



# HRO NEWSLETTER

## New Mexico National Guard

2nd Quarter Issue #2

APR-JUN 2006

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## **Technician Branch Manager**

### **FROM THE DESK OF THE SHRS**



On behalf of the staff of the Human Resources Office, it is my pleasure to kick off the 2<sup>nd</sup> Quarter, 2006 edition of the HRO Newsletter with some recommendations for conducting an effective interview. As we are preparing for some changes to occur in our Staffing Section, it is a good time to have managers and supervisors reflect on their current interview practices. If you feel like you're not getting everything that you want or need out of your interview process, you're probably right and you're not alone. Many individuals in management find themselves going through the motions of conducting an interview without really knowing what they want to accomplish before they begin. A good interview is never something that just happens, it takes preparation and planning to make it a success. Here are some tips to help you be more productive and successful when interviewing:

**1. Restrict the interview to the most job-relevant KSAs (Knowledge, Skills, & Abilities).**

*This permits you to gain a greater depth of knowledge about the most important requirements and it will keep your interview schedule on track.*

**2. Limit the use of pre-interview data about applicants.**

*Don't spend a lot of time asking question about general information that is already on the applicant's resume or application. Its okay to ask for clarification but don't focus on info that has already been provided.*

**3. Adopt a structured format.**

*This practice will help you to keep the interview on track by identify pre-determined questions and ensure that each interview is consistent and obtains the necessary information to make a decision.*

#### **4. Use job-related questions.**

*Focus on questions that relate back to the job-relevant KSAs. Behavioral or situational based questions such as – ‘What steps have you taken to resolve a customer complaint?’ or ‘Tell about a situation in which you were faced with dealing with a difficult customer?’ will help keep the questions specific and job-related.*

#### **5. Use multiple questions for each KSA.**

*By obtaining a variety of information on a specific KSA, from different perspectives, it will provide the interviewer with a more useful and valid measure of experience and knowledge than just asking a single question on the subject.*

*For additional information on interviewing, please contact the HRO Staffing Section. If you have questions or issues that you would like us to address in future editions of this newsletter, please send them to our attention.*

**2LT Sonya Montoya  
Technician Branch Manager**



## EMPLOYEE DEVELOPMENT SECTION

SMSgt Ray Flores



Mr. Walter Ross

### **Pre-Retirement Training Planned**

for August 29-30-31, 2006

The HRO Benefits Branch and the Employee Development Branch is currently planning a CSRS/FERS Pre-Retirement training seminar at the Regional Training Institute, Santa Fe.

This three-day seminar is planned for both Army and Air Guard Technicians who are within **5-years** of their retirement date. HRDS is reviewing the Pre-Retirement roster of eligible's. Those personnel will be contacted to confirm their desire to attend. Additionally, if you are eligible to enroll and are interested in attending, please submit a DD Form 1556 to HRO-HRDS, Attention SMSgt Ray Flores by COB 31 July 2006. **THIS WILL BE THE ONLY PRE-RETIREMENT SEMINAR OFFERED FOR 2006.**

The first day of the seminar (i.e. 29 August) will cover items relevant to all FERS employees and the third day (i.e. 31 August) will cover items specifically for CSRS employees. Day 2 of the seminar (30 August) will cover items relevant to both retirement programs. Here is a brief synopsis of the agenda:

#### **Tuesday Aug 29, 2006 (FERS Only)**

- A.M.** – Retirement Overview & Planning
- Retirement Benefits/Basic Annuity Eligibility/Service Credit
- P.M.** – Calculating Annuities
- Annuity Adjustments
- Survivor Annuity & Death Benefits
- Retirement Benefits/Basic Annuity Eligibility/Service Credit

#### **Wednesday Aug 30, 2006 (FERS & CSRS)**

- A.M.** – TSP Strategies & Withdrawal Options
- Financial Planning & Tax Issues
- P.M.** – Estate Planning & Tax Issues
- Life Insurance
- Social Security Benefits

#### **Thursday Aug 31, 2006 (CSRS Only)**

- A.M.** – Retirement Overview & Planning
- Retirement Benefits/Basic Annuity
- P.M.** – Calculating Annuities
- Annuity Adjustments
- Survivor Annuities & Death Benefits

**A local issues & planning process presentation will also be discussed by the HRO Benefits Branch.**

### **Mid-Career Retirement Seminars**

A Mid-Career Retirement Seminar will be planned for 2007. This seminar is targeted at the 15-25 year audience.

*For additional information, please contact your Employee Development Specialist – SMSgt Flores at 505-474-1513, DSN867-8513 or email at [ray.flores1@nm.ngb.army.mil](mailto:ray.flores1@nm.ngb.army.mil)*

#### Supervisory Training

We have scheduled the National Guard Technician Personnel Management Course, (Formally called the 40-hour Supervisor Course), during the 2<sup>nd</sup> week of January each year. This training will capture all newly appointed supervisors from the previous year. Attendance of this training is mandatory per TPR 400. It is the Supervisor's responsibility to ensure they complete this training when scheduled.

The National Guard Technician Personnel Management Course was conducted January 10-12, 2006 at the Regional Training Institute, Santa Fe, NM .

Congratulations to the following supervisors who successfully completed the course. Thank you for your proactive participation.

