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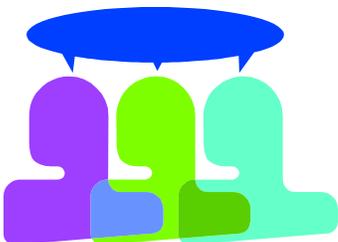
Editor: Cheryl McGuire

## Ten Things Every Employer Should Know About Job Accommodation

Employers in North America were not given a great introduction to the concept of "Job Accommodation". Legislative initiatives thrust "Job Accommodation" into the employers' spotlight - as something conceptually new to them, something that was now a "duty" they had to comply with, something rumored to be excessively expensive, and something that, if not done and done well, would put them at the risk of prosecution. When they asked what a reasonable limit might be on the cost of making an accommodation they were told "Anything that doesn't cause you to lose your business." That introduction did little to inspire employers to warm up to the notion of job accommodation. Wrapped in a cloak of "duty to accommodate" and synonymous with unwanted interference and legal risk/liability, many employers despise and fear the notion of job accommodation. This is compounded by the erroneous perception that every employee with a disability requires an accommodation and the belief that the cost of every accommodation is exorbitant. This is the "stuff" of many workplace attitudes that are encountered by people with disabilities. With the following ten points, I am attempting to outline a much more accurate accounting of the nature, frequency, cost, and benefits of effective job accommodations for people with disabilities.

1. Accommodations are productivity enhancers. Perspective is everything. The key to making effective accommodations is to understand them for what they really are - tools and working conditions that enable employees to give their best and to be their most productive on the job.
2. Most employees with disabilities do not require accommodations. Most studies indicate that the vast majority, somewhere between 70 - 80%, of employees with disabilities (roughly 3 out of 4) require no accommodation at all.
3. Even when accommodations are required, half of them cost nothing. According to the Job Accommodation Network's 2009 report, Workplace Accommodation: Low Cost. High Impact, when accommodations are needed, approximately 56% cost nothing. This figure, combined with estimates for employees who require no accommodations suggests that 9 out of 10 people with disabilities are employed with absolutely no associated accommodation costs.
4. When accommodations do cost money, they are typically a minimal expense. Only one in ten employees with a disability needs an accommodation that is an expense to their employer and, again according to the Job Accommodation Network's 2009 report, Workplace Accommodation: Low Cost. High Impact, employers report a typical expense of only \$600.
5. People with disabilities who require job accommodation tools frequently come with their own. Particularly when it is an equipment need, many people with disabilities already own what they need or can have it provided through other sources (community organizations or government programs).
6. Accommodating an employee should be an ongoing process. Changes in the employee's environment routines, job duties, and/or tools may

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*Food for thought.....*

In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute.

[Thurgood Marshall](#)

### Annual Joyce W. Stewart award presented to Patrina Haizlip-Payne

Naval Base Ventura County (NBVC) celebrated the 19<sup>th</sup> annual Joyce W. Stewart Memorial Award on 24 March 2010. Awarded each year by the NBVC Federal Women's Program during Women's History Month, it recognizes an individual or team who exemplifies the EEO qualities and characteristics embodied by the late Joyce W. Stewart. The 2010 recipient of the Award was Ms. Patrina Haizlip-Payne of the Port Hueneme Division, Naval Surface Warfare Center (PHD NSWC).

Ms. Haizlip-Payne is the Diversity Chair for the Southern California Gold Coast Chapter of the Federally Employed Women (FEW) and a past president and current member of National Association of Government Employees (NAGE). She promotes diversity on PHD NSWC's Cultural Change Team Recruitment Advisory Board (RAB) where she ensures the board considers EEO objectives, reducing the potential for disparity of minorities and women.

Ms. Haizlip-Payne recently represented the Command's recruitment of African American engineers from Prairie View A & M and has sponsored a high school student's summer tour of historically Black colleges in the South.

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require adjustments to accommodations previously in place. Changes in the employee's abilities may require different approaches or enhancements to existing accommodations. Because adaptive technology is constantly being invented and improved upon, it is only prudent to keep abreast of the latest developments.

7. Accommodations can have a positive impact on overall workplace productivity. Job accommodations often approach and/or organize job tasks in new ways - frequently introducing new tools and methods. These new approaches, when used by people without disabilities who are performing similar jobs, can sometimes increase the overall safety, and productivity in the workplace.

