



OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY

Endeavor

Winter/Spring 2011

NASA News

NASA Holds First Meeting of the Agency Diversity and Inclusion Strategic Partnership

By David Chambers, Senior Civil Rights Analyst

The Agency's implementation of its Diversity and Inclusion Framework kicked into high gear with the first meeting of the Agency Diversity and Inclusion Strategic Partnership (DISP), which came together to begin development of the first-ever NASA Diversity and Inclusion Strategic Implementation Plan (DISIP).

The DISP was formed as a focal point of the Agency Framework, and serves as an advisory body to the Administrator and Deputy Administrator. The DISP is co-chaired by the Associate Administrator for Diversity and Equal Opportunity, who serves as Co-Chair for Policy, and the Associate Administrator for Mission Support, who serves as Co-Chair for Implementation.

Comprised of all Agency Officials - in - Charge, Center Diversity Champions, as well as Center diversity and equal opportunity leaders and representatives from the Agency's

human resources and labor communities, the DISP was designed with an eye toward ensuring a fully inclusive senior leadership team for the implementation of the Agency's diversity and inclusion



NASA Administrator Charles F. Bolden, Jr. with members of the Agency Diversity and Inclusion Strategic Partnership and other participants at the December 2010 meeting.

efforts. In addition to its voting members, the DISP also includes a team of technical advisors who serve as non-voting members.

The kick-off meeting of the DISP was held at HQ over a two day period, December 6-7, 2010. On the first day of the meeting, the Administrator offered remarks on the future direction of diversity and inclusion at NASA, stating that

he viewed the personal involvement and participation of the Agency's senior leadership as a critical component in developing a plan for going forward. Referring to the willingness of senior leadership to come together to develop the Agency DISIP, the Administrator said that this was not only admirable but necessary to the success of the effort, stating that "[t]his isn't about looking good – it is about being the best. Your willingness to take part in this is the gold standard of participation – we could have let [the Office of Diversity and Equal Opportunity] go off and create and just reacted to it. Instead we are taking ownership of it."

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Participants also heard a presentation entitled “Leadership and Global Perspectives on Diversity and Inclusion,” from Carl Moore of Curtis Lewis and Associates, an employment attorney and diversity-inclusion expert. Mr. Moore provided an extensive overview, covering the history and evolution of diversity and inclusion efforts, how the terms themselves have been defined by practitioners in the field, and the “business case” for diversity, so-called because of the compelling connection it establishes between diversity and inclusion efforts and positive outcomes

at both the individual and organizational levels. Mr. Moore also presented a thoughtful discussion on the challenges of unconscious biases and the need for cultural competencies in today’s workplace.

“This isn’t about looking good – it is about being the best.”

Later, members of the DISP broke into sub-teams to work on the development of the Agency DISIP. Each team

focused on a particular element of the Diversity and Inclusion Framework, such as Demonstrated Leadership Commitment, Employee Engagement and Effective Communication, and Commitment to Community Partnerships.

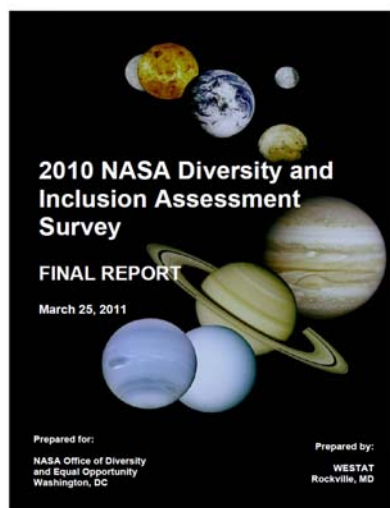
Before the DISP adjourned its meeting, the members had developed a complete first draft of the DISIP. It is expected that the DISIP will be issued during FY 2011, and NASA will embark on a new journey to enhance the role of diversity and inclusion efforts in supporting mission success.

Topics in Diversity & Inclusion

Agency Results of the 2010 Diversity and Inclusion Assessment Survey

By Barbara Spotts, Agency Diversity Manager

The NASA Office of Diversity and Equal Opportunity (ODEO) in partnership with Westat, a survey research organization based in Rockville, MD, developed and administered a Diversity and Inclusion Assessment Survey, deployed in fall 2010 to all civil service employees. The purpose of the Survey was to assess current workforce perceptions about diversity and inclusion, such as employee views about the culture of diversity and inclusion at NASA, including how managers, supervisors, Agency senior leaders, and Center leadership promote and practice NASA diversity and inclusion policies.



