

Office of Civil Rights

Newsletter Date

December 2011

Volume 2, Issue 2

Special Interest Articles by:

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

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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

National Disabilities Awareness Month

The Department of the Interior (DOI) joined the Nation in observing National Disability Employment Awareness Month from October 1-31, 2011. The theme for the observance was "Profit by Investing in Workers with Disabilities." This theme honored the contributions of workers with disabilities and served to inform the public that they represent a highly skilled talent pool that could help employers compete in today's global economy. In its annual report, the U.S. Equal Employment Opportunity Commission (EEOC)

stated that the percentage of individuals with targeted disabilities in Federal jobs held steady for the first time since 1995. In a press release, EEOC Chair Jacqueline Berrien stated that the Federal government should lead the way in creating a diverse and just workplace. "Government employers need to continue to recruit and promote employees who represent the tapestry of America," said Berrien. According to the U.S. Bureau of the Census, there are 54 million people with disabilities. Moreover,

the report indicated that approximately 21% of the population ages 16 and older with a disability are below the poverty level, with nearly 73% of individuals with disabilities are age 16 and older, who are not in the work force. They have also compiled a series of statistics for National Disability Employment Awareness Month regarding those with disabilities including women, men, the hearing impaired, and veterans. On October 20, 2011, the Department held a Disability Employment Awareness Training (Continued on page 3)

14th Annual EXCEL Conference Reinforces Unlawful Employment Discrimination

This past summer, the U.S. Equal Employment Opportunity Commission (EEOC) sponsored the 14th Annual Examining Conflicts in Employment Laws (EXCEL) Conference at the Sheraton Baltimore City Center Hotel located in Baltimore, Maryland. From August 16-18, 2011, attendees chose from sessions such as job accommodations, bullying in the workplace, writing Final Agency Decisions (FADs), emotional intelligence, accent and national origin

discrimination issues. The EXCEL Conference was designed to share information, exchange ideas, and devise strategies. Multiple workshops included agency and complainant representatives, Equal Employment Opportunity professionals, and Alternative Dispute Resolution participants. Earlier this year, EEOC released Part 1 of its annual report on the

Federal workforce, which contained statistics on Federal-sector complaint discriminations. Federal employees and applicants filed 17, 583 complaints of employment discrimination during fiscal year (FY) 2010, a 3.75 % increase over the previous year. Retaliation was the most common allegation with a 2.7 % increase. (Continued on page 2)

14th Annual EXCEL Conference Reinforces Unlawful Employment Discrimination

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14th Annual EXCEL Conference
"This year they had the Freedom Riders which was exciting for me."
— Equal Employment Specialist Acquanetta Newson

The EEOC is responsible for enforcing employment discrimination laws within the private sector, unlike Federal agencies, that are responsible for handling complaints of discrimination filed against them. Other workshops included EEO/REP investigator skills, processing third party complaints, and compensatory damages. Equal Employment Specialist Acquanetta Newson, an attendee

Newson said, "I always like the EXCEL Conference because of the courses they provide." It also enhances my knowledge in doing my job and they relate to the work I do in civil rights, she added. Presenters in various sessions from the EEOC, U.S. Merit Systems Protection Board (MSPB), and the U.S. Office of Personnel

Management (OPM) placed emphasis on making sure reprisals did not become the usual response to complaints of discrimination. Officials reaffirmed that the goal is to eradicate unlawful employment discrimination and build on EXCEL's past successes. Newson said, "This year they had the Freedom Riders which was exciting for me."