8. The best accommodations come from open and ongoing dialogue. Care must be taken to be certain that the accommodation is the best "fit" with the employee's circumstance and preferences while still enabling them to fulfill the responsibilities of their job. Creativity, flexibility and honesty are the best ingredients for a selecting a successful accommodation.

9. Employees may be reluctant to bring up their accommodation needs. Companies need to foster a workplace culture that affirms the uniqueness of each employee and that welcomes suggestions that will sustain or enhance their productivity. Anything less will cause employees to hide their disabilities and not request needed accommodations. The productivity of each employee will be maximized by companies that are flexible, that openly value difference, and that respectfully welcome requests for accommodations.

10. There are many community sources of expertise for determining, selecting and/or procuring any needed accommodations. In addition, the Job Accommodation Network ([www.jan.wvu.edu](http://www.jan.wvu.edu) <<http://mle.net/c?104137379-Lfsazz/jfmqAM%404915945-1rCOyIwljENrQ>> ) has a wealth of information on its website and offers free nation-wide consultation through online chat, email, and telephone. The DBTAC Network ([www.dbtac.vcu.edu](http://www.dbtac.vcu.edu) <<http://mle.net/c?104137379-MR/esj9rVG6xg%404915946-UKOZ4KcKcmwIM>> ) has a regional network of ADA centers that provide an array of free accommodation-related services.

~ adapted from an article by Rob McInnes-Diversity World

• Cautious, careful people, always casting about to preserve their reputation and social standing, never can bring about a reform. Those who are really in earnest must be willing to be anything or nothing in the world's estimation, and publicly and privately, in season and out, avow their sympathy with despised and persecuted ideas and their advocates, and bear the consequences.

Susan B. Anthony

### Disability Etiquette-part 1- Conditions which cause difficulty with speech

There are many reasons for someone to have difficulty with speech. Deafness, cerebral palsy, stroke, head injury, physical malformation of speech mechanisms, and general speech impairment are just a few. And it is not unusual for someone's speech to become harder to understand in stressful situations.

- ✚ If you do not understand what a person is saying, bring it to his/her attention immediately and ask how the two of you may better communicate.
- ✚ If it is a stressful situation, try to remain calm. If you are in a public area with many distractions, consider moving to a quieter area or private location.
- ✚ Don't pretend to understand and don't become impatient or exasperated with the communication process
- ✚ Do not finish a person's sentences for them.

Consider this: Many persons with difficulty speaking find themselves in situations where people treat them as if they are drunk or mentally ill. They are accustomed to being avoided, ignored, even hung up on by phone. **Accessibility for a person with difficulty speaking lies within your power.** Your understanding, patience and communication skills are as important to someone with speech difficulties as a ramp or a grab bar is to someone who uses a wheelchair.



Mediation training in Session



### CONGRATULATIONS NEW MEDIATOR CANDIDATES!

A new group of mediator candidates successfully completed Stage III of the Department of the Navy (DON) Mediator Certification Program on March 19, 2010. Ms. Mary Ryan, the DON Workplace ADR Program Manager, and Ms. Merri Hansen, Peninsula Mediation, a DON Contractor, were in San Diego in February the week of February 8-12 to deliver Tier I and II and the week of March 15-19 to deliver Tier III.

The DON Mediator Certification Program consists of four (4) tiers:

**Tier I** - Introduction to Mediation Skills (Minimum 20 hours of training)

**Tier II** - Advanced Mediation Skills (Minimum 16 hours advanced training with an emphasis in role play)

**Tier III** - Screening and Evaluation (Mediator Application submitted) (Approximately one hour role play conducted by the Mediator-Candidate).

**Tier IV** - Three Co-Mediations and Coaching (Each Mediator-Candidate will conduct three (3) co-mediations with extensive feedback and coaching from a Professional Mentor-Mediator.)

Completing the required training does not ensure certification. Candidates must affirmatively demonstrate in Tiers III and IV that they have learned the skills, ethics and techniques required to participate effectively in a high quality mediation program. Accordingly, the candidate must complete all tiers in sequential order, and then submit the supporting documents (course completion certificates, co-mediation evaluations, the application, etc.) to the Regional ADR Coordinator.