SSG Christopher R. Serna  
 SMSgt Richard J. Mandaville  
 MSgt Robert W. Vaught  
 MSgt James A. Davis  
 TSgt Joseph W. MacLeod  
 SMSgt Richard A. Madrid  
 MAJ Chris J. Garcia  
 MSgt David G. Johnny Jr.  
 CW3 Jesse R. Espinoza  
 SMSgt Margaree E. Nadler  
 SSG Clint C. Lopez  
 MSgt Ronald P. Romero  
 SFC Martin A. Gallegos  
 MSgt Todd M. Trombley  
 Mr. Damian R. Jaramillo,  
 HRO Remote Representative

Those personnel who were unable to complete the course due to urgent mission requirements will need to attend the next scheduled course.



Liz Perry

## EMPLOYEE BENEFITS SECTION



SFC Cecilia Chavez

### Federal Long Term Care Insurance Program (FLTCIP)

#### What is long term care?

Long term care is help with activities of daily living (such as eating, dressing and bathing) that someone may need due to an illness, injury, or aging. The person generally needs the help for a long time. Long term care also includes the supervision needed by someone with a severe cognitive impairment (such as Alzheimer's disease). Although usually associated with the aged, the need for long term care can strike anyone at any time. The cost of long term care can be substantial, so it's important to prepare now.

#### Who is eligible for FLTCIP?

Newly hired permanent federal service employees or the newly married spouses of eligible employees (within 60 days from the date of marriage)

After the initial 60 day period, you can still apply for coverage, but you must complete a full underwriting application that asks more questions about your health.

Premiums are based on your age.

For additional information please call Mrs. Liz Perry at (505) 474-1286 or DSN: 867-8286 or stop by the Human Resources Office.

You may also visit FLTCIP online at [www.LTCFEDS.com](http://www.LTCFEDS.com).

### The Federal Flexible Spending Account Program

*Stretch your paycheck farther. Save 20% - 40% or more on your everyday health and dependent care expenses.*

FSAFEDS offers pre-tax savings on your common, out-of-pocket expenses.

Do you make frequent trips to the drug store for cold and allergy medicines? Do you or your dependents wear eyeglasses or contacts? Do you go to the dentist? As a parent, do you rely on day-care services that allow you to work? If so, then the FSAFEDS Program is just what you need.

FSAFEDS is a Flexible Spending Account (FSA) Program for Federal employees that will save you money by allowing you to set aside pre-tax funds to pay for a wide range of common, out-of-pocket health and dependent care expenses. By paying with pre-tax dollars, you reduce your taxes, resulting in a 20% or more than 40% savings on the items and care you need. And not just big expenses, or care in a hospital – you can use FSAFEDS for routine expenses, like aspirin and eye drops, too!

## EMPLOYEE BENEFITS NEWS (continued)

You can use it to pay for eligible health care expenses not covered by the Federal Employees Health Benefits Program or any other insurance. The FSA covers eligible health care expenses including over-the counter medications for you, your spouse and your dependents. You may elect up to \$5000 each year.

The Dependent Care Flexible Spending Account (DCFSA).

You can use a DCFSA to pay for eligible dependent care expenses that allow you (and your spouse if you're married) to work, look for work, or attend school full-time. You may elect up to \$5000 each year.

A DCFSA covers eligible expenses for the care of dependent children under age 13.

Enrollment for this program is November – December 2006. Please visit [www.FSAFEDS.com](http://www.FSAFEDS.com) and click on the "Enroll Here" link contained in the Open Season box. Once you enroll you MUST re-enroll each year you want to continue participation. Enrollments DO NOT carry forward from year to year.

For additional information please contact Mrs. Liz Perry at (505) 474-1286 or DSN: 867-8282.



Dear Employee:

Have you ever experienced a stressful period in the relationship with your child, spouse or significant other? Has your workload ever appeared overwhelming and unmanageable? Have you ever felt depressed, but weren't sure why? At one point or another, these and other concerns may affect your life. When this happens, it is often difficult to know where to turn for help. Your employer recognizes this and wants to provide a solution.

Your agency, through FedSource, has contracted with ComPsych to provide Employee Assistance Program (EAP) assessment services for you and your family members when help is needed. Their counseling staff has years of experience in dealing with family and parenting problems, relationship concerns, alcohol/drug abuse, stress, depression and a variety of other issues. If you would like to schedule an appointment, **please call them at 1-888-290-4EAP (4327). (TDD for the deaf or hearing impaired: 1-800-697-0353).** You can also access the EAP on-line, go to [www.GuidancResources.com](http://www.GuidancResources.com), agency ID: FEDSOURCE

Your EAP assessment visit(s) is provided at no cost. The purpose of the assessment is to help you accurately identify your problem, discuss possible solutions, and clarify additional resources, if necessary.

## EMPLOYEE BENEFITS NEWS (CONTINUED)

Should you choose to pursue any of the recommended resources, you would be responsible for the cost of those services. Your health benefits may cover part or all of those costs.

Additionally, provided through your EAP are Family Source (child care, elder care information and referral services), Financial Connect ( financial consultation and referral services) and Legal Connect (legal consultation and local referral services, when necessary).

