.C.

Telework: A Closer Look. Telework has been defined as a work arrangement in which an employee regularly performs officially assigned duties at home or at an alternate worksite that is geographically convenient to the employee's residence or Federal Telecommuting Centers. Telework is also known as telecommuting, flexi-place, virtual work, mobile work and work-at-home. These terms are defined in different ways and used in different contexts to refer to anything from jobs that are completely “virtual” or “mobile” to arrangements that enable employees to work from home a few days per week or per month, but simply put, it's a way of getting work done from a different location. Telework is NOT work extension - employees taking work home with them. This is considered remote work and is not considered telework as defined by legislation. In those instances in which employees performed off-site, away from the office, this too, is not

The Illuminator

9-2010



considered telework as the employees are simply performing required work at a site that has been established and happens to be at a different site.

Telework can serve many purposes and may provide a number of benefits when effectively implemented in an organization. Federal laws require agencies to have telework programs, but do not give individual employees a legal right to telework as it is a management option and NOT an employee right or entitlement. Telework arrangements are often part-time rather than full-time although fulltime telework does exist. Schedules and work requirements dictated in these arrangements can be regular and recurring at least 3 days per week, 1-2 days per week, or less than once a week.

Supervisors are responsible for determining whether individual positions have duties that can be performed at an alternate work site. To make this determination, the duties of each position must be examined carefully. Decisions as to whether positions involve work suitable for telework must be based on job content rather than job series, title, type of appointment, or work schedule. A position may be suitable for telework if work activities are portable and can be performed effectively outside of the conventional office; job tasks are easily quantifiable or primarily project-orientated; or, the position normally requires only predictable contact with other employees and customers. Types of work that may be suitable for telework include writing-editing documents and writing decisions or reports; analysis—data analysis and reviewing cases; telephone intensive tasks—setting up a conference or obtaining information; and computer oriented tasks—programming, data entry, or word processing. Unsuitable work would include duties contained in computer help desk, motor vehicle operator, receptionist, mail delivery, equipment repair, and files maintenance positions.

In addition to the employee's position having sufficient duties/work that can be suitably performed at an alternate work site, supervisors also need to determine if an employee meets other eligibility requirements to participate in a telework program. The employee's current performance rating of record must be at the "Meets Expectations" level in the Pass/Fail system. Additionally the employee must be willing to sign a telework agreement that documents all of the terms of the telework arrangement along with the Telework Safety Checklist. Other factors for consideration by the supervisor are:

Conduct - Is the employee's conduct considered acceptable?

Attendance - Is the employee's attendance problematic?

Office coverage - Is the organization sufficiently staffed to prevent a hardship when one or more employees are permitted to work at home or an alternate work site?

Supervision - Is the employee capable of working without supervision?

Immovable material – Does the employee need to access material that cannot be removed from the regular workplace?

The Illuminator

9-2010



Organization and time management skills - Is the employee effective in setting work priorities and meeting deadlines?

Equipment and resources - Is there appropriate equipment available to accommodate the telework request?

Required contacts - Does the employees' work require face-to-face contacts with others that would preclude working at an alternate work site?

Telework is approved in very limited situations; however, as circumstances warrant it may be very easily utilized to accommodate injured and recuperating employees.

Requests are reviewed on a case-by-case basis.

Please contact the Civilian Personnel Advisory Center, Management Employee Relations Branch for additional guidance.

Training, Self-Development, and Personal Improvement

Prove you are a Problem-Solver. Employers want to recruit new hires who will solve their problems — not create new ones. Here are five ways to prove to employers that you're a problem-solver — not a problem.

1. Strategize your current projects. Long before you start looking for a new job, identify projects on your current job that are likely to produce tangible results. These might be reports, Web sites, training or new procedures that are likely to improve your office's operations in concrete ways by, for example, cutting costs, increasing productivity or improving efficiency. Then, ask your boss if you can lead those projects. Completing such projects will provide tangible evidence of your productivity and problem-solving skills that you can brandish in your job applications and interviews.

2. Show your successes. Bring to your interviews solid proof of your success such as glowing performance reviews or praising e-mails from managers; and impressive work products, such as printouts of Web sites you created, reports you have written or descriptions of your projects in annual reports.

3. Solve problems volunteered by your interviewers. If your interviewers describe challenges, obstacles or problems confronting your target office, suggest potential strategies for solving those problems either immediately or during follow-up interviews. A case in point: I know a federal human resources manager whose interviewer mentioned that her target office had trouble motivating employees who were not eligible for promotions. In response, the HR manager presented during her second interview a list of innovative potential motivating strategies. The result: Even before the HR manager got home from the interview, her interviewers had left her a voice mail message offering her

The Illuminator

9-2010



the job — even though she had been warned before her second interview that she still faced stiff competition for the job.

