

Newsletter Date
 August 2012
 Volume 2, Issue 4

Office of Civil Rights

Special Interest Articles by:

- Compliance and Programs Division
- Public Civil Rights Division
- Employee Complaints and Adjudication Division
- Policy

Director, Sharon D. Eller

Administrative Assistant-Tina L. Medlin 202- 208-5693 (Main Number)
 Federal Relay Service 1-800-877-8339 then dial (202) 208-5693

icomplaints Security System Significant

What is the icomplaints system? For users, it's a Departmental web-based system that tracks, monitors, and reports discrimination complaints during agency processing through disposition by the agency, the Equal Employment Opportunity Commission (EEOC), and the Federal courts. It also enables DOI and its EEO professionals to comply with Congressional mandates, EEOC laws, regulations, and procedures. Moreover, icomplaints identifies trends in discrimination complaints throughout DOI, permitting OCR to

implement preventive measures to eliminate workplace discrimination, and reduce the amount of complaints filed. It is also needed to prepare the annual Federal EEOC Statistical Report of Discrimination Complaints required by EEOC, and reports by the No Fear Act, as mandated by Congress. The significance of information security with icomplaints is because there are established directives published by the Office of Management and Budget (OMB). This is based on applicable laws passed by

Congress and other laws that enterprise systems must comply with. Normally, one of the issues that icomplaints users contend with is being locked out of the system. This includes: 1) a user has not logged into the system more than their last login password age, which is 30 days. 2) A user has not logged into the system more than 45 days, therefore, their account is disabled. 3) A user mistypes a password more than three consecutive times and locks their self out of the icomplaints system. Good security on the icomplaints system benefits everyone.

Updates on Important Case Laws in Civil Rights

Federal Sector Developments at the EEOC Office of Federal Operations (OFO)

**Macy v. DOJ*, EEOC Appeal No. 0120120821 (April 20, 2012)
 Transgender complainant (CP) denied a job because biological men should remain men, dress as such and be consistent with the ideals of what a man should be. [A precedent settling case] Transgender status and gender identity qualify under Title VII sex discrimination claims.

Retaliation: Oral v. Written Complaints

* *Kasten v. Saint-Gobain Performance Plastics Corp.*, 131 Supreme Court (S.Ct.) 1325 (2011)
 complainant (CP) complained about where time clocks were placed in the work area and ultimately terminated. Protects those who file oral, in addition to written complaints from retaliation.

Title VII Retaliation

**Thompson v. North American Stainless, L.P.*, 313 S.Ct. 863 (2011) Overview:

In Feb. 2003, the EEOC notified the employer that the fiancée had filed a charge alleging sex discrimination. Three weeks later, the employer fired the employee. The Sixth Circuit reasoned that because the employee did not engage in any statutorily protected activity, either on his own behalf or on behalf of his fiancée, he was not included in the class of persons for whom Congress created retaliation (Continued on page 2)

Individual Highlights:

icomplaints Info	1
Case Laws	1
Summer Interns	2
Documentary	2
Web-based Tools	3
Spotlight	7
Director's Corner	7
Bureau News	8

Updates on Significant Case Laws in Civil Rights



— **U.S. Supreme Court decisions** have impact sometimes changing litigation in unanticipated ways

(Continued from page 1)

cause of action. The court concluded that if the facts alleged by the fired employee were true, then the employer's firing of him violated Title VII because Title VII's anti-retaliation provision had to be construed to cover a broad range of employer conduct. The Court thought it obvious that a reasonable worker might be dissuaded from engaging in protected activity if she knew that her fiancé would be fired. The Court declined to

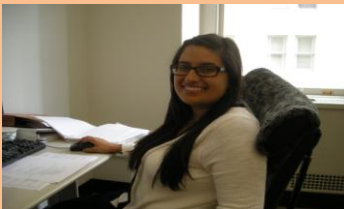
Adopt a categorical rule that third-party reprisals do not violate Title VII, or to identify a fixed class of relationships for which third-party reprisals are unlawful. The employee could sue because he fell within the zone of interests protected by Title VII.

Outcome: The judgment of the Sixth Circuit was reversed, and the case was remanded for further proceedings consistent with the opinion. 8-0 decision; one concurrence

Title II of the ADA

*Noel, et. Al. v. NYC Taxi and Limousine Commission (TLC), U.S. App. LEXIS 13287 (2012) Plaintiff, wheelchair users and organizations, sued defendants, (TLC) and its commissioner, alleging violations of the ADA. U.S. District Court of NY granted plaintiffs partial summary judgment & entered a temporary injunction.

