



EEO "Matters"

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... dedicated to bringing you current items of interest on EEO, Diversity, and Alternative Dispute Resolution

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NBVC EEO Advisory Committee Strategizes for Success

In an effort to optimize diversity and increase awareness of Equal Employment Opportunity, the NBVC EEO Advisory Committee recently held a planning session under the guidance and mentorship of NBVC Chief Staff Officer Captain David Fleisch. The

resultant plan, largely predicated on fostering community engagement efforts and spearheading Diversity Events, also models inclusiveness, a basic precept of diversity management, in that it is a product of an EEOAC that represents many of the Base Commands. In like manner, many of the Diversity Events that are scheduled for FY 09 will be a collaborative effort between the Committee's Special Emphasis subcommittees and local special interest groups like Federally Employed Women, as well as community organizations with whom the Committee shares common interests. "Partnering with the outside community with regard to diversity events is one of our many goals. We, as a council, are excited and motivated to move forward and make a difference," said Gina Melendez, the current chairperson.

Broadening education and raising awareness of cultural diversity are also goals set by the council. For Black History Month the Council plans a visit by a Tuskegee airman (a group of African-American WWII flyers who suffered disparate treatment during the war). The council intends to invite the community, as well as on-base personnel and local school children, in an effort to raise awareness of the contributions of Black Americans.

Another of the council's goals is to establish community partnerships that assist in diversifying the local applicant pool. This addresses the Command's goal that as talent is lost through attrition, talent is garnered through the hire of well-qualified applicants. The committee intends to "market" employment opportunities through community engagement - accomplishing this by increasing community awareness of the presence of the Base and of the many opportunities that Federal service offers. The council is currently working with the workforce recruiting program and with community colleges to establish and maintain a viable pool of candidates.

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Food for thought.....

The real death of America will come when everyone is alike

James T. Ellison



*“...every man
knows well enough
that
he is a unique being,
only once
on this earth: and
by no chance
will such a
marvelously
picturesque piece of
diversity... ..ever be
put together a second
time.*

*Friedrich
Neitsche*

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To date the council has sponsored several events. On 9 October 2008, the council sponsored a Hispanic Heritage Month speaker event. Fred Morales, Corporate Partner Specialist of the Big Brothers Big Sisters of Ventura County provided an overview of the services provided by the organization and the challenges faced by Hispanic youth. He pointed out that the mentorship provided to youth through the Big Brothers Big Sisters organization goes a long way in promoting positive futures for them.

In another of the Ventura County base's efforts to reach out to the community, and in recognition of National Disability Employment Awareness Month and National Disability Mentoring Day on 10/15/08, the NBVC EEO Office participated with the NAWC EEO Office by providing mentoring opportunities for four disabled students from Ventura Community College. The students were placed with participating Commands based on their interest or course of study. Participating Commands included the Naval Facilities Expeditionary Logistics Center, NBVC Force Protection, NBVC Fleet and Family Support Center and the Naval Medical Care Center.

The council is off to a great start! Look for more about their activities in future issues.

REASONABLE ACCOMODATION DEFINITION EXPANDED

On September 25, 2008 an amendment to the ADA was signed into law by President Bush. The following concepts were addressed due to growing concern by the courts on behalf of the disabled: the term "disability" was in past interpreted too narrowly by employers, as were the concepts of "substantially limiting" and "major life activity". What does this mean for Reasonable Accommodation efforts Agencies are currently making? Due to the new language, a disability is to be assessed without regard to mitigating factors such as medication which controls the condition, or assistive devices which limit or correct the impairment.

"Substantially limiting" is now to be defined as "significantly restricting" which is a broader definition in the legal sense of the word. The law goes further to state "significantly restricts" includes a major life activity when active, and does not require the condition to be active to be regarded as a disability, a departure from prior interpretations. Further, an impairment is significantly restricting if it limits a single, versus a series, of life activities as has been applied in the past. Finally "major life activity" is expanded to include a non-exhaustive list of major bodily and neurological functions which include conditions in remission.

Use of Official Time in an EEO complaint

Employees who access the EEO process often wish to use official time in order to file and process an EEO complaint. The Department of the Navy Discrimination Complaints Management Manual, EEOC and Navy regulations state that employees may use a reasonable amount of time to engage in the EEO process, without charge to annual or administrative leave. "Reasonable" is defined as "...whatever is appropriate under the particular circumstances of the complaint, in order to allow a complete presentation of the relevant information associated with the complaint and to respond to agency requests for information." The decision to grant administrative time is within the purview of management, however if the Activity denies the use of official time, either in whole or in part, documentation must be included in the EEO case file stating the specific reasons for denial.