The sample for the survey was a census of all full-time and part-time NASA civil service employees as of August 30, 2010—a total of 18,883 employees. The survey was administered electronically using email with a web link between September 17 and October 20, 2010. Of the 18,883 eligible NASA employees, 7,668 responded to the survey for a response rate of 40.8%. Based on Westat’s report of the Agency results, the baseline measures of respondents’ perceptions about the meaning and culture of diversity and inclusion at

NASA indicate some clear strengths, areas to consider, opportunities for improvement, and other areas of interest.

Agency Results of the 2010 D&I Assessment Survey [Cont']

Some of the highlights of the Survey's findings:

- Most respondents indicated that NASA policies promote fair treatment of employees (83%) and that NASA values employees with varied backgrounds and experiences (75%).
- Overall, a high percentage of employees gave positive responses regarding NASA creating a diverse and inclusive work environment, with high levels of agreement for fostering mutual trust and respect in the workplace (76%), valuing employee contributions (75%), and providing a supportive environment for every employee (72%).
- A high proportion of respondents reported feeling like a valued employee at NASA (72%) and that they could recommend NASA as a good place to work (79%).

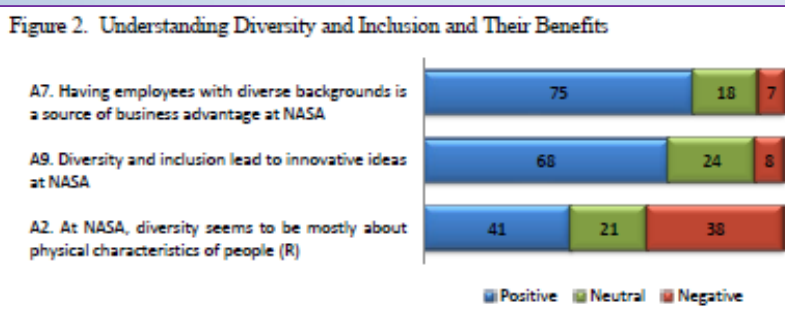
Among the findings pointing to the need for additional steps to enhance diversity and inclusion at NASA:

- While a large (75%) percentage of respondents agreed that having employees with diverse backgrounds is a source of business advantage, it appears there is confusion as to what this means or how this occurs.
- Only 60% indicate that NASA is effective at educating employees on how diversity and inclusion

foster innovation. Further, 68% of respondents reported that diversity and inclusion led to innovative ideas yet only 45% agree that NASA uses diversity and inclusion effectively to increase workforce productivity and only 32% *disagree* with the statement that NASA's efforts to achieve workforce diversity and inclusion sometimes lead to workplace problems.

- Less than half (49%) of respondents agreed that supervisors and managers help employees to recognize biases that foster workplace discrimination or exclusion.

In keeping with the holistic approach embodied in the Agency's Diversity and Inclusion Framework, results of the Survey will be used to help shape the strategies and actions in the forthcoming Agency Diversity and Inclusion Strategic Implementation Plan. As the Administrator has said, "NASA will use the survey results to establish a diversity & inclusion snapshot, identify our strengths and challenges, and design future activities for the continuing enhancement of diversity and inclusion efforts at the agency."



The full report of the Agency results of the Diversity and Inclusion Assessment Survey will be posted on the ODEO Web

site: <http://odeo.hq.nasa.gov/index.html>

NASA Issues Model EEO Agency Plan and Related EO Plans Under New Executive Orders

By Sharon Wagner, Assistant Director, Program Planning and Evaluation Division, ODEO

On January 14, 2011, the Administrator issued NASA's Model EEO Agency Plan for FY 2011-2013, pursuant to EEOC's Management Directive (MD) 715. MD 715 requires Federal agencies to develop and update EEO plans annually, along with a report of accomplishments for the previous year. The overriding objective of MD 715 is to ensure that all employees and applicants for employment enjoy equality of opportunity in the Federal workplace.

