



Joint Force EEO/EO Far East Newsletter



August 2009

Volume 1, Page 1

HOT ITEMS:

- ◆ Reasonable Accommodation
- ◆ Alternate Dispute Resolution
- ◆ Mediators Wanted

LINKS:

U.S. Army Japan & I Corps (Fwd)
<http://www.usarj.army.mil/>

U.S. ARMY Corps of Engineers
<http://www.usace.army.mil/Pages/Default.aspx>

U.S. Army Garrison - Japan
<http://www.usagj.jp.pac.army.mil/ima/sites/local/>

U.S. Naval Forces Japan
<https://www.cnic.navy.mil/Japan/index.htm/>

E TRAINING FOR SUPERVISORS:

» Processing Requests for Reasonable Accommodation
<https://www.donhr.navy.mil/donchr/default.asp>

» Preventing EEO Complaints
<http://hro.cnfj.navy.mil/N134/OCHR%20EEO%20Supervisor%20Training.pdf>

Registration information is available at www.hro.cnfj.navy.mil (Yokosuka) and <https://intranet.zama.army.mil/cmdstaff/tng/index.aspx> (Zama).

Upcoming EEO Training in Yokosuka:

◆ EEO Supervisory and Prevention of Sexual Harassment Training

25 Aug 09	0830-1030
1 Sep 09	1300 -1500

◆ Prevention of Sexual Harassment (POSH) for Non-Supervisors

25 Aug 09	1300 -1400
1 Sep 09	0830-0930

Women's Equality Day - 18 Aug 2009, Camp Zama

Guest Speaker:

Commanding General Marine Corps Base Camp S.D. Butler
Deputy Commander Marine Corps Base Japan
Major General Mary Ann Krusa-Dossin



MajGen Mary Ann Krusa-Dossin

August 26 of each year is designated in the United States as Women's Equality Day. Instituted by Rep. Bella Abzug and first established in 1971, the date commemorates the passage of the 19th Amendment, the Woman Suffrage Amendment to the U.S. Constitution, which gave U.S. women full voting rights in 1920.

POC: Equal Opportunity Advisor

Workforce Recruitment Program for College Students with Disabilities (WRP)

USACE Japan District participated with the [WRP Program](#) for the first time in Japan.

The [WRP](#) provides a unique opportunity for colleges and universities to tap into a system that has been successfully placing students with disabilities in summer and permanent jobs in the public, private and federal sector for several years at no cost to the school, the student or the employer.

This year, USACE Japan District participated with the [WRP](#) program for the first time ever in Japan. With Command support, the EEO Office was able to be instrumental in bringing the [WRP](#) program to [Camp Zama](#).

[WRP](#) intern from Puerto Rico, [Josue Acaron](#) is assigned to the Engineering & Constructions CADD Office and is currently re-designing an electronic version of the Computer Aided Design Drafting detailed reference book.

This detail reference library will incorporate the latest design details currently used by the Japan Engineer District and all Corps of Engineers worldwide.

For more information, go to

<http://www.dol.gov/odep/pubs/brochures/wrp1.html>.

Using Alternate Dispute Resolution (ADR) To Facilitate Resolution of Workplace Conflict

Conflict is a constant in the workplace, and if handled in a constructive manner, often has the potential for enhancing work processes and improving working relationships. When conflict becomes disruptive, however, it may be time to seek assistance. Help is available through your Equal Employment Opportunity Office (EEO) and the **Alternate Dispute Resolution (ADR) program**.

The goal of **ADR** is to resolve disputes and conflicts at the earliest stage feasible, by the fastest and least expensive method possible, and at the lowest achievable organizational level prior to litigation.

ADR, commonly referred to as mediation, offers a voluntary and confidential process for facilitating resolution of workplace disputes. In the EEO process, the employee normally initiates the request for mediation. However, management or the employee may initiate a request for mediation for any type of workplace disputes.

Still not sure if it's right for you? Let's take a look at the

"Top **5** reasons" mediation is catching on in the workplace: **1)** people are generally more satisfied with resolutions that they develop themselves; **2)** mediation expedites the process, allowing management and employees to resolve issues quickly and reduce production losses; **3)** mediation assists parties to restore or maintain positive working relationships; **4)** mediation is less adversarial than traditional third party resolution and encourages parties to focus on individual and common interests to reach agreements that meet both parties' needs; and **5)** mediation is a means of significantly reducing the financial liability associated with processing complaints/disputes.

A mediation session involves discussion of the dispute by an employee and his/her management/supervisory official, as opposed to the formal presentation of witnesses and evidence occurring in a trial or other traditional third party process. The session is normally attended by the mediator, the employee and the management/supervisory official, and their representatives. For more information on the process, **call your servicing EEO office**.

ARE YOU INTERESTED IN BECOMING A CERTIFIED MEDIATOR?

Opportunities are available for employees to become certified mediators. Mediators are neutral and objective members trained to facilitate resolution of workplace disputes. Successful mediators possess qualities including fairness, patience, credibility, integrity, neutrality, active listening skill, and a professional demeanor. Mediators assist participants with identifying issues, fostering joint problem solving, and exploring settlement opportunities in a neutral environment. Mediators, however, do not make decisions or force a decision on the parties in the dispute.