Our services are strictly confidential and easy to use. If you need help or advise, **please call ComPsych at 1-888-290-4EAP (4327). (TDD for the deaf or hearing impaired: 1-800-697-0353) or go on-line to [www.GuidancResources.com](http://www.GuidancResources.com), agency ID: FEDSOURCE.**

We welcome the opportunity to assist you and your family.

Your Employee Assistance Program

FedSource



**SSG Ray Chavez**

**STAFFING SECTION**

**MSgt Tony Cuellar**



*New Application Process*

**IMPORTANT**

**TO ALL NEW MEXICO GUARD MEMBERS**

The Human Resources Office Staffing section will soon be implementing a new procedure for job applications. In the next several weeks, all job vacancies will be posted via the USA Jobs website. Our job announcements will continue to be posted on the NMNG HRO Web Page and will be linked to the USA Jobs website for the application process. You may view the website by clicking your Ctrl button and [www.usajobs.gov](http://www.usajobs.gov) simultaneously. Feel free to begin viewing this website now to familiarize yourself with the new procedure.

All individuals will be required to apply for jobs utilizing the new process. A form **1203FX** (questionnaire) will now be **REQUIRED** along with your resume/application. The online submission process will be the most efficient way to submit applications. You may also choose to fax your form 1203FX and resume/application to the process center in Macon, Georgia. Your faxed documents will be entered into the data base manually at the Georgia location.

Once we are “live” with this new process, Supervisors will receive the selection certificates (which are used to interview/select individuals for vacant positions) via e-mail and will return the completed certificate electronically. The entire selection process will be conducted electronically.

The Staffing section will provide additional information concerning the new procedure and implementation date in the near future. We expect that users will find that the benefits of the new system will outweigh our current process for efficiency. We ask for your patience and cooperation during the time of implementation to the new system. We want all members to know that the Staffing section of the HRO will be available to help everyone throughout the entire transition.

Questions concerning this new process can be directed to MSgt Cuellar at 474-1291 or SSG Chavez at 474-1216.

**PLEASE NOTE THIS IS AN NGB INITIATIVE!!!!**



## Classification Section

**Mr. Don Saiz**

### **DUTIES VS RESPONSIBILITIES**

Under the Classification Act, positions are placed into classes “according to duties and responsibilities and qualification requirements.

The distinction between “Duties” and “Responsibilities” is as follows:

“Duties” cover the difficulty aspects of work. They are concerned with what is done and how it is done. Duties are statements of job content and reflect tasks assigned to an employee by responsible management authority.

“Responsibilities” are less tangible. They concern an individual’s accountability. Examples are the responsibility of a supervisor for meeting deadlines and the responsibility of a supply officer for seeing that adequate stocks are maintained.

All positions have both duties and responsibilities. Lower-grade positions are usually “long” in duties and “short” in responsibilities, while high-level positions are “short” in duties but “long” in responsibilities.

### **MAJOR VS MINOR DUTIES**

It is sometimes difficult to determine whether a duty is “major” or “minor.” In making this determination, consider the following criteria:

A major duty is any duty or responsibility that plays a part in determining qualification requirements for a position or occupies a significant amount of time.

A minor duty is an incidental duty or responsibility that does not play a part in determining qualifications and does not occupy a significant amount of time.

*It is essential for an employee to understand his/her role in the organization. It is the supervisor’s responsibility to explain the duties and responsibilities to their employees. Supervisors should review at least on an annual basis with their employees the duties and responsibilities as it pertains to their position description. Position descriptions are available by contacting the Classification Specialist within the HRO.*

## ARMY AGR NEWS

**SSG Randy Trujillo**

**SFC Marcella Cooper**

### **What is Stress?**

#### **Definition:**

*a physical, chemical, or emotional factor that causes bodily or mental tension and may be a factor in disease causation.*

Stress is tension or pressures that are a natural part of living our lives. Changes and events in our lives (getting married, illness, changing jobs) are a major source of stress. Pressures and tension from both good and bad changes can trigger our Stress Alarm System making us feel that we want to either fight the stress or run away from it.

#### **How Do I Know If I'm Having a Stress Reaction?**

Learning to read your mind and body language is a way to tell if you are under stress:

- Cold hands. · Rapid breathing. · Rapid heartbeat. · Anxiety. · Forgetfulness.
- Shakiness. · Headaches. · Muscle tension. · Knotted stomach.

These are some of the ways your body/mind lets you know that you need to:

1. Change the stress,
2. Leave the stress, or
3. Go with it.

**Be Alert to Changes** Undergoing several changes in a short period of time can lead to stress so severe that it can make you physically ill. These changes do not have to be major (eg. death of a loved one). Minor changes, even happy ones, can lead to illness if they occur within a short span of time. Be prepared for such periods by learning how to relieve stress.

**What to Do in a Crisis** You don't have to handle it alone. When confronted with a crisis or overwhelmed with stress, talk things out with friends and family and get professional help and advice when necessary. Hidden within each crisis is the opportunity for change, health and growth. Learn to face and cope with the obstacles and seize the opportunity a crisis provides.

**Recognizing Stress in a Loved One** Many times a person cannot recognize when he or she is under stress. Friends and family members should be on the lookout for difficulty in sleeping, changes in eating habits, increased use of drugs, alcohol, cigarettes, chronic irritability, short fused anger, increased anxiety and frequent illness or physical complaints.