OCR Welcomes Summer Interns



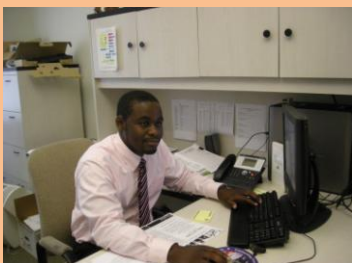
Martha

Antonio, Martha, Danielle, and Mercedes each come with bright futures from the Nation's Capital, Sunny Ft. Lauderdale, Florida, the Commonwealth of Pennsylvania, and the Colonial Heritage of Alexandria, Virginia. The Office of Civil Rights (OCR) summer interns have infused and delighted the staff with their savvy business skills necessary to be

successful here at Interior. **Antonio Sanders**, a

senior at Virginia State University, whose concentration is business management said, "College taught me to be self-reliant and self-sufficient." Originally from the District, his transition to Virginia was a culture shock due to the lack of basic transportation such as buses or trains. You got to make it enjoyable, he added. He said D.C. is a big/small city meaning big in population but small in land mass. "That little dot on the map makes

many important decisions that affect the nation." Antonio, an intern from the NAFEO program who is very philosophical says the great thing about Virginia State is the family oriented atmosphere. He said their staff is helpful, professional, and they want you to succeed. In his spare time, Antonio loves helping people, watches wrestling, and enjoys singing. **Martha Ochoa**, a 2008 graduate from Cypress Bay High School, the largest in Ft. Lauderdale (Continued on page 4)



Antonio

Inspiring Documentary Educates Interior Audience

The screening of the documentary "*Two Spirits*," about the life and death of Fred Martinez, was shown to a diverse group of Interior employees on June 28, 2012. This true story explored a boy who was also a girl, and the essentially spiritual nature of gender. DOI joined the Nation in observing the National Lesbian, Gay, Bisexual and Transgender

(LGBT) month in June, and the contributions LGBT Americans have made, and reflect on the challenges of ensuring full equality for all Americans like Martinez. He was one of the youngest hate-crime victims in modern history when he was brutally murdered at age 16. This documentary, which was directed by Lydia Nibley also shed light on his grieving mother Pauline

Mitchell, who said, "He's the kind of person that was so willing to give to someone," referring to her deceased son. In the documentary, she explained that when her son was little, he wanted to be like his dad. This lunch and learn program was sponsored by OCR, DOI GLOBE, Society of American Indian Government Employees (SAIGE), and (BIA).



PCR Coordinators Utilize Web-Based Websites and Surveys as Tools to Ensure Compliance

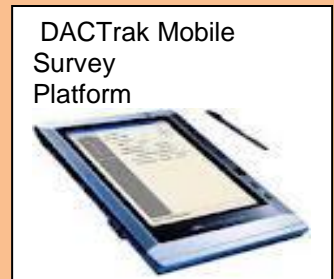
Recently, the Public Civil Rights (PCR) Coordinators have looked into several online web-based websites and surveys as tools, to help identify sources that provide Federal funding. These resources, along with compliance and accessibility tracking on financial assistance awards with regards to state and local entities, and their sub-recipients has been a hot topic amongst the group. **USASpending.gov** is a tool that provides indicators of which agencies make awards to various entities. This database, which was first launched in December 2007, is designed to fill these requirements. Various benefits of the website discovered by the

PCR Coordinators include: finding the most Federal awards, proving the amounts, name and location of the receiving entity, transaction type, and the funding agency. Since many Federal projects involve myriad sub-awards, the complete picture of where these Federal funds sometimes remains incomplete. This means that if a Federal agency makes an award to a state, and the state makes a sub-award to a city, all of that data will be recorded and made public through www.USASpending.gov. However, if the city makes sub-wards to various entities to implement the work, that data will not be disclosed. The Federal Funding Accountability

and Transparency Act (FFATA) created legislation requiring all prime recipients to report their information and facts on their sub-recipients of Federal financial assistance and expenditures. **The DACTrak** software is a convenient data collection and reporting generating tool, designed to deliver accessibility survey reports. This inspection and reporting device provides online access to view reports and complete compliance tracking. DACTrak can assist in risk management for compliance measurement assessments. Knowing how to bring an item into compliance and which requirements to meet is important. Each item collected contains photos and descriptions, findings and recommendations, costs, progress levels, and completion dates.



