



EEO "Matters"

VOLUME 3 ISSUE 2

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

June 2010

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Did You Know? Job Accommodations

Significant Case Law: ...NOVARTIS Must Pay \$250 Million...For Discriminating Against Women

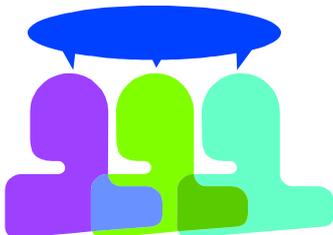
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Editor: Cheryl McGuire



Don't Miss the Upcoming Windows of Opportunity; Disability Awareness Conference

When: 17 June 2010

Where: Admiral Kidd Club

Cost: FREE

Target Audience: Managers, Supervisors, EEO and HR professionals

Hosted By: Federal Executives Association of San Diego and Imperial Counties

Agenda

- 0745-0800 Registration
- 0800-0815 Opening Remarks
Ruben Garcia, President, Federal Executives Association
- 0800-0930 Hidden Disabilities In The Workplace
Joyce Bender, Chair-Board of Directors, National Epilepsy Foundation
- 0930-0945 Break
- 0945-1115 EEOC Case Law Decisions-Reasonable Accommodation & Disability
Veroneca Burgess, EEOC Administrative Judge
- 1115-1215 Lunch
- 1215-1315 Strategies for Accommodating The Disabled In The Workforce
Lana Reynolds, State Department Of Rehabilitation
- 1315-1330 Break
- 1330-1500 Wounded Warriors Panel-Challenges In The Workplace
Manuel Maciel, HRSC
Laura Owen, Operation Enduring Freedom/Operation Iraqi Freedom Care Management Team Program Manager
Wounded Warrior- Abel Rosas
- 1500-1515 Closing Remarks
Teresa Ramos, Executive Director, Navy Region Southwest

To register fax attached flyer (see page 5-6) to J. Lucero at 619- 645-6647 or call 532-2328. Deadline to register 14 June 2010

Did you know?

Job accommodations are usually not expensive and may be as simple as rearrangement of equipment. Job accommodations can reduce worker's compensation and other insurance costs. Job accommodations can increase the pool of qualified applicants

Average cost of accommodations

No cost:20%
Between \$1 and \$500.....	51%
Between \$501 and \$1000.....	11%
Between \$1001 and \$1500.....	3%
Between \$1501 and \$2000.....	3%
Between \$2001 and \$5000.....	8%
Greater than \$5000.....	4%

Provided by State Dept of rehabilitation

Significant Case law

NYC jury says Novartis must pay \$250M in punitive damages for discriminating against women

By Larry Neumeister, AP May 19th, 2010

NEW YORK — A jury that found Novartis discriminated against women by paying them less than men, promoting fewer of them and allowing a hostile workplace awarded \$250 million in punitive damages on Wednesday. The massive award may be dwarfed by the damages to 5,600 women at the drug company who were paid and promoted less than men, lawyers say. Jurors declined to speak to reporters after the six-week trial, but lawyers who brought the lawsuit said the jury's decision, coupled with its award of \$3.3 million in compensatory damages to a dozen women Monday, sent a loud message. "This will make women feel empowered," said Steven Wittels, a lawyer for women who worked for Novartis Pharmaceuticals Corp. from 2002 until the present. "For too long, women have been kept silent and afraid to address the oppressive circumstances they're living with."

Continued on page 4

".. in crucial things unity...in important things, Diversity...in all things, generosity"