#### **QUICK TENSION RELIEVERS**

**Deep Breathing** Get in a comfortable position. To the count of 5 take a long, slow deep breath. Let your belly expand. As you exhale to the count of 5, imagine breathing out excess tension and breathing in relaxation. With each breath say to yourself, "Relax."

#### **Stretches Your Body Will Love**

##### **Seated at a desk or on a chair:**

1. Inhale and raise arms, gently stretching them toward the ceiling. Wiggle your fingers for 10 seconds. Now exhale while you let your arms go limp at your sides. With legs stretched out before you alternately flex and point your feet for 10 seconds. Now just point your feet and wiggle your toes for another 10 seconds.

#### **The Mind-Body Connection: Exercise and Stress**

by Major Leo Mahony, MPT

The United States military services place great emphasis on the role of physical fitness and exercise training in combat readiness. We train to be physically and mentally capable soldiers, airmen, sailors, and marines. The military also recognizes the many health benefits of regular, moderate physical activity for all beneficiaries. Fitness contributes directly to substantial improvements in the quality of life.

## Army AGR Continued



**SSG Randy Trujillo**



**SFC Marcella Cooper**

Exercise and physical activity are powerful and readily available tools for preventing and treating symptoms of stress. The old adages "run for your life" and "burn off some steam" merit serious consideration. It is truly possible to walk, bike, run, lift, and stretch your way to a happier less stressful lifestyle. The first step is up to you: make a realistic activation plan for being more active.

### **The Exercise-Stress Connection**

Studies are beginning to show that physical activity enhances psychological well-being and relieves symptoms of depression and anxiety. Here are some of the factors involved:

1. Regular exercise helps one to feel in control. This sense of control over the body may translate to an improved sense of control over other aspects of life, a key defense against stress.

Exercise promotes well-being and relaxation. Regular exercisers demonstrate higher levels of self esteem and confidence and maintain a sense of self discipline. The individual acts upon the belief, "I am in charge of myself and can improve my health and fitness."

**Surgeon General's Warning:  
The Surgeon General has  
determined that lack of physical  
activity is detrimental to your health.**

3. Moderate physical activity is a natural, physiological outlet for a body in the "fight or flight" state of arousal frequently associated with stress. It cleanses the body of adrenaline, can lower the blood pressure, and relaxes tight muscles.

4. Exercise produces neurotransmitters called endorphins in the brain. These are the body's own natural tranquilizers. Endorphins can make one feel calm and relaxed during and for up to three hours after moderate physical activity. This elevation in mood has been referred to as the runners' high but is also experienced by those involved in other forms of exercise.

5. Exercise can cause many people who are physically active to give up unhealthy and stressful habits that interfere with exercise. Smokers may cut down or quit because smoking hinders aerobic performance. Others may eat more nutritiously to improve performance. The chronically busy individual may "work in" a workout to increase energy, alertness, and productivity - clearly a sound business investment with ample rewards.

Exercise can be a group or solo activity. Some individuals seek and develop alliances with other exercisers, which may provide social support - another stress reliever. Others may prefer some private time to exercise alone to "clear the head." Still others prefer some of both, depending on mood and circumstances.



## AIR AGR NEWS

### SMSgt Donnie Reams

#### **Entitlements/Benefits for AGR Personnel:**

AGR personnel and their family members are entitled to most benefits provided by law to personnel on active duty in Federal service except as specified

For the purpose of Title 38 U.S.C., *Veterans' Benefits*, service in AGR status under Title 32 U.S.C. 502(f) may not be considered by the Veteran's Administration (VA) to be qualifying service for a variety of VA benefits. However, a member on AGR duty under Title 32 U.S.C. 502(f) who dies or is disabled from a disease or injury incurred or aggravated in the line of duty may be eligible to receive A medical care and/or Dependent Indemnity Compensation for survivors. The VA determines all questions of entitlement to benefits under Title 38.

#### **Eligibility Requirements:**

Military assignments. All AGR personnel must hold compatible UMDG and UMDA assignments. As such, military personnel policies and regulations governing UMDG assignment, reassignment, retention, promotion, etc., are applicable and must be administered prior to or in conjunction with any action related primarily to the AGR duty status of any member.

To accept an AGR position, an applicant's military grade cannot exceed the maximum military grade authorized on the UMDA and UMDG for that position. Enlisted members who are over grade must indicate in writing a willingness to be administratively reduced in grade when assigned to the position.

#### **Entry qualifications for AGR status include:**

Officers must meet the entry-level Air Force Specialty Code (AFSC) qualification criteria outlined in AFMAN 36-2105, *Officer Classification* for the duty AFSC compatible with the UMDA position.

Enlisted personnel applying for officer positions must be eligible for Commissioning upon selection for AGR duty. Assignment to the AGR tour will not become effective until the individual receives a commission in the ANG and as a Reserve of the Air Force.

Enlisted personnel must possess an AFSC compatible with the UMDA upon selection for AGR duty. If there are no applicants who have the required AFSC, then the applicant must sign an agreement to retrain.

The airman's grade is SrA (E-4) or below. An awarded 3-skill level in the AFSC is required. Airmen of this grade with prior experience may qualify IAW AFI 36-2101, *Classifying Military Personnel*.

The airman's grade is SSgt (E-5) or higher. An awarded 5-skill level in the AFSC is required. The 5-skill level requirement may be waived by TAG when deemed necessary.