www.USASpending.gov for State and local gov't



An Accessibility Data Collection Management Tool

DOI's Affinity Groups Support Interior Employees

DOI GLOBE, BIG, FEW, and SAIGE have a lot in common when it comes to supporting Interior employees. They all involve networking opportunities, workshops, seminars, development, leadership skills; serving on committees, and learning how to work with diverse groups. Since Sept. 16, 1994, **DOI GLOBE**, the employee-networking group for gay, lesbian, bisexual, and transgendered has obtained the Department's recognition as a voluntary employee organization (VEO). DOI Globe has been actively engaged with the agency in the

review and development of Departmental policies and procedures and in discussions about the DOI workplace and diversity strategies. In addition, this small group of self-organized Interior employees has recently conducted an analysis of benefits provided by the Department to spouses and children of employees, in comparison to benefits provided to domestic partners and children of employees. **Blacks in Government (BIG)** President Kim Lambert (FWS) said, "The DOI-BIG Chapter works to eliminate practices of

racism and racial discrimination as set forth in the BIG National Constitution." The Chapter also develops programs that will enhance ethnic pride and educational opportunities for employees and supports community programs. Lambert says the Chapter is an arm to local, national, and international worthy causes by providing financial and technical assistance and in-kin service. In 2004, the **Federally Employed Women (FEW)** Capital Chapter was created to support employed women in the Department. (Continued on page 6)



OCR Welcomes Summer Interns

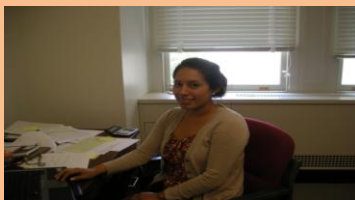


Danielle

(Continue from Page 2) said she attends Florida International University located in Miami, with a double major in Political Science and International relations. "I love the diversity aspect of my school and the professors," said the former high school homecoming queen. With a minor in Communications, Martha is involved with student government, her sorority, and 'Relay for Life', a

cancer organization. Martha said she loves Miami because of its proximity and there is always something to do for example, attending the arts festivals, a lot of delicious places to eat, and great NBA Basketball specifically; the 2012 NBA Champions Miami Heat. "I've been a fan forever," said The Washington Center (TWC) intern. **Danielle Donovan**, another TWC intern, originally from Chambersburg,

Pennsylvania near Pittsburgh is striving to pursue her degree in Justice Studies with a concentration in Forensic Science. Danielle says she loves the California University of Pennsylvania because it's in the country. "I love having the campus feel like a big back yard compared to the city." This summer intern, whose minor is Psychology, said she loves her state because people from her area appreciate space, friends, and likes being



Mercedes

in the middle of nowhere. Danielle also says there are no trains and buses in that area. "It is very different being here in D.C. and not being able to use a car," she added. The 2010 graduate of Everett High School was President both her senior and junior years, and a cheerleader. Her hobbies include philanthropy; she's

active with her sorority and loves looking at scrap books. Alexandria, VA native **Mercedes Villanueva**, an intern from the HACU Program, who is finishing this summer with a degree in Psychology at George Mason University, has a passion also for forensics. "I love the behavioral analysis of it," she said.

She said she attended her school because it's local, diverse; they have a great arts program, and a participant of the Final Four NCAA Tournament. She said their mascot is a Patriot and the school colors are Green and Gold. Her hobbies include dance, reading, and shopping. Also, Mercedes says she has a younger sister named Francesca



Ronel

Records Center Easy Transition for Job Corps Students

"The Job Corps students came here with organizational skills in records" –Records Management Specialist Judy Banks

When you think of opportunity and success, then the Office of Civil Rights (OCR) Records Center is an easy transition for Job Corps students. **Ronel Fokou**, originally from Cameroon, West Africa who has a background in business technology said the Job Corps program is a great opportunity. Ronel, who was encouraged by his relatives, pursued this endeavor by staying with a friend of the family in Annandale, Virginia. They gave him the number to Job Corps. "I saw a job counselor located in