Interior revisits Emergency Preparedness

Emergency planners examine a broader range of responses to emergencies such as the recent natural atmospheric developments
— Emergency Program Specialist David VanderWeele



From fire evacuation drills to Shelter-in-Place drills followed by earthquake general evacuation instructions, Interior as of lately has experienced them all. The Office of Emergency Management partnered with the Office of Law Enforcement & Security, the National Business Center, and volunteers have revisited practice preparedness procedures including individuals with disabilities during emergencies. Emergency Program

Specialist David VanderWeele said employee awareness training is an ongoing process but was more prevalent after the 9/11 attacks. Emergency planners examined a broader range of responses to emergencies such as the recent natural atmospheric developments, he said. "Wing wardens, sector wardens, floor team, rally point, and disability coordinators, are all part of our evacuation support

team and are essential in ensuring that the occupants are safely evacuated during a building emergency," said VanderWeele. For example, during an earthquake, a person should take cover underneath a desk, table, or other heavy piece of furniture, but most importantly remain calm. Stay inside until the shaking stops, then go outside when it is safe however, do not use the elevators, he added.

(Continued on page 4)

National Hispanic Heritage Month Observed



National Hispanic Heritage Month (Sept. 15 thru Oct. 15)

The Department of the Interior (DOI) celebrated the many contributions of Hispanic Americans in the history of our Nation during National Hispanic Heritage Month from September 15 to October 15, 2011. The Office of Civil Rights (OCR) and the Bureau of Land Management (BLM) sponsored an exhibit with information on the

contributions of Hispanic Americans and artifacts that appeared in a glass showcase on the 4300 Corridor of the Main Interior Building. This year's theme was "Many Backgrounds, Many Stories, One American Spirit." The contributions of Hispanic and Latino Americans were first celebrated during Hispanic Heritage Week, as approved by former

President Lyndon B. Johnson, and later expanded to a 30-day period by Ronald Reagan in 1988, via on the approval of Public Law 100-402. Each year, the Histories, the cultures, the Histories, and contributions of American citizens, whose ancestors came from Spain, Mexico, the Caribbean and Central and South America are celebrated.

National Disabilities Awareness Month

(Continued from page 1)

at the Rachel Carson Room. The program titled "Profit by Investing in Workers with Disabilities" included motivational and keynote speaker Alejandro Anastasio who currently works as an illustrator for the Bureau of Reclamation (BOR). Anastasio, who has an irreversible disability, told those in attendance that he has a prosthetic hook and that being born without a hand was a blessing. "I've accomplished a lot due to my disability," Anastasio said. He explained to the audience that a disability has a lot to do with how a person thinks, not their disability, "Give people

with disabilities a chance," he added. The training also involved Disability Program Officer Martin Pursley, Office of Human Resources, who discussed the Office of Personnel Management (OPM) approved strategic goals and objectives that involved employment opportunities for individuals with disabilities. Pursley mentioned leadership's commitment, hiring and communication opportunities, and promotion and career development. "We need to change our culture and seek out the talents to help our workforce," he said. U.S. Fish and Wildlife Service (FWS) Diversity/Disability Program Manager

Julia Bumbaca agreed. "We need to work more with middle management," she said, while discussing best practices. As part of National Disabilities Employment Awareness Month, the Job Accommodation Network. (JAN) had a webcast that addressed strategic advantages of including disability in diversity efforts. The session also included general tips on, adaptive devices, assistive technology, and accessible worksites to ensure people with disabilities will be more productive. JAN is one of the services provided by the U.S. Dept. of Labor's Disability Employment Policy (ODEP), and it also provides a free consulting service on workplace accommodations.



Job Accommodation Network (JAN)



Implementing Language Access Plans Warmly Received By Agencies

On September 16, 2011, approximately 90 Federal agencies met for a one-day language access convening, to take the next steps in implementing their language access plans, for improving access to services for persons with Limited English Proficiency (LEP). Assistant Attorney General Thomas Perez, Department of Justice, Civil Rights Division, gave opening remarks to a packed ballroom at the Capital Hilton located in Northwest Washington. He said that this meeting was designed to ensure that the LEP plans are put

into place. "This is key to sustainability and accountability," said Perez. This is also a collaborative effort, he added. He told the group that they have a remarkable resource in the Annie E. Casey Foundation and the Migration Policy Institute's (MPI) National Center on Immigrant Integration Policy (NCIP), who co-hosted the event. Many of the attendees had the opportunity to work with experts, to develop strategies and policies that fit their agency's specific needs in implementing language access plans. This

convening was also designed to ensure that all agencies comply with the 2000 Executive Order (EO) No. 13166. This requires Federal agencies to examine the services they provide, identify any need for those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. Presenter Deena Jang from the Chief Federal Coordination and Compliance Section, Civil Rights Division, U.S. Department of Justice told the agencies "Look at your plans with the perspective of a LEP person (Continued on page 5)