George Bush

Disability Etiquette-part 2- Wheelchair Users

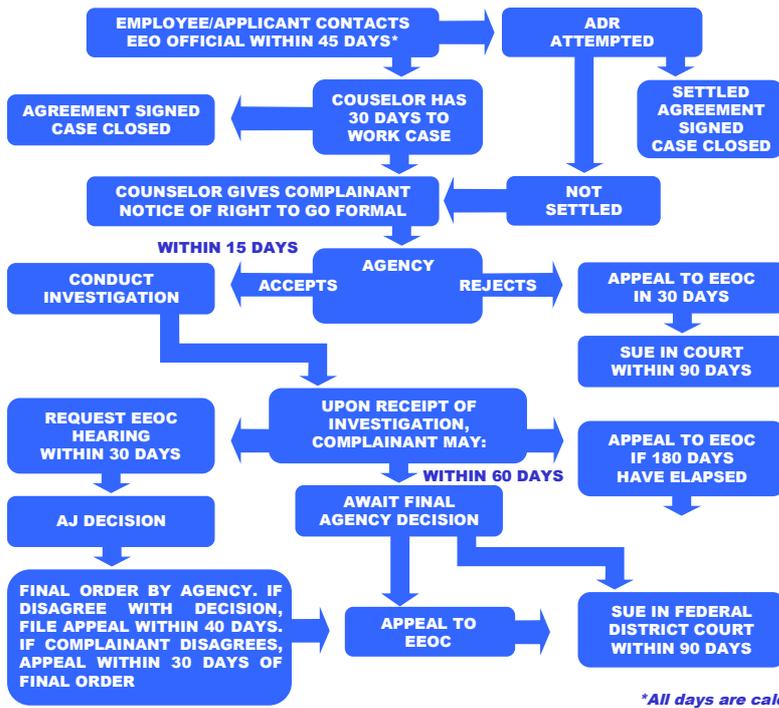
There are many reasons(not just being paralyzed) for someone to use a wheelchair. There is a wide range of physical abilities among those who use wheel chairs. This means that the persons who use wheelchairs may require different degrees of assistance or no assistance at all. Some persons do not use wheelchairs exclusively, but may also use canes, leg braces, and in some cases no assistive devices at all for short periods.

- ❖ All wheelchairs are not the same. Different sizes and shapes meet different needs. Some wheelchairs move manually and others are motorized. Just because one employee can access an area in his/her chair does not mean that everyone using a wheelchair will be able to do so.
- ❖ If you are asked to fold, carry, or store a wheelchair, treat it with the same kind of respect you would use with someone's eyeglasses. They are similar in many ways. They can break, are difficult to repair on short notice and it is extremely disruptive to the user when they are out of commission.
- ❖ When speaking to someone who uses a wheelchair, remember to give the person some space. Do not stand too close. Give them a comfortable viewing angle of yourself. Looking straight up is not comfortable.
- ❖ Do not approach someone in a wheelchair and start pushing him/her without asking.
- ❖ Do not assume that the person using a wheelchair needs assistance. Ask the person if there is anything special you can provide.
- ❖ It is a very common experience for persons who use wheelchairs to be told that some place is accessible when it is not. Listen carefully when anyone who uses a wheelchair tells you that an area you thought was accessible is not.
- ❖ Never lean on a person's wheelchair. It is an extension of their body.

FEDERAL EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCESS (29 CODE OF FEDERAL REGULATIONS 1614)

INDIVIDUAL CASES - Any employee, previous employee, or applicant for employment who feels he/she has been discriminated against because of race, color, religion, sex, national origin, age (40 years of age and over), or mental, physical disability or reprisal for EEO involvement may file a complaint by initiating timely contact with HRO site office personnel within 45 days of the alleged discriminatory act. If complaint is based on age, the complainant can bypass the administrative process and file a civil action within 180 days of date discrimination occurred. Alternative dispute resolution can be attempted at any stage of the complaint process by mutual consent of the employee and management. If complaint is based on sexual orientation, an employee may seek assistance from the Merit Systems Protection Board, Office of Special Counsel, Negotiated Grievance Procedure, or the Agency Grievance Procedure.

EEO COMPLAINT PROCESS



Name	Location	Phone
Equal Employment Opportunity Officer		
Deputy Equal Employment Opportunity Officer	Mahealani Tolbert Navy Region Southwest EEO Office 937 N. Harbor Drive San Diego, CA 91232	(619) 532-1271
Intake Counselor		(619) 532-1248
Class Action Complaint Contact:	Human Resource Service Center-Southwest 525 B Street Suite 600 San Diego, CA 92101-4418	(619) 615-5560/5558

A Word for the Wise

Managers and supervisors are occasionally unsure of the process when it comes to EEO investigations. Frequently, the EEO office receives questions regarding the roles of counselors and investigators and concerns are expressed with regard to responding to them. All employees involved in EEO complaints must understand that an EEO investigation is an official DOD investigation and all Federal employees have an obligation to cooperate-particularly in the case of management. The agency could be sanctioned by the EEOC for failure to cooperate. Further, timeframes are crucial in an EEO complaint, as the agency has a total of 90 days to complete the informal counseling and 180 days to complete the formal investigation. Therefore sensitivity to and cooperation with counselors and investigators is imperative. When you hear from an EEO counselor or investigator-please-make the time, and in a timely fashion, or the agency is at risk.