Another example: I know a federal manager who was told during an initial interview that she would be asked in a follow-up interview to describe her vision for her target office. In response, she called her target office's director and discussed his vision, and then prepared a short PowerPoint presentation on how to achieve the director's goals. The result: She got the job.

4. Generate opportunities to solve your target office's problems. If your interviewers don't volunteer the information, ask them what challenges, constraints or obstacles are confronting their office. A good time to do this is when your interviewers ask if you have any questions about your target job. In response, on the spot, in follow-up interviews or in a post-interview thank-you letter, gently suggest potential strategies for solving those problems.

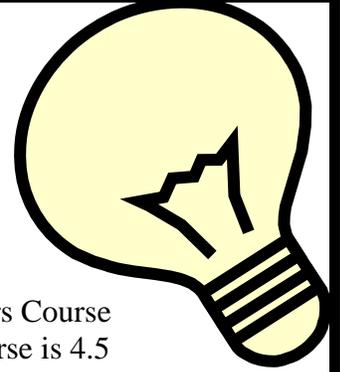
5. Help your references help you. Your references probably won't know anything about your target job or which of your credentials they should emphasize unless you tell them. Nor will your references necessarily remember your past successes or even the praise they themselves have heaped on you.

So when you ask your references if you may use them as references, describe to them your target job, why it appeals to you and your qualifications for it. Also, remind them of relevant projects and positive feedback they drew. In addition, volunteer to provide your references with copies of praising evaluations they have given you, your résumé and any other documents that would support your case.

Finally, here is how to impress your interviewers with your organizational skills and, at the same time, guide their discussions with each of your references to your best advantage: Prepare for your interviewers a list of your references in a neat table that has the following column headings: Name, Title, Contact Info, and Relationship to Me. Start each Relationship to Me box by identifying what type of professional relationship you had with each reference. Then, write something like "Can verify my xxx skills," followed by a brief list of the credentials, projects, soft skills and any other characteristics you would like your interviewers to discuss with that reference.

The Illuminator

9-2010



Human Resources (HR) for Supervisors Course. The HR for Supervisors Course encompasses instruction applicable to the Legacy (i.e. GS) System. The course is 4.5 days long, includes lecture, class discussion, exercises; and, is designed to teach new civilian and military supervisors of appropriated fund civilian employees about their responsibilities for Civilian Human Resource Management. This instruction does *not* cover supervision of non-appropriated fund (NAF) or contract employees.

Instruction includes the following modules:

- Introduction of Army CHR which includes coverage of Merit System Principles and Prohibited Personnel Practices, CHRM Life Cycle Functions, Operation Center and CPAC Responsibilities
- Planning
- Structuring – Position Classification
- Acquiring – Staffing and Pay Administration
- Developing – Human Resources Development
- Sustaining – Performance Management, Management Employee Relations, Labor Relations

Training dates for the next iterations of this course are below. Registration information will be disseminated electronically three weeks before each class start date.

13-17 Sep 10

6-10 Dec 10

14-18 Mar 11

13-17 Jun 11

19-22 Sep 11

5-9 Dec 11

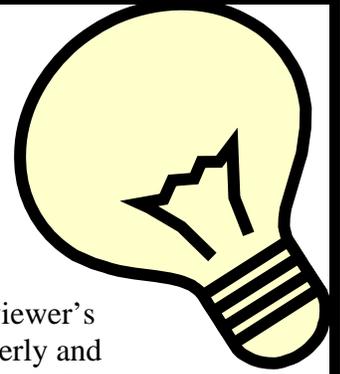
How to Guard Against Age Bias. The average age of federal employees is 46, according to the Office of Personnel Management. That means chances are good that you are in your 40s, 50s or possibly even your 60s. And if so, you should keep in mind a few things if and when you decide to start looking for another job, either at another agency or outside the federal sector.

More to the point, let's consider a few potential strategies for deflecting potential age bias when that time comes.

Suppose, for example, that you find yourself sitting across from an interviewer who is much younger than you. Chances are he notices the obvious age gap as much as you do.

The Illuminator

9-2010



One option is to ignore the elephant in the interview room and let your interviewer's potential unspoken biases silently sabotage you. Alternatively, you may gingerly and obliquely address your interviewer's potential biases by saying something like, "You may think that, because I am very experienced, I might be rigid and not take direction well. But I assure you that I understand that you'd be my supervisor and it would be my obligation to support you. I am certainly prepared to accommodate any approaches you would suggest. I also want to emphasize that I'm energetic and flexible."

Other potential ways to strengthen your case in applications and interviews is to choose from among these strategies:

- Assure hiring managers that you plan to work for a long time and that retirement would be an anathema to you. This is particularly important because in my informal — and admittedly unscientific — survey, federal hiring managers ranked an imminent retirement as the primary risk of hiring older workers. Also, support your projected longevity with positive motivations for continuing to work, such as your zest — without mentioning negatives, like your crashing retirement account.