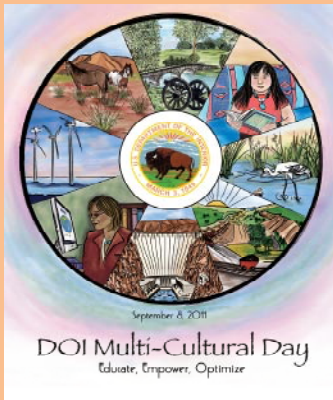
Interior revisits Emergency Preparedness

“This was designed to ensure individuals with disabilities are accommodated in an emergency situation.”
—Kim Thorsen

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According to the general evacuation procedures, upon activation of Interior’s alarm system, occupants must: 1) stop work immediately 2) terminate all phone calls and meetings 3) gather their personal belongings 4) then proceed to the nearest emergency exit. On October 20, 2011, another brown bag session was held in the Rachel Carson room on

building emergencies for people with disabilities. Deputy Assistant Secretary, Law Enforcement, Security & Emergency Management Kim Thorsen who was in attendance said, “This was designed to ensure individuals with disabilities are accommodated in an emergency situation.” VanderWeele explained that Interior has established evacuation maps on the websites,

evacuation chairs, and red phones which identify the security office of the person’s exact location. In addition, he said that there is communication with all coordinators. Also, the Accessible Technology Center (ATC) has self-identification scooters to be utilized for example, if someone has trouble walking. In the event of an emergency, call the 24 hour Security Dispatch Center at (202) 208-5803.



2011 DOI Multi-Cultural Day

OCR and Bureaus Co-Sponsors DOI Multi-Cultural Day

Annually, the Department, which our Secretary named “The Department of America,” sets aside specific days to recognize contributions of all cultures to the history of our great Nation and DOI. This year, OCR and Bureaus co-sponsored DOI’s Multi-Cultural Day on Sept.8, 2011. The

event consisted of training workshops across the country, a photography contest, and a food sampling fair to bring awareness of the culturally diverse backgrounds in our workplace, and the value added to the Department. Keynote speaker Laura Linwood Secretary General, Council of

Women World Leaders spoke on “Making Diversity Work.” The 100 attendees listened to the author as she used parables and anecdotes from her book “The Loudest Duck,” a business guide that examines the challenges to traditional workplace diversity efforts and strategies to create an effective workplace.

EEO, Diversity and HR Training Delivers a Hands-On Workshop

What constitutes harassment based on religion and National origin? How can electronic communications impact the work environment? What is a hostile work environment? These were just some of the questions that were addressed at an EEO, Diversity and HR training hands-on workshop held at the Broadcasting Board of Governors, Switzer Building, located in Southwest Washington, DC on September 20, 2011. The interactive session was designed for those in the Federal

government to respond with enthusiastic discussions about what civil treatment is and how it relates to an agency’s goals. Established and spearheaded by Employment Learning Innovations, Inc, (ELI), the training was designed in the hope that there might be simple suggestions to promote the Federal workplace as a model of equal opportunity, diversity, and inclusion. This was a direct result from President Barack Obama’s Executive Order, according to organizers. Facilitator Attorney Connie Walters explained that

manager’s treatment impacted the work environment in government and that cultural issues needed to be addressed. “Throughout this workshop, participants will be exposed to a number of laws, policies, and principles that are applicable to the daily workplace,” she said. Moreover, the organizers believed these collaboration and consolidation efforts would be viewed hopefully as a first step. With participants watching videos, having meaningful discussion, and interaction, what are the impacts? Representatives from DOD, DOI, DOJ, HHS, OEM. (Continue on page 5)