## AIR AGR continued

Supervisory positions may, at the discretion of the selecting official, require a 7-skill level in the required AFSC.

Any member in Phase I of the ANG Weight and Body Fat Management Program (WBFMP) is ineligible for entry into any type of AGR or Statutory Tour IAW ANGI 40-502, *The Weight and Body Fat Management Program*. This does not include Phase II of the WBFMP.

Members selected for AGR tours must meet the physical qualifications outlined in AFI 48-123, *Medical Examination and Standards*, Attachment 2, Medical Evaluation for Continued Military Service. Individuals who enter the AGR program from a Title 10 U.S.C. status (active duty or statutory tour) are not required to get a new physical examination provided their current physical is not more than 5 years old at the time of entry into AGR status.

AGR personnel may not be eligible for or be receiving an Immediate Federal Retirement Annuity (military or civilian). Individuals receiving or eligible to immediately receive a federal annuity and individuals receiving or eligible to immediately receive a state annuity for service as National Guard technicians are not eligible for entry on any type of AGR tour under this instruction. This paragraph does not prohibit renewal of a member currently serving on a permanent AGR tour.



## Personnel Systems Manager (PSM) News

SMSgt Donnie Reams

### My Biz

#### What is My Biz?

An exciting new web-based Oracle Self Service application within the Defense Civilian Personnel Data System (DCPDS) that allows you, the employee, to

- Access and view your personnel information 24 hours a day/7 days a week
- Maintain your own information, including personal profiles, and benefits
- Provide input on performance plans

#### What Information is available in My Biz?

Initially, you can view data related to your civilian employment, such as

- Position information (current/historical)
- Salary information
- Appraisal and Awards information
- Benefits
- Appointment information

#### What Can My Biz Do for Me?

You can update information such as:

- Phone numbers
- Handicap code
- Email address – very important for password resets
- Race & National Origin designation
- Foreign language proficiency

## Personnel Systems Manager (PSM) News

### CONTINUED

SMSgt Donnie Reams

DSN 867-1218

#### How Do I Access *My Biz*?

For current DCPDS users, My Biz will be accessible using your current log in and password

For new DCPDS users, when you log into My Biz for the *first* time, you will be prompted to provide a user ID and a password

- Your user ID is your social security number (123-45-6789)
- Your initial password consists of the following
  - Capitalize first letter of first name
  - \$ sign
  - Lower case first letter of last name
  - \$ sign
  - Fourth digit of SSN
  - \$ sign
  - Fifth digit of SSN
  - \$ sign
  - You will be prompted to change your password after initial log in

#### My Biz Summary

- Immediate secure access to personnel information
- Available 24 hours a day, 7 days a week
- Convenient access to information, it's all at your fingertips
- Type this URL in your web browser to login to "MY BIZ" <https://ngbmod3.satx.disa.mil:8007>



## STATE EQUAL EMPLOYMENT MANGER

MSG Stephen A Gonzales

### WHAT IS "RACE" DISCRIMINATION?

Title VII prohibits employer actions that discriminate, by motivation or impact, against persons because of race. Title VII does not contain a definition of "race," nor has the Commission adopted one. For the collection of federal data on race and ethnicity, the Office of Management and Budget (OMB) has provided the following five racial categories: *American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander;* and *White*; and one ethnicity category, *Hispanic or Latino*. OMB has made clear that these categories are "social-political constructs . . . and should not be interpreted as being genetic, biological, or anthropological in nature."

Title VII's prohibition of race discrimination generally encompasses:

**Ancestry:** Employment discrimination because of racial or ethnic ancestry. Discrimination against a person because of his or her ancestry can violate Title VII's prohibition against race discrimination. Note that there can be considerable overlap between "race" and "national origin," but they are not identical. For example, discrimination against a Chinese American might be targeted at her Asian ancestry and not her Chinese national origin. In that case, she would have a claim of discrimination based on race, not national origin.

**Physical Characteristics:** Employment discrimination based on a person's physical characteristics associated with race, such as a person's color, hair, facial features, height and weight.

**Race-linked Illness:** Discrimination based on race-linked illnesses. For example, sickle cell anemia is a genetically-transmitted disease that affects primarily persons of African descent. Other diseases, while not linked directly to race or ethnicity, may nevertheless have a disproportionate impact. For example, Native Hawaiians have a disproportionately high incidence of diabetes. If the employer applies facially neutral standards to exclude treatment for conditions or risks that disproportionately affect employees on the basis of race or ethnicity, the employer must show that the standards are based on generally accepted medical criteria.

**Culture:** Employment discrimination because of cultural characteristics related to race or ethnicity. Title VII prohibits employment discrimination against a person because of cultural characteristics often linked to race or ethnicity, such as a person's name, cultural dress and grooming practices, or accent or manner of speech. For example, an employment decision based on a person having a so-called "Black accent," or "sounding White," violates Title VII if the accent or manner of speech does not materially interfere with the ability to perform job duties.

**Perception:** Employment discrimination against an individual based on a belief that the individual is a member of a particular racial group, regardless of how the individual identifies himself. Discrimination against an individual based on a perception of his or her race violates Title VII even if that perception is wrong.

