

Equal Employment Opportunity
Newsletter

EEEO

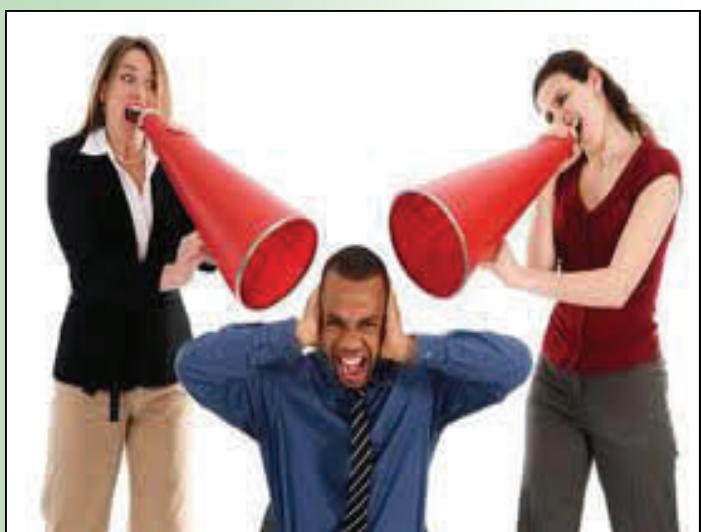
November 2011–February 2012

Quarterly

NSA Bahrain
NSA Naples
NS Rota
NAS Sigonella
NSA Souda Bay
Camp Lemonnier

Issue 4

Understanding Workplace Harassment



Unlawful harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964 and other federal authority.

Unwelcome verbal or physical conduct based on race, color, religion, sex (whether or not of a sexual nature and including same-gender harassment and gender identity harassment), genetics, national origin, age (40 and over), disability (mental or physical), or retaliation (sometimes collectively referred to as “legally protected characteristics”) constitutes harassment when:

1. The conduct is sufficiently severe or pervasive to create a hostile work environment; or
2. A supervisor’s harassing conduct results in a tangible change in an employee’s employment status or benefits (for example, demotion, termination, failure to promote, etc.).

Hostile work environment harassment occurs when unwelcome comments or conduct based on sex, race or other legally protected characteristics unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or offensive work environment. Anyone in the workplace might commit this type of harass-

Workplace Harassment (Cont.)

"The challenge of being a manager is to get the best out of everybody, not just the few who are clones of yourself."

In this Issue

Cover Story ~
Understanding Workplace
Harassment

Upcoming Special
Observances

Retaliation Remains Most
Frequent Allegation For
Federal-Sector
Discrimination Complaints

Region Cultural Awareness
Committee

Manager's Corner—
Preventing Retaliation
Claims

EEOC and OPM Target
federal gender wage gap

Case Law Corner

What your EEO office can
do for you

ment – a management official, co-worker, or non-employee, such as a contractor, vendor or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

Harassment that results in a tangible employment action occurs when a management official's harassing conduct results in some significant change in an employee's employment status (e.g., hiring, firing, promotion, failure to promote, demotion, formal discipline, such as suspension, undesirable reassignment, or a significant change in benefits, a compensation decision, or a work assignment). Only individuals with supervisory or managerial responsibility can commit this type of harassment.

A claim of harassment generally requires several elements, including:

1. The complaining party must be a member of a statutorily protected class;
2. S/he was subjected to unwelcome verbal or physical conduct related to his or her membership in that protected class;
3. The unwelcome conduct complained of was based on his or her membership in that protected class;
4. The unwelcome conduct affected a term or condition of employment and/or had the purpose or effect of unreasonably interfering with his or her work performance and/or creating an intimidating, hostile or offensive work environment.

What is Not Harassment?

The anti-discrimination statutes are not a general civility code. Thus, federal law does not prohibit simple teasing, offhand comments, or isolated incidents that are not extremely serious. Rather, the conduct must be so objectively offensive as to alter the conditions of the individual's

employment. The conditions of employment are altered only if the harassment culminates in a tangible employment action or is sufficiently severe or pervasive to create a hostile work environment.