“Throughout this workshop, participants will be exposed to a number of laws, policies, and principles that are applicable to the daily workplace”
—Attorney Connie Walters

EEO, Diversity and HR Training Delivers a Hands-On Workshop

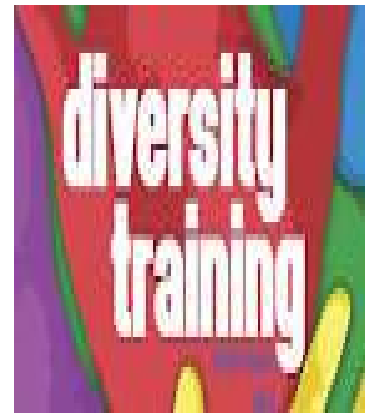
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the Small Business Administration (SBA), and USDA all agreed that managers have a duty to act when there is harassment and a hostile work environment. Also, they acknowledged that the program covered some of the Title VII issues. The facilitator explained that even though civil treatment covers a wide range of issues, remembering these simple guidelines called "Prescriptive Rules" would be sufficient to supervise legally and fairly. 1) Guard your words and actions 2) Always have documentation 3) Get assistance from HR representatives 4) Be

consistent and always professional. It was explained in the EEO, Diversity and HR Training Workshop that following these rules proactively, addresses issues as they arise and decreases the legal risks to various agencies. In a case in point exercise titled "Inability to Explain Selection Decision Results in Liability," participants listened carefully. A 67-year-old writer applied for a supervisory position with DHS. When a 35-year-old was selected instead, the denied applicant filed an EEOC charge alleging age discrimination. When asked, the hiring manager could not articulate why he selected the 35-year-old:

the applicant had been recommended by others, had a strong background in immigration law, and would represent the agency well with the public. However, the hiring manager could not state why he selected the denied candidate. In fact, he could not provide information as to how the denied candidate compared to the selected candidate. The hiring manager said that the denied applicant had not been recommended by others, he did not even remember reviewing the complainant's application. Because DHS was unable to explain why the complainant was not selected, the EEOC ordered that it pay the complainant lost back pay with interest.

Johnson v. Dept. of Homeland Security, EEOC Appeal No. 0120072888 (Dec. 18, 2008), Request for reconsideration den'd EEOC Request No. 0520090241 (March 19, 2009).



EEO, Diversity and HR Training

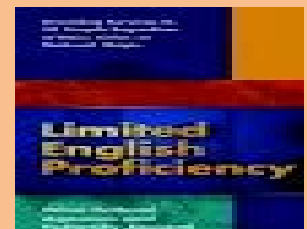
Implementing Language Access Plans Warmly Received By Agencies

(Continued from page 3)

And their barriers and how they can be accessible to all people, programs, services, and activities." Jang explained how the task would be to receive and provide feedback on LEP, to each agencies language access plans after reviewing their internal guidance on implementing language access plans. "Successful language access plans, include Federal interagency workgroups, self assessments on how the agency interacts with the public and does the public access their websites, said Jang."

Training staff regularly on policies and procedures, providing language services, and monitoring are blueprints to help comply with the EO, she added. The convening included other topics such as strategic use of multilingual employees, real world lessons in negotiating, along with cost-effective text translation strategies. Moreover, the assembly's agenda also comprised of round table discussions, and moving to action concurrent breakout sessions. Recently, DOI provided additional Departmental guidance on language access for the

public. Sharon D. Eller, Director, Office of Civil Rights (OCR), approved a draft that sets forth DOI's plan for ensuring that its Federally conducted programs and activities are nondiscriminatory towards and readily accessible to LEP persons. In addition, it establishes LEP guidance for all DOI bureaus and offices that administer Federal assistance. In furtherance of this important obligation, all DOI bureaus were directed to develop plans for making their programs, activities, and services accessible to LEP persons.