**Association:** Employment discrimination against an individual because of his/her association with someone of a particular race. For example, it is unlawful to discriminate against a White person because he or she is married to an African American or has a multiracial child, or because he or she maintains friendships or otherwise associates with persons of a certain race.

**Subgroup or "Race Plus":** Title VII prohibits discrimination against a subgroup of persons in a racial group because they have certain attributes in addition to their race. Thus, for example, it would violate Title VII for an employer to reject Black women with preschool age children, while not rejecting other women with preschool age children.

**Race Discrimination:** Title VII prohibits race discrimination against all persons, including Caucasians. A plaintiff may prove a claim of discrimination through direct or circumstantial evidence. Some courts, however, take the position that if a White person relies on circumstantial evidence to establish a reverse discrimination claim, he or she must meet a heightened standard of proof. The Commission, in contrast, applies the same standard of proof to all race discrimination claims, regardless of the victim's race or the type of evidence used. In either case, the ultimate burden of persuasion remains always on the plaintiff.



## STATE EQUAL EMPLOYMENT MANGER

**MSG Stephen A Gonzales**

### **WHAT IS “COLOR” DISCRIMINATION?**

Title VII prohibits employment discrimination because of “color” as a basis separately listed in the statute. The statute does not define “color.” The courts and the Commission read “color” to have its commonly understood meaning – pigmentation, complexion, or skin shade or tone. Thus, color discrimination occurs when a person is discriminated against based on the lightness, darkness, or other color characteristic of the person. Even though race and color clearly overlap, they are not synonymous. Thus, color discrimination can occur between persons of different races or ethnicities, or between persons of the same race or ethnicity.

### **RELATED PROTECTED BASES**

Multiple protected bases of discrimination can be raised by the same set of facts, both because negative stereotypes and biases may be directed at more than one protected basis at a time, and because certain protected bases overlap considerably. Thus, for example, a discrimination complaint by an “Asian Indian” can implicate race, color, and national origin, as can, for example, a complaint by a Black person from an African nation, or by a dark-skinned Latino. For Title VII purposes, the question is whether any prohibited factors led to an adverse employment action, alone or combined.

All bases of discrimination that are reasonably implicated by the facts should be included in the charge or complaint (e.g., race, color, national origin, religion, sex, etc.). Failure to include all possible bases may result in a court dismissing a legitimate claim.

### **A. NATIONAL ORIGIN**

In forbidding “national origin” discrimination, Title VII prohibits the denial of equal employment opportunity because of the place of origin of an individual or his or her ancestors, or because an individual has the physical, cultural, or linguistic characteristics of a national origin group. National origin and race often overlap because persons who themselves are, or whose ancestors were, of the same national origin frequently are of the same race. The overlap between race and national origin is particularly clear in the case of Asian Americans.

### **B. RELIGION**

Title VII’s prohibition against race discrimination also may overlap with its prohibition against discrimination based on religion. Both race and religion might be implicated where, for example, an employer discriminates against an employee based on the employee’s belief in a religion tied to a particular race or ethnicity (e.g., Hinduism/Asians).

### **C. INTERSECTIONAL DISCRIMINATION**

Title VII prohibits discrimination not just because of one protected trait (e.g., race), but also because of the intersection of two or more protected bases (e.g., race and sex). For example, Title VII prohibits discrimination against African American women even if the employer does not discriminate against White women or African American men. Likewise, Title VII protects Asian American women from discrimination based on stereotypes and assumptions about them “even in the absence of discrimination against Asian American men or White women.” The law also prohibits individuals from being subjected to discrimination because of the intersection of their race and a trait covered by another EEO statute – e.g., race and disability, or race and age.

## **HARASSMENT**

### **What is racial harassment?**

Racial harassment is unwelcome conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Examples of harassing conduct include: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. An employer may be held liable for the harassing conduct of supervisors, coworkers, or non-employees (such as customers or business associates) over whom the employer has control.

An isolated incident would not normally create a hostile work environment, unless it is extremely serious (e.g., a racially motivated physical assault or a credible threat of one, or use of a derogatory term, such as the N-word, etc.). On the other hand, an incident of harassment that is not severe standing alone may create a hostile environment when frequently repeated.

**Example:** A day after a racially charged dispute with a White coworker, an African American employee finds a hangman's noose hanging above his locker, reminiscent of those historically used for racially motivated lynchings. Given the violently threatening racial nature of this symbol and the context, this incident would be severe enough to constitute harassment.

**Example:** An African American librarian presents an idea to his supervisor to create a section devoted to African American authors and history, similar to those in major bookstore chains. The supervisor rejects the idea, stating that he does not want to create a "ghetto corner" in the library. This statement alone, while racially offensive, does not constitute severe or pervasive racial harassment in the absence of additional incidents.

### How can employers prevent racial harassment?

The most important step for an employer in preventing harassment is clearly communicating to employees that harassment based on race will not be tolerated and that employees who violate the prohibition against harassment will be disciplined. Other important steps include adopting effective and clearly communicated policies and procedures for addressing complaints of racial harassment, and training managers on how to identify and respond effectively to harassment. By encouraging employees and managers to report harassing conduct at an early stage, employers generally will be able to prevent the conduct from escalating to the point that it violates Title VII.