Report any incident of harassment immediately to your supervisor, any member of management and/or to the EEO Office.

Frequently Asked Questions:

What should an employee do if he or she is harassed by another person at work?

Often, the most effective method to put an end to harassment is to tell the person to stop. Let the person know the action is unwelcome. Be direct and say something like "I'd like to keep our relationship strictly professional" or "I think ethnic jokes are offensive, so please do not tell them in my presence." Ignoring the situation will not make it go away. If the direct approach does not solve the problem, then report the situation to a supervisor, a human resources representative or a member of the EEO staff.

What if a supervisor is harassing the employee?

The employee is not required to report harassment to a supervisor who has engaged in harassment against the employee or who is a close associate of the person who has engaged in the harassment. In

this situation, the employee should report the problem directly to EEO, human resources or a member of management to handle the problem.

What can happen if a supervisor does not take the employee's complaint of harassment seriously?

A supervisor places the company in jeopardy. Ignoring the problem may be construed as an admission that the company intentionally failed to act. Supervisors should take any comments or statements of harassment seriously, no matter how casual, and report the incident to management so that a prompt and thorough investigation can be conducted.

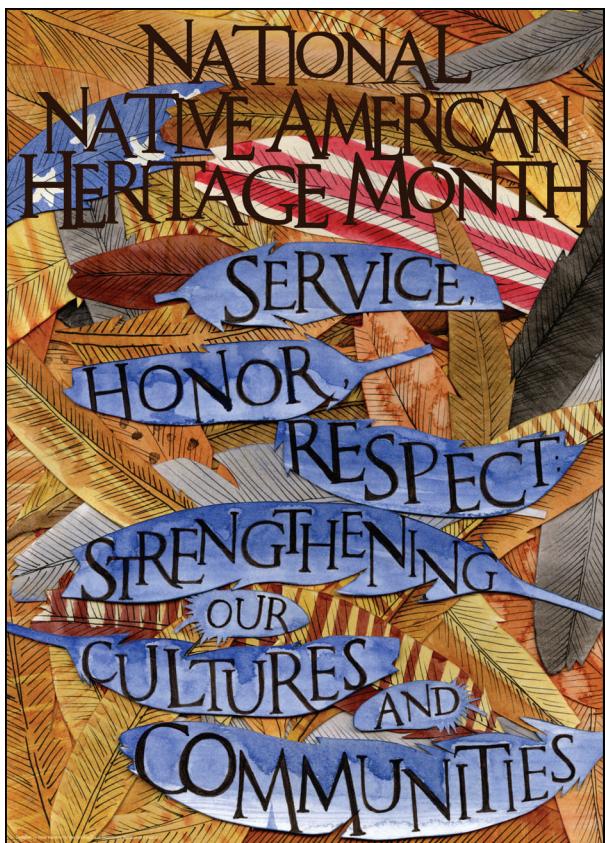
What must the employer do when there is a harassment problem in the workplace?

The employer must conduct an immediate and thorough investigation, followed by an appropriate remedy to correct the problem. This includes disciplining or terminating the harassing employee. If the individual doing the harassing is not an employee, the employer must address the problem directly with that individual and/or organization that he/she represents, and insure the conduct is stopped immediately. The employer's response must be reasonably calculated to end the harassment and prevent it from happening again.