Harpers Ferry, West Virginia, said Ronel" who then waited through the initial process. He said it took five months for his paper work to be approved. The next step was having the DC Potomac Job Corps, setting him up for an interview for internship in November 2011, with the U.S. Department of the Interior. He said it was an opportunity waiting to happen because the Job Corps program picks people randomly. "It's like the American lottery system," he added. At last! Ronel landed in the Records Center. His

responsibilities include archiving, records management, and making EEO complaint files. He said when he is not working, his hobbies are soccer and listening to music especially the rapper NAS. Previously, Ronel spent two years at the University of Douala in Cameroon studying accounting and finance. Records Management Specialist Judy Banks said the Job Corps students came here with organizational skills in records." Job Corps is a free education and training (Continue on page 5)

Records Center Easy Transition for Job Corps Students

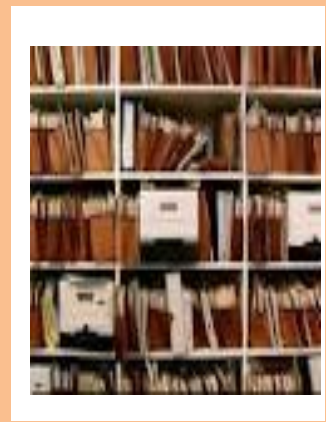
(Continued from page 4)

Program that helps young people learn a career, earn a high school diploma or GED, and find and keep a good job. Job Corps student **Emanuel Scates** agrees. A native Washingtonian, and a 2009 graduate of Great Mills High School located in Maryland, Emanuel said he found out about Job Corps from a brochure he read. "It talked about the career opportunities which appealed to me so I applied," said Emanuel, who was coming out of high school. He said he called the Job Corps outreach administrator. The waiting period was 6-8 months so in the meantime, Emanuel says

he applied to the Air Force. According to the Job Corps website, for young people who are at least 16 years of age and qualify, Job Corps will provide them the all-around skills needed to succeed in a career and in life. Emanuel, whose background is business technology and computers said, "They find a work base to place you in followed with an interview." He said following his consultation, he also landed a job with student colleague Ronel at the OCR Records Center, where he is learning complaints filing and records management. "It is important because it makes it more convenient for your co-workers," he said. Banks said the students leave here

becoming truly records clerks. Emanuel says his responsibilities entail records filing by the bureau system, archiving documents, and log-in mail. In his spare time outside of the Records Center, Scates is a sports fanatic and loves athletics in general. His hobbies include basketball, football, baseball, and soccer. He also loves reading books. Job Corps Trade Supervisor Jessica Witchoski, Transportation Communication Union/International Association of Machinist for Scates and Fokou said the section where the two students are enrolled in is the advanced training program at Job Corps. Witchoski says "This is the last stop for the students at Job Corps."

Emanuel



Job Corps Students Vital to OCR Record Center

How to Stay Safe with Summer Weather Dangers

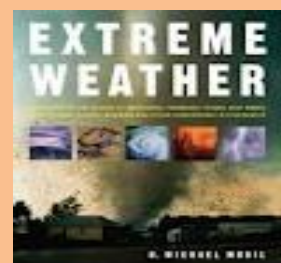
With summer season officially here, heightened awareness and preparedness of a wide range of extreme weather challenges and potential dangers should be considered. The Federal Emergency Management Agency (FEMA) suggests taking actionable steps because some of these threats can occur with little or no warning. Here are a few tips on what you should do if faced with the following weather dangers: **Extreme Heat:** Stay indoors as much as possible. Spend the hottest part of the day in an air-conditioned building and never leave children or pets alone in vehicles. **Earthquakes:** If indoors,

stay away from windows, doors, and get under a desk or table. If outside, keep away from buildings and utility wires. **Floods:** Don't touch electrical equipment if you are wet or standing in water. Take important items to an upper floor. **Hurricanes:** Secure external and internal doors. Stay away from windows and doors and take shelter in a closet, hallway on the lowest level, or small interior room. **Lightning:** Researchers say here in the United States, lightning kills more people than tornadoes and hurricanes each year. If indoors, do not use a corded phone, computer or other

electrical appliances. Avoid contact with plumbing for example, do not shower, wash hands, or do laundry. **Tornadoes:** Storm cellars and basements are the safest locations, but if they aren't available, go to an interior room, closet, or hallway on the lowest level. Stay away from windows, doors, outside walls and corners. **Wildfires:** Use fire resistant building materials. The roof and exterior structure of your dwelling should be constructed of non-combustible materials such as tile, slate, sheet iron, aluminum, brick or stone. Also, clean roof surfaces & gutters regularly.