Mediation training involves 4 Tiers of training (incurred over the course of several months) and includes an introduction to mediation skills, advance mediation skills, a screening and evaluation session to ensure candidates possess the skills required, and three co-mediations with a certified mediator.

Participation will require occasional time away from the office to attend training and to conduct mediation. Supervisory approval is required for participation in the Mediator Certification

Program. If you are interested in learning more about the mediation program and are willing to make the commitment of time and effort to become a Certified Mediator, contact the CNFJ Alternate Dispute Resolution (ADR) Program Manager at 243-9579 to find out more about the program and how it works.

"It is our choices...that show what we truly are, far more than our abilities." J. K. Rowling, Harry Potter and The Chamber of Secrets, 1999

CHANGE TO NAVY'S ALTERNATE DISPUTE RESOLUTION PROGRAM

Note that managers and supervisors in all service branches are required to participate in mediation, if that option exists. The Department of Navy's Discrimination Complaints Management Manual subchapter 1614.01 was recently updated to require Navy managers who elect not to participate in Alternate Dispute Resolution process to prepare a written and signed justification explaining why the command does not wish to participate in ADR to resolve a workplace dispute. Additionally, the decision must be made by at a supervisory level above the supervisory/management official that is directly involved in the issue or charge. The statement must explain why ADR is impracticable for the particular case, based either on the grounds stated in 5 U.S.C.

§ 572(b) or other appropriate grounds that justify deviation from the policy that ADR shall be used for issues in controversy involving the DON. A copy of the statement declining ADR should be forwarded to the Navy's Alternate Dispute Resolution Office via the CNFJ EEO Office.

ADR processes are designed to provide a fast and efficient way to identify possible ways to assess and resolve the relevant issues in work place disputes. While Navy strongly encourages the use of ADR to the maximum extent practical, **resolution** is not mandated by the Navy's ADR policy. Each agency official is expected to exercise reasonable business judgment and managerial discretion to reach resolutions that ideally will be beneficial to all parties concerned.

If you have questions regarding the Navy's ADR program, please contact the EEO Office at 243-9579 or 243-8163.

Americans with Disabilities Act Amendment (ADAA)

The Americans with Disability Act (**ADA**) of 1990 offers protection from disability discrimination for American workers. On 25 September 2008 the ADA was amended. The amendment became effective on January 1, 2009.

Listed below are the major revisions to the **ADAA**:

- ◆ It directs the Equal Employment Opportunity Commission (EEOC) to revise that portion of its regulations defining the term "substantially limits";

- ◆ It expands the definition of "major life activities" by including two non-exhaustive lists: **(1)** the first list includes many activities that the EEOC has recognized (e.g., walking) as well as activities that EEOC has not specifically recognized (e.g., reading, bending, and communicating); and **(2)** the second list includes major bodily functions (e.g., "functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions");

- ◆ It states that mitigating measures (other than "ordinary eyeglasses or contact lenses") shall not be considered in assessing whether an individual has a disability;

- ◆ It clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;

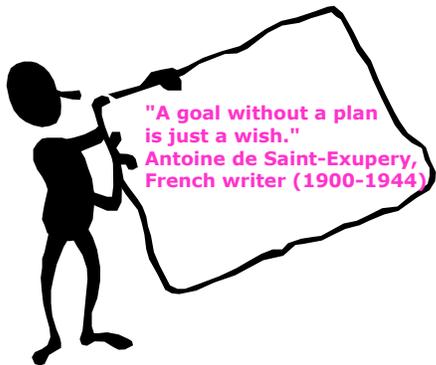
- ◆ It provides that an individual subjected to an action prohibited by the ADA (e.g., failure to hire) because of an actual or

perceived impairment will meet the "regarded as" definition of disability, unless the impairment is transitory and minor;

◆ It provides that individuals covered only under the "regarded as" provision are not entitled to reasonable accommodation; and;

◆ It emphasizes that the definition of "disability" should be interpreted broadly.

For more information on the changes to the Americans with Disability Act, please contact your servicing EEO office.



IDENTIFYING AND ELIMINATING WORKPLACE HARASSMENT

Harassment is unwelcome conduct that is based on **race, color, sex, religion, national origin, disability,** and/or **age**.

Harassment becomes unlawful whenever:

- 1)** Enduring the offensive conduct becomes a condition of continued employment, or
- 2)** The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws. Offensive conduct may include, but is not limited to, **offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.**

Prevention is the best tool to eliminate harassment in the workplace. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. However,

employees may also discuss the concerns with their supervisor or the appropriate EEO Office at an early stage to prevent its escalation. **Harassment can include assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.**

Employees may also contact their servicing EEO Office to report **harassing behavior and/or to seek assistance on resolving potentially harassing incidents.**

This is the first edition of the Joint Force EEO/EO Far East Newsletter. The newsletter will be issued on a quarterly basis and is designed to provide useful information about the DOD EEO program. The newsletter was developed by representatives of the following EEO offices:

**U.S. ARMY Corps of Engineers
263-3658**

**U.S. Army Garrison - Japan
263-3792**

**U.S. Naval Forces Japan
243-8163**

Camp Zama EO: 263-3658

CNFJ EO: 243-3092