"Successful language access plans include Federal interagency workgroups, self assessments on how the agency interacts with the public and does the public access their websites"

—Deeana Jang

Birthdays for August Through December.

August

Ophelia Anderson/
Tina Medlin
August 15

September

Melinda Hayden
September 24

November

Sloan Farrell
November 7
Vanessa Green
November 10

Judy Banks
November 25

December

Mike Zimmerman
December 26

We're on the Web!

See us at:
www.doi.gov/eeo



OCR Files Annual EEOC 462 Report

The Annual Equal Employment Opportunity Commission (EEOC) 462 Report is a statistical report which is required for submission by all Federal agencies and departments covered by 29 C.F.R. § 1614.103 (b). They are to report information concerning pre-complaint counseling and the status, processing and disposition of complaints under this part at such times, and in such a manner prescribed by the EEOC. In addition, the EEOC 462 Report has to be reconciled in both the complaints and the EEOC Website Systems. OCR complied with Federal laws and regulations, in order to meet EEOCs deadline, which is due every new fiscal year. IT Specialist Leanne Kowalski said the DOI 462 Report has 12 parts that are connected together for example; part II has the complaints on hand which are at the beginning of the reporting period. "This part of the report assist the team in determining if the complaints within the Department, and bureaus

have gone up or down from the previous fiscal year (FY), in comparison to the present FY figure," said Kowalski. All of the 12 parts of the EEOC 462 Report is reviewed by the OCR Senior Policy Advisor and the 462 team to ensure there are no errors. According to Kowalski, the bureau reports are also consolidated to form the final end of the FY DOI EEOC Statistical 462 Report.

2011 National HBCU Week Conference received White House Support

The White House Initiative on Historically Black Colleges and Universities (HBCUs) hosted a two-day National Conference on Sept. 19-20, 2011, at the Marriott Wardman Park Hotel located in N.W. Washington, D.C. The featured topics included: Developing HBCU Partnerships, Working in Small Businesses, Minority Presence in the STEM

(Science, Technology, Engineering, and Mathematics) Workforce and HBCU: Technology and Innovation. The theme for this year's conference "HBCUs: Engaging the World Anew," spearheaded speakers such as Senior Advisor to President Barack Obama, Valerie B. Jarrett, and Secretary Arne Duncan, U.S. Department of Education. Congress issued a resolution acknowledging the significant contributions HBCUs have made throughout this country. In addition, President Obama issued a proclamation designating Sept. 18-24, 2011, as National HBCU Week. DOI, OCR along with bureaus/offices were exhibitors at the HBCU Conference. The exhibit entitled "People, Places, and Partnerships," provided information on HBCU student engagement & DOI employees who are HBCU graduates.

Recognitions and Observances

***National American Indian Heritage Month** November 1-30, 2011.

***The Maryland Department of Natural Resources** was recognized by FWS for their Best Practices in Public Civil Rights

***World's AID's Day** on Thursday, December 1, 2011.

Spotlight



Terri Reeves is the Program Associate in the Office of the Secretary Management Development Program known as (OSMDP), rotating within the Office of Civil Rights (OCR), under the guidance of Director Sharon D. Eller. Her duties entail doing analytical research on EEO complaints to determine how much money is being spent on investigations. In addition, Terri has provided assistance to the Special Emphasis Program.

Q. What is your background?

“I have 22 years of experience with the U.S. Air Force including Paralegal experience, Human Resources, Financial Management, and Budget along with serving collateral duty as an EEO Counselor.”

Q. What are you responsible for?

“Distinguishing how much money is involved in employee settlement agreements, and accommodating the Compliance and Programs Division in coordinating their 2011 Multi-cultural Day program.”

Q. What do you like to do for extracurricular activities?

“I love music, mainly gospel.”