"Diversity-the art of thinking independently together..."

Malcolm G. Forbes

*"In a real sense
 all life is interrelated.
 All men are caught
 in an
 inescapable
 network of mutuality
 tied
 in a single garment
 of destiny.
 Whatever affects one
 directly
 affects all indirectly..."*

Martin Luther King Jr.

Significant Case law- continued from page 2

In a release, Novartis Pharmaceuticals President Andy Wyss said he was disappointed in the verdict. "For more than 10 years the company has developed and implemented policies setting high standards with regards to diversity and inclusion for the development of our employees," he said. David Sanford, another plaintiffs' lawyer, said he believed the award was the largest ever from a jury in a gender-discrimination case. He said the court will arrange a system so all 5,600 women in the class-action litigation can describe to a court-appointed administrator how they suffered discrimination. Each can receive up to \$300,000 in a process that could add hundreds of millions of dollars to the damages in the case. Sanford said the lawyers also will ask U.S. District Judge Colleen McMahon to award \$37 million more in compensatory damages to the class for back wages lost because of discrimination between 2002 and 2007. He said the judge will also be asked to order "sweeping changes" to the company's pay and promotion system, its pregnancy policy, its system of performance reviews and its human resources department.

The verdict Wednesday capped a trial that featured two women currently employed by Novartis and 12 others describing their efforts to advance in a company that favored men in pay and promotion and failed to act when complaints were made. One witness described how her district manager became so abusive toward female employees that he showed them pornographic images and invited women to sit on his lap. Other witnesses described an "old boys network" that punished women who became pregnant, finding ways to spoil their careers, pressure them to take shorter leaves or to work while they were on leave. Plaintiffs' attorney Katherine Kimpel said the women who agreed to testify at trial were "incredibly brave" to overcome societal pressures to stay quiet within corporations. "We had very bright women willing to come forward and stand up to this company," she said. Sanford said "many, many more in and out of the country were prepared to get on a plane and come and testify" but there was a limit on how much time could be spent presenting the case to the jury. Sanford had asked the jury to award up to \$285 million during punitive damage arguments on Tuesday. He said the amount represented 3 percent of the \$9.5 billion in revenues Novartis recorded in 2009. Novartis attorney Richard Schnadig pleaded with the jury not to react emotionally. "The company is taking everything you said to heart and is going to change," he promised. "Be fair to us."

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

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Model EEO Program

Deb Baily 831-656-2480
 Monterey County

**If we cannot end our differences, at
 least we can make the world safe
 for diversity ...**

John F. Kennedy

**2010 West Coast
Windows of Opportunity: Persons with Disabilities Conference
Sponsored by the San Diego Federal Executive Association
Registration Form**

**June 17, 2010
Admiral Kidd Club
33050 Acoustic Avenue Suite 200
San Diego, CA 92127**

1. **Applicant Name:** (First, MI, Last) _____
Please Print

2. **Department/Agency/Organization:** _____

3. **Agency Mailing Address:** _____

4. **Title:** _____ **Rank:** _____

5. **Phone:** _____ (Is this a TTY number? Yes No) **Fax:** _____

6. **Email:** _____

7. **Reasonable Accommodations Needed:** _____

Will your agency provide accommodation(s)? Yes No

8. **Available luncheon menu**
Orders/payments will be taken at the registration table

Sandwich \$9.95

**Roasted Turkey Breast
Black Forest Ham
Vegetarian D'Lite**

Chef Salad \$7.50

**Ranch
Raspberry Vinaigrette
Italian**

Includes chips, fruit, and two cookies

Note: Both selections include a can of soda or bottled water

Would you like your name added to FEA committees? Yes No - If yes, please indicate which ones
____ Diversity/ADR
____ Emergency Management

Please fax your completed registration to:

James Lucero
U.S. Customs and Border Protection
Office of Diversity and Civil Rights
Fax: (619) 645-6647

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