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EXECUTIVE ORDER FOR FEDERAL DISABILITY EMPLOYMENT

On 26 July 2010, President Obama signed an Executive Order regarding employing the disabled in the Federal Government, in an effort to acknowledge the 54 million individuals living with disabilities in the United States and encourage Americans with disabilities to seek employment with the Federal government. Underrepresented in the Federal workforce, individuals with disabilities represent approximately 5 % of the Federal workforce and those with targeted disabilities represent less than 1 %. President Obama's administration committed to increasing the number of individuals with disabilities in the workforce through compliance with former President Clinton's Executive Order 13163, which set goals over 5 years, a program that garnered limited results in his administration. President Obama took up the cause and set the following in motion.:

1. Within 60 days of signature, the Office of Personnel Management (OPM) in consultation with the Secretary of the Department of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC) will design model hiring and recruitment strategies for agencies seeking to increase employment of people with disabilities and will develop mandatory training programs for HR professionals and hiring managers on employment of people with disabilities.
2. Within 120 days of the date of release of the report above, agencies will develop a specific implementation plan for promoting equal opportunity for individuals with disabilities including performance targets and numerical goals.
3. Agencies will designate a senior level official to be accountable for enhancing employment opportunities and be responsible for developing and implementing the plan above, creating recruitment and training plans, and coordinating employee counseling programs.
4. Agencies are directed to increase the use of the Federal Schedule A Excepted Service hiring authority and increase participation of individuals with disabilities in internships, fellowships, and training and mentoring programs.
5. OPM and OMB will implement systems for regular reporting to the President, compiling and posting the results on the OPM website.
6. OPM, DOL, and EEOC will identify and assist agencies in implementing strategies for retention of Federal employees who are individuals with disabilities including training and monies for reasonable accommodation and access issues.
7. Agencies will make special efforts to retain those individuals hurt on the job and will work to improve and expand successful work outcomes for those individuals by increasing accommodations available, establishing light or limited duty work, and removing disincentives for Federal employment compensation claims. This plan is subject to a one-year review.

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"The ADA is a common sense law that seeks to make businesses accessible to millions of Americans with disabilities," Associate Attorney General John Schmidt

It is heartening and encouraging to see the Federal Government working to become a model employer of people with disabilities. I encourage organizations in the private sector to do the same – to step up and be a model employer. Advancing employment opportunities for people with disabilities strengthens not only America's economy, but also its ideals. It creates a more inclusive America where every person is recognized for his or her accomplishments."

Kathy Martinez, Assistant Secretary for Disability Employment Policy, U.S. Department of Labor



Preparing to Participate in Mediation as a Manager

The intention of this article is to lay the foundation for a better understanding of the mediation process as one prepares to sit on the responding side of the mediation table.

You might wonder, "Why should I agree to mediation?" The answer is multi-faceted and worthy of some real consideration. The mediation can actually end up being mutually beneficial and in some cases, perhaps more beneficial to the agency than the initiator.

When mediation is offered to you as a manager, you are the Responding Official. The individual requesting the mediation is the Initiating Party. One of the most important tenets of the mediation process is that it is a voluntary process and that parties determine the outcome. That is called self determination. That would suggest that you as the manager or Responding Party are equally as important to the mediation process as the Initiating Party and the process cannot happen without you. Typically, individuals request mediation when they are having a conflict at work. These conflicts can manifest themselves as complaints and grievances. The earlier in the lifespan of the conflict the mediation is conducted the greater likelihood for resolution.

An example of a typical case that is presented as an EEO complaint would be a non-selection issue. An individual alleges they have been discriminated against because of a protected category when they are not selected for promotion. As a manager, you are contacted by the EEO Counselor advising of the filing of the complaint and then you are asked if you are willing to go to mediation. You may feel strongly that you did not discriminate when you made the selection and feel there is nothing to mediate.

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Disability Etiquette-part 3- Deaf and Hearing Impaired

Deaf and hearing impaired persons are entering the workforce in record numbers. More persons who are deaf or hearing impaired have some hearing rather than no hearing at all, and not all persons who are deaf use sign language. Sign language is not another form of English, it is an official language with its own complex grammar, contexts, and rules. Not all persons who are deaf lip-read either. Lip reading, while helpful without sound clues, is only 30-50% effective and long conversations with persons who lip read can be very fatiguing for the person who has the impairment. Not all persons who are deaf read, write, or speak.

Find out how a person best communicates and get their attention before beginning a conversation. It's fine to ask how they prefer to communicate.

If the person uses an interpreter, speak to the person, not the interpreter.

Showing impatience to someone who is deaf or hearing impaired may cause the less assertive person to back off from sharing what their needs are with you.

If a person reads lips, speak in a normal, not exaggerated, way. Short simple sentences are best and make sure there are no physical barriers between you and the person while in conversation.

Persons who deal very well in one-to-one conversations may have a hard time with two or more speakers, especially if there are many interruptions and interjections.

If a person uses hearing aids, avoid conversations in large, open or noisy surroundings.

When someone asks "What did you say?" the answers "Never mind", "nothing", or "it's not important" are very common replies. To a person who is hearing impaired, these are insulting and demeaning because they communicate that the person is not worth repeating yourself for.