NASA's FY 11-13 Model EEO Agency Plan addresses six critical areas, including: Leadership Commitment, Integration of EEO into the Agency Mission, Management Accountability, Proactive Prevention of Discrimination, Efficiency, and Legal Compliance. Where deficiencies or barriers to EEO were found in these areas, the Plan includes action plans for their elimination.

One concern identified in the Model EEO Agency Plan is the low participation of individuals with disabilities in the NASA workforce. EEOC and OPM agree that this population is underutilized by all Federal agencies. Less than one percent of the Federal workforce is comprised of individuals with targeted disabilities (IWTD). At NASA, the number of IWTD in the

workforce has remained at about one percent for over two decades. Among the actions in the new Plan identified to address this concern are: deployment of an e-Learning tool to familiarize supervisors and managers with the requirements of disability laws, including the provision of reasonable accommodations; facilitation of an Agency-wide employee group that meets regularly to allow IWD to share issues, concerns, solutions, and best practices; and collaborative efforts between EO and HR staffs to develop better approaches for outreach, recruitment, hiring, and retention of qualified IWD.

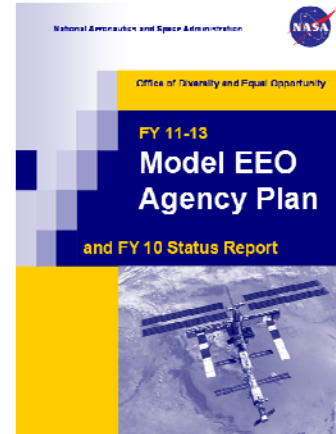
In November 2010, OPM issued guidance to Federal Agencies for implementing Executive Order 13548, "Increasing Federal Employment of Individuals with Disabilities." One of the requirements of the Executive Order is for each

"[T]he Plans require the commitment and care of senior management, front-line supervisors, team leaders, and all of NASA's dedicated employees"

Federal Agency to develop and implement a plan that promotes employment opportunities for IWD. Because of the action plan already included in the Model EEO Agency Plan pertaining to IWTD, NASA had a head start

on the IWD Plan required by the new executive order.

ODEO worked with its partner Offices to finalize the IWD Plan and submit it to OPM. This fall, the Model EEO Agency Plan will be updated to mirror the IWD Plan.



A second concern identified in the Model EEO Agency Plan is the under-utilization of Asian Americans, Native Hawaiians, and other Pacific Islanders (AA PI) in the NASA workforce, particularly in science and engineering occupations. Among the actions identified in the Plan to address this concern are: exploration of low AAPI participation in leadership development programs at NASA and development of strategies to improve participation, as appropriate; examination of recruitment strategies for student and other entry-level programs at NASA to determine how to improve AAPI participation; and better partnering with AAPI serving universities to increase AAPI awareness of, and interest in, opportunities with NASA.

EEO Matters

In October 2009, the President issued Executive Order 13515, "Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs." The Executive Order requires Federal Agencies to develop Agency-specific plans to improve the employment and participation of AAPIs in their workforces and programs. Once again, NASA was ahead of the curve, since actions pertaining to AAPI had already been included in the Agency's prior Model EEO Agency Plan, including many that addressed the employment concerns of Executive Order 13515. NASA issued its AAPI Plan pursuant to Executive Order 13515 in October 2010. The timing of Executive Order 13515 and its implementing guidance from the White House permitted

NASA to incorporate the employment portion of the AAPI Plan into the new Model EEO Agency Plan.

The actions contained within the Model EEO Agency Plan, and the two executive order plans cannot be implemented by the Agency and Center EO Offices alone. It is critical that NASA employees understand that EEO is a shared responsibility of everyone in the Agency. The Plans described above are Agency-wide Plans that require the ongoing, collaborative stewardship of many Offices including ODEO, Office of Human Capital Management, Office of the Chief Information Officer, Office of the General Counsel, Education, and others. More importantly, however, the Plans

require the commitment and care of senior management, front-line supervisors, team leaders, and all of NASA's dedicated employees. When we prepare every employee to succeed, encourage every employee to contribute, and leverage all the diverse and amazing talent that is available, we make NASA not just a model *EEO* agency, but a model *space* agency that will continue to lead the world in scientific and engineering achievements for decades to come.