Upcoming Special Observances

November 2011

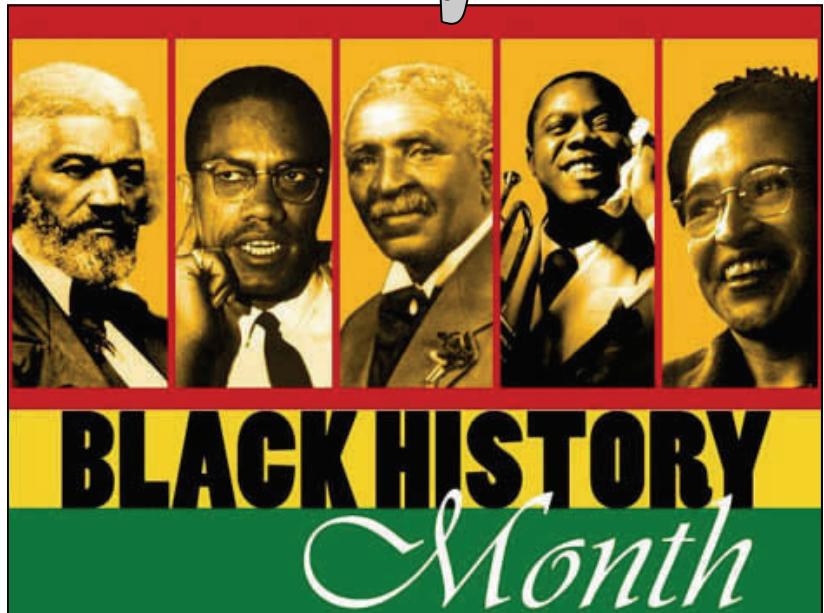


January 16, 2012

Martin
Luther
King
Day



February 2012



Retaliation Remains Most Frequent Allegation For Federal-Sector Discrimination Complaints

WASHINGTON – Federal employees and applicants filed 17,583 complaints of employment discrimination during fiscal year 2010, a 3.75 percent increase over the previous year, according to the U. S. Equal Employment Opportunity Commission's (EEOC) Annual Report on the Federal Work Force Part I: EEO Complaints Processing for Fiscal Year 2010. The report, issued today, assesses federal agencies' equal employment opportunity complaints program statistics. The full text of the report is available on the agency's web site at <http://www.eeoc.gov/federal/reports/fsp2010/index.cfm>.

As with private sector charges of discrimination, retaliation was the most common allegation of discrimination, and registered a 2.7 percent increase over the prior fiscal year. Age and race (African-American) discrimination were the next most frequently alleged bases and each registered 5.1 percent in-

creases. Federal employees and applicants are also protected against employment discrimination on the bases of color, sex, national origin, religion, disability, equal pay and genetic information.

"The federal government should be a model workplace," said Dexter Brooks, director of the EEOC's Federal Sector Programs. "We are concerned that retaliation is the most common basis of discrimination alleged and we caution all federal agencies to make sure that reprisals do not become the usual response to complaints of discrimination."

Unlike in the private sector, where the EEOC investigates and processes charges of discrimination, federal agencies themselves are responsible for handling complaints of discrimination filed against them. The average processing time for conducting investigations dropped from 185 days in FY 2009 to 181 days in FY 2010; however, the av-



erage processing time for closing complaints increased from 344 days to 360 days. Of the 7,053 cases closed on the merits, 3.3 percent resulted in findings of unlawful discrimination. Additionally, the parties entered into settlements in 3,623 complaints or 21.2 percent of the total complaint closures.

Part II of the report, assessing equal employment opportunity throughout the federal work force, including trends

in work force composition, will be published later this year.

The EEOC is responsible for enforcing federal laws against employment discrimination. Further information is available at www.eeoc.gov.

Region Multi-Cultural Heritage Committee Upcoming Events



**Martin Luther King Day Celebration
January 2012**

**Black History Month Celebration
February 2012**

**Region Multi-Cultural
Heritage Committee
is looking for new
members**

Meetings are held at 1300 every Tuesday

For more information
contact IC1 Glover
626-4988
Lavell.Glover@eu.navy.mil

Manager's Corner—Preventing Retaliation Claims

Some forms of “protected activity” that employees may engage in:

- ◆ Complaining of discrimination or harassment
- ◆ Refusing to carry out a discriminatory order
- ◆ Testifying as a witness for a coworker's discrimination complaint
- ◆ Taking FMLA leave
- ◆ Filing a workers comp claim

Examples of some non-disciplinary actions a supervisor might take that an employee could see as retaliation:

- ◆ Assigning the employee to a shift that makes it hard for the person to attend to child-care or elder-care responsibilities at home.
- ◆ Failing to invite the employee to a business lunch where important work matters are to be discussed.
- ◆ Not selecting the employee for training that could advance the person's career.
- ◆ Making or tolerating repeated comments about the employee's protected activity.
- ◆ Taking away job duties that would help the person get promoted.