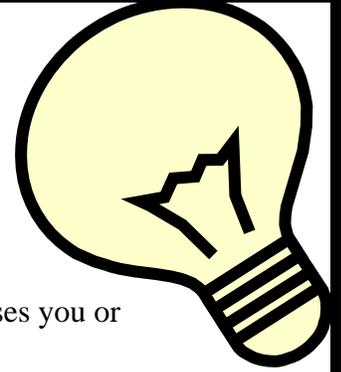
It is possible to do this in a cover letter if you are using an application system that accepts cover letters, or in an answer to a question about knowledge, skills and abilities (KSA) — even if the KSA doesn't specifically ask a related question?

I advise applicants to kick off their first KSA response — no matter what the question is — with a brief overview of their best credentials. That way, you hit the hiring manager with your best shot up top, and he will learn about your best credentials even if he doesn't read or remember later pages of your KSA answers.

- Explain how the depth and breadth of your experience make you a uniquely well-rounded applicant. If appropriate, mention your record of reliability and freedom from potential distractions, such as small children.
- Prove that you have stayed current on the latest practices, regulations and software in your field. Have you, for example, recently applied them, attended conferences, given presentations, published or completed relevant classes or self-study? If not and if possible, start doing so now. Also, emphasize your ability to get up to speed on your target job, and describe your credentials as a fast learner.
- Update your grooming so it won't reinforce negative stereotypes. Buy a new, stylish interview suit or outfit — no matter how new you think your old interview suit or outfit still looks. Cut and — if necessary — color your hair. Show good posture — no slumped shoulders!

The Illuminator

9-2010



- Don't act old. Don't mention your adult children or grandchildren or illnesses you or your relatives may have.
- Provide employer-centric reasons for wanting to change sectors, if landing your target job would require you to do so. These reasons may, for example, include your desire to advance your target employer's mission — but not your desire to shorten your commute or earn extra money during your retirement. Additionally, mention your adaptability and eagerness to learn about the culture of your target sector.

Also, if you aim to switch sectors, apply to jobs at various levels — including levels that are less senior than your current or most recent position. No matter how experienced you are in your field, hiring managers may penalize you for your inexperience in your target sector.

RPA and ART Workshop. The Fort Benning CPAC HR specialists are available to conduct RPA and ART desk-side walkthroughs and/or workshops to assist HR liaisons, managers/supervisors, and new DCPDS account holders with accessing and using DCPDS, ART, initiating RPAs, forwarding and tracking RPAs, generating reports and printing SF 50s. Training can be accomplished via individualized sessions or activity specific workshops upon request. If you desire training of this nature, please contact your servicing HR specialist to arrange for scheduling.

Job Aids Available on the Web. Lotus ScreenCams (how-to-movies) are available to assist DCPDS users with DCPDS, Army Regional Tools (ART), Oracle 11i and other automation tools. ScreenCam movies ART Logon, Ghostview, Gatekeeper, Inbox Default, Initiating an RPA, Logging On, Navigator, RPA Overview and RPA Routing are available on the web at: <http://www.chra.army.mil/>. Click on HR Toolkit and then click on the name of the movie to download or play it. Managers/supervisors and administrative personnel responsible for initiating RPAs are encouraged to review this site and check out these new tools. ART Users Guide has been updated and provides descriptions of and instructions for using tools available in ART, including such tools as Employee Data, Inbox Statistics (timeliness and status information about personnel actions), Organization Structure (information about positions in various organizational elements), and many more tools. It is intended for use by managers, resource management officials, administrative officers, and commanders as well as CPAC and CPOC staff members. There is both an on-line and downloadable Word version (suitable for printing).

In addition, to the ART Users Guide, there is a Defense Civilian Personnel Data System (DCPDS) Desk Guide which provides how-to information about tasks and functions that end users might need to perform in DCPDS, such as initiating a Request for Personnel Action (RPA) and creating a Gatekeeper Checklist. The ART Users Guide and the Desk

The Illuminator

9-2010



Guide can be accessed from the CHRA web page at: <http://www.chra.army.mil/>, by clicking on HR Toolkit. In addition to these tools the Fort Benning CPAC staff is available to assist you in accessing DCPDS, ART, initiating RPAs, creating a Gatekeeper Checklist, forwarding and tracking RPAs, generating reports and printing an SF 50. If you have any questions or need assistance, please contact your servicing HR specialist to arrange a time so we can come to your office to help you.

BLANCHE D. ROBINSON

Human Resources Officer

Fort Benning CPAC

Phone: 545-1203 (ComL); 835-1203 (DSN)

E-Mail:

blanche.d.robinson@us.army.mil