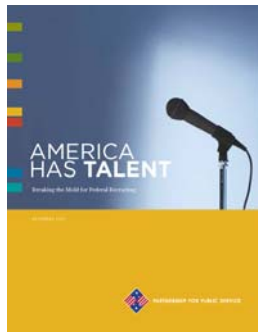
For additional information or electronic copies of any of these plans, contact Sharon Wagner, Agency MD-715 Program Manager at swagner@nasa.gov

EEO Matters

Disability Program Publicly Recognized: GODDARD SPACE FLIGHT CENTER

By Veronica Hill, Director, Office of Equal Opportunity Programs, GSFC

The Goddard Space Flight Center's accomplishments in expanding opportunities for individuals with disabilities were recognized in a report of the nonprofit Partnership for Public Service entitled "**America Has Talent: Breaking the Mold for Federal Recruiting**". The report highlights the successful ways federal agencies find and hire job applicants in several groups. NASA Goddard is spotlighted as one of the best in recruiting people



with disabilities, and recognizes our significant increase in the representation of employees with disabilities in our workforce since March 2009, which increased from 1.3% to around 1.9%. (See page 14 of the report.) This recognition is truly attributable to the team effort that was pre-dominantly led by John Pak and Richard Gudnitz in OHCM and Deana Lambert in the Equal Opportunity Programs Office (EOPO). While these

individuals were highlighted in the article, there are many others across the Center who contribute in a significant way to this effort, including the EOPO, the Equal

"[R]epresentation of employees with disabilities...increased from 1.3% to 1.9%..."

Accessibility Advisory Committee, the Education Office, and the hiring managers throughout Goddard.

EEOC Issues Regulations under the Genetic Information Nondiscrimination Act

The Genetic Information Nondiscrimination Act (GINA) became law on May 21, 2008. GINA required the Equal Employment Opportunity Commission (EEOC) to issue regulations implementing Title II of the Act, which it did on November 9, 2010. The regulations became effective January 10, 2011. Title II of GINA applies to NASA, as the law covers Congress, federal executive branch agencies, and the Executive Office of the President, in addition to private employers and state and local governments with 15 or more employees. Under GINA, it is illegal to discriminate against employees or applicants because of their genetic information. Therefore, an employee's genetic information is now a protected basis under which the employee may raise an EEO complaint. GINA was enacted in large part because genetic tests now exist that can determine whether individuals are at risk for specific diseases or disorders. As the number of genetic tests increases, so do the concerns of individuals fearing the loss of health coverage or employment because of their genetic information. In addition to



prohibiting discrimination based on genetic information, GINA restricts employers' acquisition and disclosure of such information, so that individuals need not fear adverse employment- or health coverage-related consequences from genetic testing or participation in genetic research. Among other things, the GINA regulations:

- Offer numerous examples of tests that are and are not genetic tests; for example, tests used to determine whether an individual has a certain genetic variant associated with predisposition to a disease are considered genetic tests, while tests that are not genetic tests include an HIV test, a cholesterol test, and a test for the presence of drugs or alcohol.
- Clarify that the prohibition on the use of genetic information in employment decision-making is absolute, since the possibility that someone may develop a disease or disorder in the future has nothing to do with his or her current ability to perform a job.

While GINA's bar on the *use* of genetic information in making employment decisions is absolute, the law includes a number of exceptions on the *acquisition* of such information. For example, an employer may lawfully acquire such information as part of health or wellness programs provided on a voluntary basis, or in the form of family medical history to comply with the certification requirements of the Family and Medical Leave Act and related laws and policies.

It should also be noted that GINA is concerned primarily with protecting those individuals who may be discriminated against because an employer thinks they are at increased risk of acquiring a condition **in the future**, based on their genetics. For example, an employment decision based on the belief that an employee is going to get breast cancer because of her family history would be a violation of GINA. If, however, the employee actually has breast cancer and is subjected to discrimination as a result, her cause of action would be under the Americans with Disabilities Act of 1990.