Some steps a supervisor should take when they must discipline an employee who has engaged in protected activity:

- ◆ Avoid temporal proximity—don't discipline employees on “gray area” issues immediately after the protected activity.
- ◆ Fully document, in a time fashion, the employee's performance or conduct problems.
- ◆ Be consistent—don't discipline the employee for performance problems unless you would do the same for ANY employee in the same situation.
- ◆ Consult with HR/EEO before taking any disciplinary measures to be sure the employee hasn't filed a complaint or engaged in other protected activity.

EEOC and OPM Target federal gender wage gap

By Steve Vogal

A letter being sent to all civilian federal employees by the U.S Equal Employment Opportunity Commission and the Office of Personnel Management is vowing “the most rigorous possible enforcement” of equal pay laws for federal employees.

The joint memorandum from OPM director John Berry and EEOC Chair Jacqueline Berrien notes that women in the federal government are still paid less for the same work than their male counterparts. While the gender wage gap for federal employees declined from 28 cents on the dollar in 1987 to 11 cents in

2007, “clearly much work remains to be done in order to close the wage gap,” the letter states.

Berrien released the letter Tuesday at the commission's Examining Conflicts in Employment Law conference in Baltimore, a training event for federal sector equal employment that continues through Thursday.

“We cannot achieve our national commitment to equal employment opportunity until women are included as equal partners in every workplace, including the federal government,” Berrien said in a statement. “The federal government should be a model employer in every regard—including equal pay.”

The National Equal Pay Enforcement Task Force established by President Obama recommended last year that OPM and EEOC develop a strategy to improve the federal government's performance.

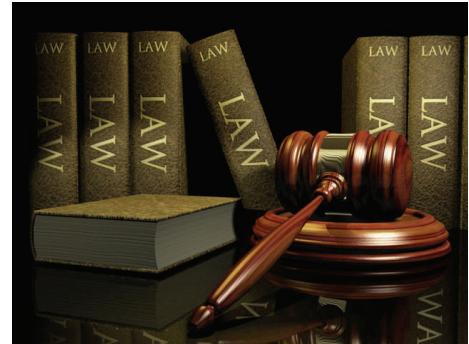
The memorandum said the two agencies are working with the Government Accountability Office to identify the reasons for the remaining federal wage gap and find ways to close it.

Retrieved from [The Washington Post](#)

Cavalier Telephone Pays \$1 Million To Settle EEOC Age Discrimination Lawsuit

WASHINGTON, D.C. – Cavalier Telephone Company Inc. will pay \$1 million and furnish other significant relief to settle an age discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

According to the EEOC's suit, from around May 2003 and continuing, Cavalier Telephone's mid-Atlantic region had a practice of not hiring applicants age 40 or older for sales account executive positions. The EEOC charged that Cavalier indicated both verbally and in writing that the company was looking for candidates for its sales positions who were "recent college graduates," and in their "early 20s or 30s." Cavalier offered its employees a \$500 bonus for referral of a "friend's younger brother and sister." The EEOC alleged that as a result of the discriminatory recruitment and hiring practices, Cavalier maintained a work force that underrepresented people age 40 or older in its sales positions within its mid-Atlantic region. The company's mid-Atlantic region includes five states – Virginia, Maryland, Pennsylvania, Delaware and New Jersey – as well as Washington, D.C.



The EEOC's complaint also included individual claims of retaliation against two former Cavalier Telephone employees. The complaint alleged that two former employees were demoted for complaining about the company's discriminatory hiring practices. One of the demoted employees resigned from Cavalier while the other continued to complain about age discrimination and was ultimately fired, the EEOC charged.