An employer is liable for harassment by a supervisor if the employer failed to take reasonable care to prevent and promptly correct the harassment or if the harassment resulted in a tangible job action (termination, demotion, less pay, etc.). An employer is liable for harassment by coworkers or non-employees if it knew or should have known of the harassment and failed to take prompt corrective action.

### COMPLAINTS OF DISCRIMINATION

#### **What should an employer do when someone has complained about race/color discrimination?**

Employers should investigate and seek to resolve any complaint of discrimination by an applicant or employee. Employers should remember that, in all cases, it is unlawful to retaliate against a worker who complains of discrimination or participates in an investigation of discrimination.

#### **What should an employee do if he or she experiences or witnesses race/color discrimination?**

Employees or job applicants should attempt to address concerns with the offender and, if that does not work, report any unfair or harassing treatment to the company. They should keep records documenting what they experienced or witnessed, as well as other witness names, telephone numbers, and addresses. Federal sector employees and applicants should contact the EEO office of the agency responsible for the alleged discrimination to initiate EEO counseling.



## **PROGRAM ANALYST – HRO**

**Ms. Kathy Montoya**  
**474-1295 DSN 837-8295**

### **Mass Transportation Program** **P.O.C Ms Kathy Montoya**

For New Mexico National Guard personnel on technician, AGR, or FTNG status that participate in the Mass Transportation Program utilizing State Employees Commuter Association (SECA) vans, please note that Department of Transportation is now or will soon be providing monthly checks to those who have applied for the program. You must have applied and been approved to be a rider on a SECA van prior to applying to DoT (thru HRO) for transit check. Please provide the HRO with a copy of the approved SECA application, signed by the Van Coordinator at the time of application to DoT.

There are stipulations to this program, as stated in the SECA By-Laws. It is a requirement that participants ride at least 12 times per month in order to remain on the program and receive funding from Dot. Since DoT is now funding this program, it is imperative that you ride the van as stated by the SECA by laws. If for some reason you will not be riding the van for an extended period of time due to school, TDY, etc., and are not able to meet the SECA requirement, you must let me know as far ahead of time as possible, as I will need to terminate you from the program and return any unused checks to DoT. When you return from your absence, you will be required to apply to the program again. This is an excellent program and rules must be adhered to, as this program is subject to audit and this program must not be placed at risk. As the POC for this program, I am ultimately responsible for the program and proper execution of these Federal funds.

If you are a new rider and wish to participate in the DoT program, please come and see me to fill out an application before the 5<sup>th</sup> of the month. I will explain how the program works when you come to fill out the application. I can be reached in the HRO at 474-1295 .

## THE GULLIBILITY TEST:

### *History and Culture*

Pretend that you're an editor at a major newspaper. A reporter has just handed you a story that contains the following statements. Unfortunately, this reporter has a reputation for embellishing stories with wild claims that are completely untrue. Using common sense and whatever you happen to know about the subjects, you've got to decide which statements are true and which are false before the paper goes out to print. Saying 'I don't know' isn't an option.

1. Sir Thomas Crapper invented the toilet.

- True
- False

2. The Eskimo language has over 100 words for snow.

- True
- False

3. Early Dutch traders acquired the entire island of Manhattan from a Native American tribe for a few goods worth around \$700 in today's currency.

- True
- False

4. When the English pilgrims landed in the New World they were surprised to discover that one of the first Native Americans they met had lived in England for many years.

- True
- False

5. Mud throwing was an official event at the 1904 Olympics.

- True
- False

6. There is a lake in Massachusetts called Lake Chargoggaggoggmanchaugagoggchaubunagungaug. The name is a Native American word that means 'You fish on your side, I'll fish on my side, nobody fish in the middle.'

- True
- False

7. When Columbus sailed to America in 1492, most Europeans believed that the earth was flat.

- True
- False

8. The ancient Sumerians worshiped Ninkasi, a goddess of beer.

- True
- False

9. Thomas Jefferson and John Adams, two of America's founding fathers, both died on July 4, 1826, fifty years to the day after the signing of the Declaration of Independence.

- True
- False

10. Marco Polo introduced ice cream to Europe after watching it being made in China.

- True
- False

Answers on next 2 pages.

### Question 1 -

**CLAIM: Sir Thomas Crapper invented the toilet.**

**ANSWER: FALSE.** Thomas Crapper was a real person, who operated a plumbing business in 19th century London, but he didn't invent the flush toilet. This is credited, instead, to Joseph Adamson, who took out the first patent for a flush toilet in 1853. A 1969 book by Wallace Reyburn, *Flushed with Pride: The Story of Thomas Crapper*, has helped to propagate the myth that Crapper was the inventor of the toilet. Reyburn's biography of Crapper is simply a fabrication.

### Question 2 -

**CLAIM: The Eskimo language has over 100 words for snow.**

**ANSWER: FALSE.** The Eskimo languages have two root words for snow: 'qanik', which means snow in the air, and 'aput,' which means snow on the ground. Modifying nouns can be added to these root words to create more words, but root words in any language can be modified indefinitely by adding new endings. Think of snow in English (snowfall, snowdrift, snowshoe, etc.). The idea that Eskimo languages have more words for snow has been traced to a 1940 article by Benjamin Lee Worf in *Technology Review* in which he said that there were seven different words for snow in Eskimo (he never said what those words were). The concept that Eskimo languages have a very large number of words for snow grew from there.