Q. Do you have any particular hobbies? “I just love to read, said Terri.”

The Directors Corner

From the Director:

The first thing I want to do this month, is say “Thanks” for the safe return of all our service members from Afghanistan, including Janeen Birkhead. We wish well those who are still deployed and hope they all return safe and sound! We welcome Sloan W. Farrell as the new Division Chief for our Public Civil Rights Office. Sloan joined this office November 7, from the General Services Administration (GSA). In other news, I am happy to announce that the DOI/OCR and DOI/CDO, John Burden have been invited to be part of the new Diversity Partners

group sponsored by the Office of Personnel Management (OPM). Other group members include EEOC, DOJ, DOD, NASA, VA and three other Federal agencies. Members of this group meet monthly to look at best practices in Diversity and Workplace Inclusiveness in the Federal government. Our first task was to review the guidance that was just issued for creating a Strategic Diversity plan. Additionally, John Burden, Franklin Covey, Dexter Brooks of EEOC, and I have partnered to develop a special training program for the EEO community. We are presenting this program to BLM/EEO in February at the BLM Training Center in Phoenix. Happy Holidays!

—Sharon D. Eller

Director’s Office contacts:

Lola Hatcher-Capers
Deputy Director

Alvin Dillings
Senior Policy
Advisor

Melba Vaughn
Office of the
Secretary
Complaints
Manager

Janeen Birkhead
Accountability &
Compliance
Manager
(Steven Giles,
Acting)

Joyce Corley
EEO Counselor

DIVISION CHIEFS

Ophelia Anderson
Compliance & Programs

Sloan Farrell
Public Civil Rights

Vanessa Green
Employee Complaints &
Adjudication

Administrative Staff

Felicia Baker
Administrative Officer

Tina Medlin
Administrative Assistant



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 Office of Surface Mining (OSM) and the Bureau of Reclamation (BOR).**



THE BUREAU'S QUARTER



Bureau of Ocean Energy Management, Regulation and Enforcement

Office of Surface Mining (OSM)

The OSM Office for Equal Opportunity (OEO) sponsored a series of **Lunch & Learn seminars** over the past few months. This was designed to assist employees with meeting EEO and diversity training requirements. The purpose of the seminars hosted each Wednesday in September was to give employees "*last chance*" training opportunities. Individuals participated in sessions such as, Harassment Hurts, Civil Treatment, and a National Hispanic Heritage Month Observance.

During the **Harassment Hurts** training, those in attendance explored the do's and don'ts of harassment in the workplace.

The **Civil Treatment for Managers** segment held on September 21, 2011, gave the opportunity for managers who attended to receive four hours credit toward their EEO training goals.

The National Hispanic Heritage Month Observance Seminar culminated the *last chance* series on Sept. 28, 2011. Employees were treated to cultural appetizers and a chance to receive several door prizes. The Lunch & Learn session featured a presentation by Reuben Molina, OSM's Chief Information Resources Officer and the opportunity to view a DVD film titled, "Era of the Hispanic American Hero Begins."

FWS: What happened with the Bureau of Reclamation (BOR) this past quarter?

DAILY NEWS

EXTRA! EXTRA!

*The Bureau of Reclamation's Civil Rights Division acknowledged the retirements of Jackie Martinez Wells, Management and Program Analyst from Denver and Equal Employment Officer Joyce Bennett from the Lower Colorado Region.

***New Hire:** Bert Salisbury, EEO Manager, Pacific Northwest Region.

***Outreach:** Reclamation initiated partnerships/contracts with diversity related websites to target outreach for specific demographic groups and particular occupations. The websites are Workplace Diversity, Diversity Notes, Native American Jobs, and Asian Life. Reclamation has participated in numerous outreach and recruitment events in fiscal year (FY) 2011. This includes the National Society for Black Engineers National Conference and local conferences, the Heroes Hiring Heroes Job Fair, the Society for Hispanic Professional Engineers, and the City of Denver Summer Youth Employment Program.