It is quite a rigorous training process. We are very pleased to have a very diverse and promising cadre of new mediators. Please join the HRO/EEO Office in congratulating the following mediator candidates for successfully completing Tier III: Marcus Culp, CNRSW HRO; Susan Hare, CNRSW; LCDR Terra McIntyre, CNRSW; Richard Hickman, Coronado HRO Site Office; Robin Merriweather, CNRSW HRO; Ashley Milhaud, Coronado HRO Site Office; Cecilia Pleman, HRSC SW; Nicole Stacey, CNRSW HRO; Jeffrey Stephenson, FRC SW; and Judy Tetrault, HRSC SW.

**Lombardino v. Department of Agriculture, Farm Service Agency**, (EEOC OFO 11/27/09). An Equal Employment Opportunity Commission administrative judge appropriately determined that the complainant was not selected for a temporary one-year appointment because she was viewed as a troublemaker based on her previous EEO activity. An EEOC AJ found that the complainant, a supervisory equal employment specialist, was subjected to retaliation for prior EEO activity when she wasn't selected for a temporary one-year position as a civil rights director. The AJ found that the selecting official was motivated by retaliation as evidenced by testimony that he and other management officials viewed the complainant as a troublemaker, a "frequent filer," and not a team player. The complainant received a finding of discrimination and was awarded \$12,000 in non-pecuniary damages. Even if an agency can provide a legitimate explanation for a selection decision, credible testimony that management officials involved expressed negative opinions about EEO activity can be sufficient to support a determination that the explanation was pretext for retaliation. Source-LRP

## *Significant case law*

### **Whirlpool Corp. To Pay Over \$1 Million For Harassing Black Female Worker**

Nashville, Tenn. –The U.S. Equal Employment Opportunity Commission (EEOC) recently announced a final court judgment of \$1,073,261 against Whirlpool Corporation in a race and sex discrimination lawsuit on behalf of Carlota Freeman, an African American former employee at the company's Leverage Tenn.-based facility. The EEOC alleged in its lawsuit that the appliance manufacturing giant failed to protect Freeman from persistent harassment by a white male coworker, which ultimately resulted in her being physically assaulted by him.

Following a bench trial, Tennessee District Court Judge John T. Nixon last week awarded Freeman \$773,261 in back pay and front pay, and \$300,000 in compensatory damages for non-pecuniary injuries – the maximum allowed under federal law. During the four day trial, the evidence showed that Freeman reported escalating offensive verbal conduct and gestures by the male coworker over a period of two months before he physically assaulted her; four levels of Whirlpool's management were aware of the escalating harassment; Whirlpool failed to take effective steps to stop the harassment; and Freeman suffered devastating permanent mental injuries that will prevent her from working again as a result of the assault and Whirlpool's failure to protect her.

EEOC regional Attorney Faye Williams said, "Whirlpool unsuccessfully argued that because it had posted a policy prohibiting harassment, the company relieved itself of responsibility for Ms. Freeman's injuries. However, the court correctly pointed out that when those charged with enforcing a policy don't take that responsibility seriously, an employer has not met its duty under Title VII to prevent and stop illegal harassment in its workplace"

EEOC trial attorney Steve Dills said: "The purpose of equitable relief in Title VII cases is to make whole the victims of discrimination. Unfortunately, the judgment in this case was bittersweet outcome because the injuries suffered by Ms. Freeman are so devastating."

*Each man is questioned by life; and he can only answer to life by answering for his own life ; to life he can only respond by being responsible*

EEO Staff: (DSN: 522 Fax: 619-532-1307)

Deputy EEO Officer  
Mahealani Tolbert 619-532-1271

#### Complaints Management

Team 1:  
Warren Robinson 619-532-1246  
Patty Corrales 619-532-2757

Team 2:  
Cheryl McGuire 619-532-2328  
Kendra Leatherwood 619-532-1047

Team 3:  
Marissa Marmolejo 619-532-1024  
Marcella Robles 619-532-1241

Reasonable Accommodation  
Cheryl McGuire 619-532-2328

Alternative Dispute Resolution  
Catheryn Cheyssi 619-532-3530  
Connie Cutner 619-532-1207

EEO Counselors  
Annette Nava (Intake) 619-532-1248

Mona Gonzales 805-982-1406  
Ventura County

Model EEO Program  
Deb Baity 831-656-2480  
Monterey County