For more information on GINA and its regulations visit <http://www.eeoc.gov/laws/regulations/gina-background.cfm>

Case Law Update

"Third-Party" Retaliation Claims Under Title VII

By Aisha Moore, EEO Complaints Specialist

In January 2011, the US Supreme Court ruled that an employee who was terminated after his fiancée filed a charge of discrimination against their mutual employer could state a claim for retaliation under Title

VII of the Civil Rights Act of 1964 (Title VII). In a unanimous opinion, *Thompson v. North American Stainless, LP*, No. 09-291, the Supreme Court held that long-standing EEOC interpretations of the

anti-retaliation provision of Title VII applied to an individual harmed by retaliation, even if that person had not himself or herself filed a charge of discrimination.

In *Thompson*, Miriam Regalado filed a charge of discrimination against her employer, North

Case Law Update

American Stainless (NAS). Three weeks after receiving notice of the charge from the EEOC, NAS fired Regalado's fiancé, Eric Thompson, who also worked there. Thompson then filed his own charge, claiming his termination was in retaliation for Regalado's initial charge. After the district court in Kentucky and the entire Sixth Circuit Court of Appeals ruled that Thompson could not raise a retaliation claim because he himself had not filed a charge of discrimination, the Supreme Court agreed to hear the case and issued its decision reversing the lower courts' opinions. The Court reasoned that Title VII's anti-retaliation provision must be

"A reasonable worker obviously might be dissuaded from engaging in protected activity if she knew that her fiancé would be fired."

construed to cover a broad range of employer conduct. The law prohibits any employer action that might dissuade a reasonable worker from making or supporting a [discrimination] charge. A reasonable worker obviously might be dissuaded from engaging in protected activity if she knew that her fiancé would be fired.

"We are very pleased with the Supreme Court opinion," said EEOC Chair Jacqueline A. Berrien. "The unanimous decision reaffirms the

importance of preventing retaliation against those seeking to protect their civil rights." According to EEOC, this past fiscal year, it received more charges alleging retaliation than any other basis, supplanting race discrimination charges for the first time in its 45-year history as the most numerous.

Just so you know . . .

Is Obesity a Disability?

The U.S. Equal Employment Opportunity Commission (EEOC) seeks to recognize obesity as a disability under the Americans with Disabilities Act (ADA). The courts have previously rejected the claim of general obesity as a disability; instead claimants have been required to demonstrate the underlying medical condition as the disability and obesity as a symptom of that condition. However, the EEOC has recently filed suit against a New Orleans-based employer for firing an employee because of her obesity, in violation of the Americans with Disabilities Act (ADA). The EEOC alleges that, as a result of her obesity, the company perceived the employee as being substantially limited in a number of major life activities, including walking. Keith Hill, the field director of the EEOC's New Orleans office, stated, "This is a classic case of disability bias, based on myths and stereotypes. The evidence shows that [the employee] was a good and dedicated employee who did not deserve to be fired."

A Fair Chance at Employment

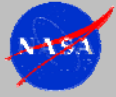
The U.S. Equal Employment Opportunity Commission (EEOC) held a public meeting in February 2011 to examine the impact of considering currently employed job applicants for job vacancies. Employers and staffing agencies publicly advertise that only currently employed candidates will be considered. Such tactics deny employment opportunities to the unemployed, which disproportionately impacts women, minorities and persons with disabilities.



Because unemployment rates are already higher for those groups, restricting applications to the currently employed further limits their possibility of employment. It can almost be construed as deliberately excluding the jobless from work opportunities. While doubt was expressed about how common this practice is, or if it has had wide-spread effects yet, it was generally agreed that the automatic exclusion of unemployed persons from consideration is not a best practice.

Special Thanks to the Endeavor Team:

David Chambers, Sarah Condit, Fred Dalton, Aisha Moore, Bonita Soley, Barbara Spotts, and Sharon Wagner



MARSHALL SPACE FLIGHT CENTER



Marshall Space Flight Center's Diversity and Inclusion Initiative

By Susan L. Cloud, Special Assistant to the Director, Office of Human Capital, MSFC and Audrev D. Robinson, Director, Office of Diversity & Equal Opportunity, MSFC

The Marshall Space Flight Center (MSFC) Director, Robert Lightfoot, made Diversity and Inclusion one of his main focus areas. During Phase I of this initiative, the Center Director explained the business case for diversity and inclusion as not only the right thing to do, but also as an imperative to the future of the Agency and to Marshall, and fundamental to creativity and innovation. The Center Director held off-sites with his Senior Executives (SES) and diversity consultant, Steve Robbins of S.L. Robbins and Associates to learn more about why and how to create a more diverse and inclusive environment, and to better understand the obstacles that can undermine diversity and inclusion. The Center Director communicated via a video blog to