### Question 3 -

**CLAIM: Early Dutch traders acquired the entire island of Manhattan from a Native American tribe for a few goods worth around \$700 in today's currency.**

**ANSWER: TRUE.** This is one of those stories that sounds like a myth, but as far as historians can tell, it's actually true. A 1626 letter exists in which a Dutch merchant reports having heard that representatives of the West India Company 'purchased the Island Manhattes from the Indians for the value of 60 guilders.' 60 guilders was approximately \$24 in 1846, when a historian first dug up this reference. It's closer to \$700 in present-day currency. It sounds like the Europeans got a pretty good deal for such a valuable piece of property, but the real joke was on the Europeans. It turned out that the Indian tribe that sold Manhattan to the Dutch didn't live there, so by Indian custom they didn't have the right to offer the Europeans any kind of use of it. In other words, the Europeans were conned out of \$700 by an Indian tribe that just happened to be passing through the area.

### Question 4 -

**CLAIM: When the English pilgrims landed in the New World they were surprised to discover that one of the first Native Americans they met had lived in England for many years.**

**ANSWER: TRUE.** The story of Squanto, the English-speaking Native American whom the Pilgrims met when they disembarked from the Mayflower, is one of the stranger tales American history has to offer. Squanto had been taken from his village by a British captain around 1605. He lived in England for nine years and was sold into slavery in Spain in 1614. He eventually made his way back to England, and from there back to Massachusetts in 1619. By that time he had crossed the Atlantic a total of six times, making him far better traveled than the Pilgrims who arrived soon thereafter. By the Pilgrims' own admission they would have had difficulty surviving their first years in Massachusetts without the help of Squanto.

### Question 5

**CLAIM: Mud throwing was an official event at the 1904 Olympics.**

**ANSWER: TRUE.** The 1904 Olympic Games, held in St. Louis, Missouri, easily remain the most bizarre on record. They were only the third summer games ever held, since the modern Olympics began in 1896, and their organizers were uncertain which sports to include. They decided to set aside certain events to allow 'primitive' tribes, such as Pygmies and Patagonians, to compete separately. The 'primitives' were allowed to reach for Olympic glory in events such as mud fighting, greased-pole climbing, rock throwing, and spear throwing. The dates set aside for the 'primitive' events were referred to as the 'Anthropology Days.' The 1904 summer games proved to be such a fiasco that the Olympic committee decided to rehold the games just two years later in Athens in order to get the festival back on a proper, more dignified footing.

### Question 6

**CLAIM: There is a lake in Massachusetts called Lake Chargoggaggoggmanchaugagogg-chaubunagungamaug. The name is a Native American word that means 'You fish on your side, I'll fish on my side, nobody fish in the middle.'**

**ANSWER: FALSE.** There is a lake in Massachusetts that goes by that name. But the explanation of its meaning is incorrect. Larry Dale, editor of the Webster Times, made up the fanciful etymology for an article he wrote in 1921. He meant it as a joke, but people took his story seriously and continue to repeat it to this day. The long name actually means something like, 'the fishing place at the boundaries and neutral meeting grounds.' The body of water in question is more commonly referred to as Lake Webster.

### Question 7

**CLAIM: When Columbus sailed to America in 1492, most Europeans believed that the earth was flat.**

**ANSWER: FALSE.** Very few people alive anywhere in the world in 1492 believed that the earth was flat. After all, you can see the curve of the earth simply by looking at the horizon. Washington Irving, in his 1828 biography of Columbus, first popularized the myth that most Europeans in 1492 believed the earth to be flat.

### Question 8

**CLAIM: The ancient Sumerians worshiped Ninkasi, a goddess of beer.**

**ANSWER: TRUE.** Archaeologists discovered a 3,800-year-old recipe for beer on a clay tablet in Sumeria. The recipe appeared as part of a hymn to the goddess Ninkasi. Apparently beer played a major role in Sumerian culture. Those who have brewed the Sumerian recipe report that it produces a beer with a taste similar to hard apple cider but retaining the fragrance of dates. It should be no surprise that there was a goddess of beer. After all, the Greeks worshipped Bacchus, the god of wine.

### Question 9

**CLAIM: Thomas Jefferson and John Adams, two of America's founding fathers, both died on July 4, 1826, fifty years to the day after the signing of the Declaration of Independence.**

**ANSWER: TRUE.** Thomas Jefferson and John Adams, who were friends during life, did die within hours of each other on July 4, 1826. Jefferson was at his home in Virginia, and Adams was at his home in Massachusetts. Americans were fascinated by the coincidence and read great meaning into it. John Quincy Adams, who was President at the time as well as being son of John Adams, declared the twin deaths to be a 'visible and palpable' sign of heavenly favor. Their work was done, it was thought. So they departed together into the afterlife, fifty years to the day after founding the country.

### Question 10

**CLAIM: Marco Polo introduced ice cream to Europe after watching it being made in China.**

**ANSWER: FALSE.** Legend has long connected Marco Polo with the introduction of ice cream to Europe, but no evidence supports this idea. Leaving aside entirely the question of whether Polo actually visited China, there is the fact that ice cream only began to be made in Europe during the seventeenth century. This was three hundred years after Polo died. Furthermore, there is nothing in Polo's *Description of the World* that even vaguely resembles a description of ice cream.

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