—The Federal Emergency Management Agency



Leaders Viewed FAPAC Training a Success

Birthdays for May thru August

May

Sharon D. Eller
May 11
Barbara Evans
May 12
Melba Vaughn
May 16

June

Alvin Dillings
June 14

July

Leanne Kowalski
July 5

August

Ophelia Anderson/
Tina Medlin
August 15

SPECIAL EVENTS

Women's Equality Month
(August)

Blacks in Government (BIG)
Conference in Detroit, MI
(August 13-16)

DOI Multi-Cultural Day
(August 29)

Hispanic Heritage Month
(Sept. 15-Oct. 15)

We're on the Web!

See us at:

www.doi.gov/eeo

'Striving for Excellence in Leadership, Diversity and Inclusion' was the theme that set the tone for the Federal Asian Pacific American Council's (FAPACs) 27th training conference held on May 4th, 2012, in Atlanta, GA.

The conference, which was endorsed by the Office of Personnel Management (OPM), had senior leaders such as OPM Director John Berry speaking at the event, was viewed as a success. The Department of the Interior (DOI), Bureau of Safety and Environmental Enforcement (BSEE)

Equal Employment Opportunity Division, and Office of Surface Mining (OSM), Regulation and Enforcement Office of Equal Opportunity co-sponsored a pre-forum on workshop April 30, 2012. The focus was on leadership and empowering oneself to optimize opportunities and convey desired end goals. A senior leader from the Custom Border Protection spoke on the topic 'More than Tolerance: Embracing Diversity Now'.

Other speakers from the State Department discussed harassment, bullying, and bad behaviors. The audience learned how EEO professionals dealt with discrimination. In addition, a job fair in conjunction with the FAPAC training provided opportunity to the numerous student and veteran job seekers and the agencies. Ten civilians and eight military servicemen were presented the prestigious FAPAC 2012 Civilian and Military Meritorious Awards.

DOI's Affinity Groups Support Interior Employees

(Continued from page 3) FEW is instrumental in hosting programs on various issues that are informative and beneficial for employees. For example, the Capital Chapter partners with OCR and DOI bureaus to host Special Emphasis Programs, including

Women's History Month in March and Women's Equality Day in August. Lastly, the Chapter also partners with other employee organizations such as BIG, DOI-GLOBE, and FAPAC to sponsor workshops and seminars. **The Society of Indian Government Employees (SAIGE)** provides DOI employees with an annual training program designed to assist them in their responsibilities related to Native peoples and Tribal governments. Throughout the year, SAIGE connects American Indian and Alaska Native employees, reducing their sense of cultural isolation. It also facilitates communication among Native and non-Native employees that enhances multicultural understanding and brings a fresh perspective to the Federal workplace.



Recognitions and Observances

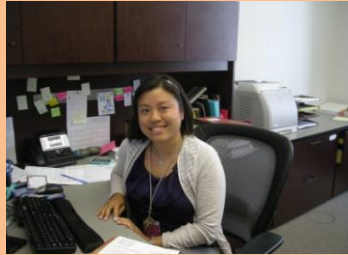
*National Historically Black Colleges and Universities Conference: Washington, D.C. Sept. 25-26, 2012

*Hispanic Association of Colleges and Universities (HACU) Oct. 20-22, 2012, Wardman Park Hotel Washington, DC.

*Disability Awareness Month is October, 2012, with the Bureau of Reclamation (BOR) hosting.

confirm your professional passion to launch a career.

Spotlight



Christina L.P. Bui, Esq. is the Equal Employment Opportunity (EEO) Specialist in the Employment Complaints & Adjudication Division, under the guidance of Division Chief Vanessa Green. Her responsibilities include editing and drafting Final Agency Decisions (FADs) and dismissals for the bureaus. In addition, Christina writes agency appeals responses and compensatory damage awards.

- Q. What is your background?
"I'm a Presidential Management Fellow from the class of 2011, and a California licensed attorney from the David A. Clarke School of Law in D.C., said Christina."
 - Q. What are you responsible for?
"Researching for appropriate application/citations of laws and analysis of laws to facts."
 - Q. What do you like to do for extracurricular activities?
"I'm a foodie which means I try to sample different restaurants. I also love to travel and love parties."
 - Q. Do you have any particular hobbies?
"I serve as events chairperson for my sorority alumni group which includes movies, shopping, and taking various classes. It's a great networking opportunity."
- Birthday: April 19th
 Zodiac Sign: Aries

The Directors Corner

From the Director by Michael Zimmerman:

Let me begin by saying "thank you" to the OCR summer interns and Job Corps students who have been vital to the continued success of this office. By participating in a wide array of strategic projects, they were able to utilize their skills and learn new competencies. They helped OCR accomplish initiatives that will improve internal procedures and processes, thereby making OCR more effective and customer oriented.