Age discrimination violates the Age Discrimination in Employment Act of 1967 (ADEA). Persons age 40 or older are protected from employment discrimination by the act. It is also unlawful under the ADEA to retaliate against an employee who complains about age discrimination because of his or her complaint. The EEOC filed suit (Equal Employment Opportunity Commission v. Cavalier Telephone Company, Inc.; Civil Action No. 3:10-cv-664 in U.S. District Court for the Eastern District of Virginia, Richmond Division) after first attempting to reach a pre-litigation settlement through its conciliation process.

Pursuant to the consent decree resolving the litigation, Cavalier agreed to pay \$1 million in monetary relief. The money will be distributed to the two individuals who were allegedly retaliated against for complaining about the discriminatory practices and to a class of individuals age 40 or older who, the EEOC determined, were not hired because of their age.

"Cavalier Telephone's hiring practices penalized older applicants simply because of their age and that is illegal," said EEOC General Counsel P. David Lopez. "I am pleased that we were able to work out a resolution of this suit that provides relief for the victims of discrimination and brings the company's practices into compliance with the law."

"We brought this lawsuit to advance everyone's legal right to a workplace free of age bias," said Lynette A. Barnes, regional attorney for the EEOC's Charlotte District Office, which oversees litigation filed by the agency in Virginia. "Stereotypes concerning the abilities of older workers often lead companies to make discriminatory hiring decisions. This lawsuit and settlement will serve as a reminder to all employers that companies must make employment decisions based on an applicant's ability to perform the job, not his or her age."

In addition to the monetary relief, a three-year consent decree resolving this case provides significant injunctive relief covering Cavalier Telephone's locations in its mid-Atlantic region. For example, the decree: requires Cavalier to provide jobs to qualified applicants age 40 or older who were denied hire because of the alleged discriminatory hiring practices..



What your EEO office can do for you

CNREURAFSWA's EEO Programs Office offers many products such as:

Training

The EEO Programs office can offer classroom or online training for a command, N-codes or department. Some of the available training topics include new employee training, disability/reasonable accommodation, harassment, Alternative Dispute Resolution and POSH.

Management Directive 715

The EEO Programs office submits the yearly Management Directive 715 for CNREURAFSWA. We can also assist tenant commands in the completion of their MD-715. Management Directive 715 (MD-715) is the policy guidance which the Equal Employment Opportunity Commission (EEOC) provides to federal agencies for their use in establishing and maintain-

ing effective programs of equal employment opportunity.

Mediation

Workplace mediation uses a neutral third-party to resolve disputes. It can be used to address many workplace disputes including employee relations issues, labor-management relations issues, employee-to-employee disputes that adversely affect the workplace and EEO issues.

Proactive advice

The EEO office can provide guidance to both management and employees. If a situation arises that may have EEO repercussions please contact the EEO office for advice in prevention of complaints.

Reasonable Accommodations

The EEO programs office processes all Reasonable Accommodations requests.

Any manager that receives a request should contact our office. There are many available sources for reasonable accommodation and many of them are at no cost to the command. Employees can also make their reasonable accommodations request through the EEO office or their supervisor.

Special Observances

The EEO Program office publishes power point presentations to celebrate special observances. Look for them via email or on our webpage. If you are not receiving them please contact our office to be added to the distribution list.

The EEO programs office processes all complaints for CNREURAFSWA, installations and tenant commands for Europe, Africa and Southwest Asia.

EEO Programs Office

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Equal Employment Opportunity Programs Office

It is our mission to provide EEO realization to every aspect of human resources management practices in treatment of employees; to promote a discrimination free work environment focused on the total workforce, and to provide a comprehensive and proactive equal employment opportunity program for installations and tenants serviced by Commander Navy Region Europe, Africa and Southwest Asia (CNREURAFSWA). Installations covered are: NSA Bahrain, NSA Naples, NS Rota, NAS Sigonella, NSA Souda Bay and Camp Lemonnier.

If you have any concerns, questions, or would like EEO information or materials, please contact us.

EEO Staff