MSFC Staff give Juliette Rizzo, of the US Dept. of Education a tour of the lab. Ms. Rizzo gave a presentation for MSFC Disability Awareness Month.

the workforce that diversity and inclusion would be one of his three focus areas. Safety and Collaboration were the other two focus areas for the Director. Support to Lightfoot's Diversity and Inclusion Initiative is being given through collaboration between Marshall's Office of Human Capital and the Office of Diversity and Equal Opportunity.

During Phase II, the Center Director and the Associate Director conducted 11 diverse focus groups on Diversity and Inclusion with over 140 employees in groups of 8-16 people. The focus groups were very candid, engaged, and thoughtful in their discussion and responses. The Center also trained approximately 520 employees on diversity and inclusion. The course titles included: Unintentional Intolerance and Creativity & Diversity II.

Phase II of the Diversity and Inclusion Initiative included the diversity consultant, Future Work Institute (FWI), conducting interviews with 25 MSFC managers and executives to assess the environment for diversity and inclusion and help formulate a "go-forward" strategy. FWI also conducted 7 diverse focus groups. In addition, the FY 2009 NASA-First Team created videos on Diversity and Inclusion. A video of the Center Director was released on Lightfoot's blog to MSFC employees, where he talked about his personal experiences and perspectives on diversity and inclusion. He emphasized the importance of diversity and inclusion to MSFC, the Agency and its future. Two additional videos on the importance of diversity and inclusion have been released Center-wide. Additional videos are being created for Center wide release in 2011.

The Center Director and his senior management team participated in an off-site held on

August 11, 2010 on diversity and inclusion which was facilitated by FWI. Margaret Regan, the CEO of FWI reported out on the results of the interviews with the 25 senior and GS 15 managers, along with the 7 focus groups. The SES then created 3 business rationales for promoting diversity and inclusion, which will be communicated to the Center. In addition, the SES set 4



MSFC Center Director Robert Lightfoot

priorities for action the next year and for 2011, and formed teams. All of the senior managers are assigned among the 4 teams. These teams are required by the Center Director to create Action Plans, with milestones, projected dates of completion and metrics, along with an approach on how to engage middle managers and employees for each priority. Each team provides routine status on progress to the Center Director. Another conclave with facilitation by FWI is being planned for early 2011 with the team members to report out their action plans, milestones and metrics, and plans for employee engagement, on each priority. There will also be a learning session at that conclave called "Nanobites that Sting." The Marshall Center Director is committed to diversity and inclusion and continues to emphasize it as one of his top priorities for 2011.

THE ENDEAVOR CHALLENGE

WORD SEARCH: IT'S ELEMENTAL

WHERE DOES THE SNOWMAN KEEP HIS MONEY? (IN A SNOWBANK)

At the bottom of the page is a list of 25 elements from the Periodic Table. The associated element names are hidden in the puzzle. Names are arranged horizontally, vertically, or diagonally – frontwards or backwards. Circle the names as you find them!

E	I	A	L	U	M	I	N	I	U	M	Y	N	T	R	H	I	N	B	H	Q	M
P	D	R	N	E	G	Y	X	O	U	O	D	H	Y	I	C	M	O	V	Q	R	A
E	K	R	O	D	R	E	C	Z	P	O	O	M	Y	A	T	R	K	C	V	E	G
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U	M	Q	B	J	Q	N	L	M	S	L	O	Q	Y	H	S	M	S	O	L	G	N
H	A	P	M	O	Z	P	C	M	E	P	T	D	A	F	I	J	V	Q	N	Y	H
B	K	N	Y	Z	N	Z	Z	H	O	R	N	L	E	K	C	I	N	R	R	C	M

CLUES

1. Cu	6. P	11. Na	16. Zn	21. Ni
2. Hg	7. Ar	12. Au	17. Li	22. B
3. O	8. Rn	13. H	18. Si	23. N
4. Ne	9. Fe	14. K	19. Ti	24. Mg
5. He	10. Al	15. B	20. C	25. Ag

Created by Bonita Soley