Communicating across cultures

Culture has a considerable effect on the way people process information. "We are not born knowing how to think, but learn patterns of reasoning and thinking as we mature." *Working through Conflict* Folger, Poole and Stutman (2000). Our responses to conflict are dictated by our cultural makeup and some principles are common to all cultures. For example, we all learn values, beliefs, and attitudes which establish our relationships with individuals and groups and paint our separate pictures of ourselves. These play into the make-up of our culture. For example, while Western cultures often embrace the value of the individual over that of the group, Eastern cultures most often consider the group's needs to be foremost.

Western oriented people are often more mobile, leaving home to forge a new life. Conversely, in Eastern cultures, many people never leave home, or stay in close proximity to the extended family. Western cultures are often competitive and members question authority figures, and communicate their separate opinions freely, while Eastern oriented peoples' personal ambitions may be discouraged, individuals and groups may defer to authority figures and individual opinions may be frowned upon.

Is it any wonder that communication between cultures is difficult and often fraught with conflict? We interpret others' words and behavior within the framework of our own culture. So how do we work through these barriers? And why would we want to? Martin Luther King once said "*All humans are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly*" In other words we are all in this together...so how can we be sensitive to other cultures? Try these simple ideas: Attempt to use the communication style of the other person when talking to them. Do some research-ask questions or use the internet-find out what you don't know. Question your own biases and stereotypes about the other person's culture. Don't rush to any assumptions about the meaning of anyone else's behavior. Ask. Be open, display empathy, communicate authentically.

**Genuine
change is never
a function of
dominance or
even education
but of empathy
and common
ground.**

Alan Briskin



Settlement basics for mediation

- ❖ EEOC regulation [29 CFR 1614.504](#) (a) provides that any settlement agreement knowingly and voluntarily agreed to by the parties, reached at any stage of the complaint process, shall be binding on both parties.
- ❖ EEOC regulations require agencies to make reasonable efforts to settle complaints of discrimination voluntarily as soon as possible during and throughout administrative complaint processing, including the pre-complaint counseling stage. [29 CFR 1614.603](#) .
- ❖ A finding of discrimination or admission of wrongdoing is not necessary for an agency to enter into a settlement agreement. [Management Directive 110, Chapter 12: Settlement Authority.](#)

Recent EEO Case Law

What is reprisal, anyway? Under EEO regulations, reprisal is any action taken by management against an employee which is motivated by the employee's participation in the EEO complaint process. Reprisal is the single most consistent basis claimed by those who file EEO complaints, and constitutes the largest group of cases where the complaint is lost. Why should that be true? It can often be shown that although a manager is not culpable in the original discriminatory charge, actions taken after the initial complaint was filed that affect the employee appear motivated by something other than clear business based reasoning. In a 2005 decision regarding reprisal, the EEOC found for a Complainant who alleged that she was discriminated against when her third line supervisor required her to report to him on the results of her contact with the EEO office. The administrative judge upheld the complainant's allegation, finding that the supervisor's actions "...interfered with the EEO complaint process and constituted retaliation (reprisal) for prior EEO activity". Cost to the Agency? Compensatory damages, training for management on the meaning of reprisal under EEO law, review of policies governing the process of EEO complaints, and most notably, a 30 day posting at the Command that the Activity had discriminated against an employee. Borchardt V. Secretary of the Army, Hearing # 350-A2-8192X , Appeal #A01A40966

Attributes of a Good Diversity Manager

Treats others fairly
Treats others with respect
Had high personal standards
Believes in their employees' abilities and potential
Helps employees believe in themselves
Encourages and stretches their employees
Leads by example
Mentors and coaches employees
Solicits and appreciates various points of view
Listens to employees
Offers objective criticism
Helps employees solve their own problems
Has vision
Develops a trusting environment where employees can speak their minds

Lenora Billings-Harris

DIVERSITY EVENTS

Martin Luther King Day
January 19, 2009

Black History Month
February 2009

Women's History month
March 2009



Upcoming EEO Training

-The No Fear Act
-The ADA as amended
-Diversity Training for Supervision

Points of contact

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