We hope your visit here was a great learning experience that helped determine your goals, refine your interests, and

Director's Office contacts:

Lola Hatcher-Capers
Deputy Director
(202) 208-6435

Alvin Dillings
Senior Policy Advisor
(202) 208-4753

Melba Vaughn
Office of the Secretary Complaints Manager
(202) 208-3854

Janeen Birckhead
BIA Accountability & Compliance Manager
(202) 513-0746

Joyce Corley, OS
EEO Counselor
(202) 208-6647

This summer we were very busy supporting Special Emphasis and training events such as FAPAC in May, LULAC, AAGEN, and SAIGE in June, FEW in July, with BIG and NOMAR in August. We continue to incorporate the Secretary's inclusive Workplace Strategy into policy as well as operationally while ensuring that discrimination complaints are processed fairly, thoroughly, promptly, and in strict compliance with EEOC Regulations.

As we conclude this fiscal year and began anew, we look for innovative ways to change the culture of how the EEO community is doing business electronically. This will ensure the integrity of documents and complaint files, and support future training needs and compliance reviews. These efforts will help improve and ensure the integrity of our business process.

DIVISION CHIEFS

Ophelia Anderson
Compliance & Programs
(202) 219-0805

Sloan Farrell
Public Civil Rights
(202) 208-3455

Vanessa Green
Employee Complaints & Adjudication
(202) 208-6120

Administrative Staff

Felicia Baker
Administrative Officer
(202) 208-5183

Tina Medlin
Administrative Assistant
(202) 208-5694



News from the Bureaus:

Each newsletter will highlight a report of events or information considered as a subject of choice from two bureaus. **The featured Bureaus for this quarter's newsletter are the Bureau Indian Affairs (BIA) & the National Park Service (NPS).**

THE BUREAU'S QUARTER



Bureau of Indian Affairs (BIA)

This quarter, **BIA Office of Equal Opportunity Programs (OEOP) welcomes back Ms. Janeen Birkhead**, Accountability and Oversight Manager, from her tour of duty in Afghanistan. Since her return, the OEOP has shaped a focused, cohesive team which is experiencing both growth and success.

The newest member to the OEOP team is **Ms. Enza Martinez**. She serves as the Program Support Assistant in the EEO Division of BIA. Ms. Martinez has over 20 years of Federal government service in Washington, D.C., and military personnel.

Being married to a U.S. Army service member has provided her family with the opportunity to travel to different countries and meet people from all over the world. She has visited countries such as, Italy, Switzerland, Sweden and France. Ms. Martinez said, *"The best thing that I loved about traveling all around Europe is admiring the scenery like the Swiss Alps, tasting the variety of great food and the superb wine."* Her family's last duty station was at Ramstein Air Force Base in Germany. She was employed with the U.S. Army's Public Health Command (USAPHC) Region-Europe as an Administrative Assistant. Enza cherishes spending time with her husband Julio and their three children. They enjoy going to the movies, participating in outdoor sports, and cooking international cuisines.

The OEOP at BIA has recently moved. Our new address is 12220 Sunrise Valley Drive, Room 5034, Reston, Virginia 20191.

NPS: What happened with the National Park Service (NPS) this past quarter?

NPS OEOP NEWS

EXTRA! EXTRA!

***DOI/OPM Pre-Conference Forum at FEW**

On July 26, 2012, **Samuel R. Jordan**, Affirmative Employment Division Manager, (NPS), OEOP, led the bureau sponsorship of the DOI Agency Forum at the 43rd Federally Employed Women (FEW) National Training Program (NTP) held in Detroit, Michigan.

The pre-conference forum was convened in collaboration with the U.S. Office of Personnel Management (OPM) and the U.S. Department of the Interior, Office of Civil Rights (OCR).

***Highlight!**

Launch of NPS Call to Action #35 Onboarding Process

*NPS New Employee/Supervisor Orientation Handbook is completed and will set the stage for a new "Onboarding" process designed to promote inclusiveness from day one and increase retention!

Chapter 4 is on Equal Opportunity and includes Diversity Policy, Role of the EEO Counselor and Reasonable Accommodation for Individuals with Disabilities.