NSWC Corona Garners Praise For Diversity Efforts

Naval Sea Systems Command (NAVSEA) and Navy Recruiting Command (NRC) were top sponsors of the Hispanic Engineer National Achievement Awards Conference held October 7-9 in Lake Buena Vista Fla. Approximately 4000 Hispanic students and professionals in the science, technology, engineering and mathematics (STEM) arenas attended. Scientists and engineers are in high demand because of Navy's technologically advanced weapons, submarines, and ships, according to Rear Admiral Craig S. Fuller, NRC's Commander.

A division of NAVSEA, NSWC Corona is one of the most diverse field activities that presented at the conference. NSWC Corona also has education partnerships with several top ranked Hispanic-serving institutions which provide enhanced academic experiences and career opportunities for Hispanic science and engineering students.

A major factor in the Corona employment community, NSWC serves as an independent gauge of the war-fighting capabilities of weapons and integrated combat systems by measuring systems' performance, readiness, quality, supportability, and effectiveness of training. On base are three top national laboratories and assessment centers; the Joint Warfare Assessment Lab, the Measurement Science and Technology Lab and the Daugherty Memorial Assessment Center, all possible sources of employment for the STEP students and professionals.

Information Source: Article by Troy Clarke. PAO NSWC Corona

We lose ourselves when we compromise the very ideals that we fight to defend. And we honor those ideals by upholding them not when it's easy, but when it is hard.

BARACK OBAMA, Nobel Lecture, Dec. 10, 2009

EXCEL 2010

The Examining Conflicts in Employment Laws (EXCEL) Conference is the premier Federal training conference for EEO managers, supervisors, practitioners, HR professionals, attorneys and ADR specialists. Sponsored by the U.S. Equal Employment Opportunity Commission, this year's conference was held from 12 July 2010 to 15 July 2010 at the Rosen Shingle Creek Resort in Orlando, Florida. Training was provided on cutting-edge issues from nationally recognized experts in EEO law. The 13th Annual EXCEL Conference, under the theme "Passion for Equality," built on the success of the 2009 conference held in New Orleans. This year, attendees were provided a wide variety of offerings to choose from, including sessions for senior leaders and managers, two Alternative Dispute Resolution tracks (basic mediation and advanced mediation), a Hearings track for attorneys and agency representatives, a Management Directive 715 (MD-715) track for affirmative employment professionals, a session on the Genetic Information Nondiscrimination Act of 2008 (GINA), a workshop on privacy in the EEO process, a session on respect in the workplace, multiple sessions on disability law. There were interactive sessions on sexual orientation vs. gender stereotyping, ADA updates, and recent decisions. Attendees were treated to 7 plenary sessions as a group and could choose from approximately 60 workshops to attend.



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Every (conflict) is one between angles of vision, illuminating the same truth."

Mahatma Gandhi

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The decision to mediate is a pivotal decision. You may be absolutely correct in your assertion that discrimination did not occur. However, you are about to make a decision that is going to impact the conflict either positively or negatively. By saying yes to mediation you are saying the employee's concerns are important and you want to try to resolve the issue. It isn't conceding that they're correct or that you will give them what they are requesting, only that you are willing to listen to the employee's concern. That decision validates the employee is important to the organization and the issue is worthy of your time.

Conversely, saying no to mediation sends a message that you are not willing to take the time to listen to the employee.

There are some misconceptions that sometimes lead managers to make the wrong decision about mediation. One misconception is that agreeing to mediation is an agreement to provide the requested resolution. That is not the case at all. In mediation, the final resolution is not going to be the same resolution that is requested by the initiator because it is a process of self-determination and that means both parties have input into the resolution.

Another misconception is that agreeing to mediate concedes that the agency did something wrong and wants to correct it. Not so. It actually sends the opposite message. It sends the message that you are unafraid of discussing the issue because there is nothing to hide. You want to be transparent and want to tell the truth and set the record straight. That is a very powerful vantage point from which to stand.

The mediation process also gives you, the manager, the opportunity to air concerns of your own. Rarely is a conflict one-sided and both sides are necessary in order to reach an agreeable resolution. Everyone has needs and interests, including you. Your needs and interests should be addressed in the mediation and in the resolution. You may need the employee to show more initiative and to take more responsibility in the execution of their duties. The mediation is a perfect opportunity to address those concerns. You may need the initiator to take more training or work different assignments before you are comfortable promoting them. Those are valid points on your own behalf and can and should be addressed at the table.

In other words, as a manager, use the mediation process as an opportunity. It's an opportunity to listen to the employee, to develop a better working relationship, to send the message that they are important to the organization, and also an opportunity to address important issues of your own and perhaps to turn an unmotivated, resentful employee into a motivated and fully-actualized member of your team. Also, if you can get a resolution, you will avoid the time associated with an EEO investigation and EEO hearing down the road that will ultimately take much more time. As a manager, if you can take four to six hours and have that kind of outcome, it is time well spent.

If you have any questions about the mediation program, please call Ms. Catherine Cheyssial at (619) 532-3530 or Ms. Connie Cutner at (619) 532-1207.