



Diversity@Work

VOLUME 10, ISSUE 3

MAR-APR 2011

< WWW.DIVERSITY.HR.VA.GOV/CA/DAW.HTM >

INSIDE:

Career Fairs	2
Field Notes	3
VACO Notes	4
Policy Alerts	5
An Inclusive Workplace	6
Interpreter FAQs	10
NASA Best Practices	12
Disability Issues	13
Compliance Corner	14
Calendar	15

Reaching Out to Tribal Governments

By L. Tammy Duckworth, VA Assistant Secretary for Public and Intergovernmental Affairs

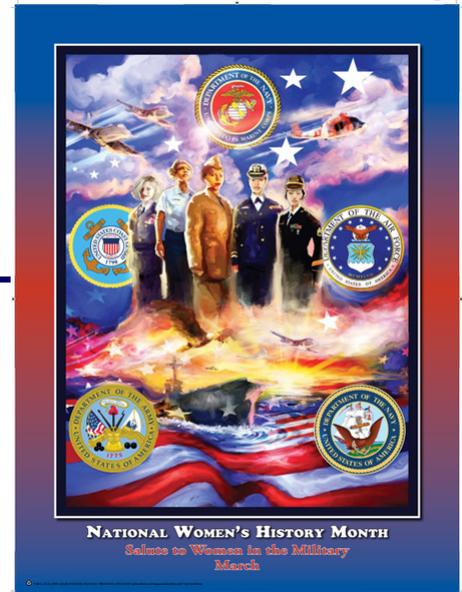
Ms. Stephanie Birdwell joins VA as the Director for the Office of Tribal Government Relations. I initiated this new program within the Office of Public and Intergovernmental Affairs (OPIA) because there is a real need to enhance communication with tribal governments about services available to American Indian and Alaskan Native Veterans. Our initiative to enhance partnerships with tribal governments will see immediate, significant impact for these Veterans.

Collaborating with Federally recognized tribes, many of which are located in rural and underserved areas, remains a critical task of the Department. As the Nation moves forward with healthcare reform and economic recovery, VA already has funded programs that could bring immediate relief to this population. [Continued on page 7.]

Coffey's Keynotes

Greetings and happy spring to all! March ushers in National Women's History Month and Irish-American Heritage Month, and Deaf History Month from March 13 to April 15. Please join us in recognizing the historic contributions of these communities to American society. You can begin by reading the *Celebrate!* article below for more information.

The Office of Diversity and Inclusion (ODI) is also proud to announce that VA is now accepting nominations for the Secretary's Annual Diversity and Inclusion Excellence Awards Program. [Continued on page 2.]



BOOKMARKS

ADVANCE

<<http://vaww.va.gov/ADVANCE>>

FEDERALLY EMPLOYED WOMEN (FEW)

<www.few.org>

VANTAGE POINT (VA'S OFFICIAL BLOG)

<www.blogs.va.gov/Vantage/>

GAO REPORT: FEDERAL EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES

<www.gao.gov/new.items/d1181sp.pdf>

Diversity organizations can be found on the ODI Web site:

<www.diversity.hr.va.gov/org>

Celebrate!

NATIONAL WOMEN'S HISTORY MONTH

VA joins the Nation in celebrating March as National Women's History Month, when we pause to recognize women's contributions to history, present day, and the future.

This year's theme is "Our History is Our Strength." As we celebrate this theme, stories of brave and heroic women who paved the way for generations to come by standing strong against opposition will likely cross your mind. Several of these accounts have been recorded and can be recalled simply by conducting research in, for example, museums or history books or on Web sites such as that of the Women's History Project, which sets the annual theme for this observance. [Continued on page 8.]

Coffey's Keynotes (from page 1)



If you know of a VA employee or team who has made a significant contribution toward establishing and maintaining a diverse VA workforce and an inclusive VA workplace, read the article on **page 3** and please submit a nomination for this prestigious award. These awards are the highest recognition given to any VA employee or team who has excelled in achieving measurable accomplishments toward the three goals in VA's Diversity and Inclusion Strategic Plan. I encourage you to consider nominating one or more candidates who have advanced our mission of fostering a diverse workforce and an inclusive work environment that ensures equal opportunity.

Speaking of the goals in VA's Diversity and Inclusion Strategic Plan, VA's Diversity and Inclusion Annual Report for fiscal year (FY) 2010 (which chronicles the Department's progress toward achieving those goals) will soon be available on the ODI Annual Reports web page, along with VA's Equal Employment Opportunity (EEO) Program Report for FY 2010 and FY 2011 EEO Program Plan. See **page 3** of this newsletter for information on accessing these reports. ODI also recently drafted VA's Plan for Increasing the Employment of Individuals with Disabilities. This plan addresses the departmental goals, objectives, and strategies to improve recruitment, career development, advancement, and retention of individuals with disabilities, especially those with targeted disabilities, in accordance with Executive Order 13548 on Increasing Federal Employment of individuals with Disabilities, signed by President Obama on July 26, 2010. Read much more about VA's People with Disabilities Program, including VA's current two percent hiring goal for individuals with targeted disabilities, beginning on **page 9**.

Finally, I'd like to remind all VA managers and supervisors that they are requested to complete the mandatory online *EEO, Diversity, and Conflict Management Training for Managers and Supervisors* by **March 31, 2011**. VA managers and supervisors may access the training through the VA Learning Management System at: https://www.lms.va.gov/plateau/user/deeplink.do?linkId=ITEM_DETAILS&componentID=1328672&componentTypeID=VA&revisionDate=1283861160000. Local VA LMS Administrators should assign Curriculum DVA-017 EEO, Diversity, and Conflict Management Training to all supervisors and managers in their organizations. For assistance, contact Brenda Martin in ODI at (202) 461-4040 or by e-mail at Brenda.Martin@va.gov.

ODI will also present diversity training at the National Cemetery Administration's Directors Conference on April 7 in Milwaukee, Wisconsin, and the Veterans Health Administration EEO National Conference on June 13.

In order to transform VA into a 21st century organization, we must ensure that our leaders and all employees are equipped with the knowledge and tools to cultivate a diverse workforce and an inclusive work environment where all VA employees are empowered to reach their full potential in service to our Nation's Veterans. Thank you for your continued support in this effort.

~Georgia Coffey, Deputy Assistant Secretary for Diversity and Inclusion

Military Career Fairs

VA is committed to ensuring that its workforce is the most talented, dedicated and diverse possible, reflecting the Veterans this Department serves. All human resources facilities are encouraged to participate in recruiting and outreach events taking place in their geographical area. These events, such as careers fairs targeting Veterans and transitioning military service members, support the Secretary's desire to increase Veterans throughout VA and are in keeping with the President's Veterans Employment Initiative to all Federal agencies. If your facility would like to participate in this type of event targeting Veterans or for a list of upcoming events, contact Robert Forney, Program Support Assistant, Veterans Employment Coordination Service, at (202) 461-5061.

Field Notes

SECRETARY'S DIVERSITY AND INCLUSION EXCELLENCE AWARDS

VA is now accepting nominations for the Secretary's Annual Diversity and Inclusion Excellence Awards Program. These awards, coordinated by ODI, are the highest recognition given to any VA employee or team who has excelled in and produced measureable accomplishments toward the three goals listed in VA's Diversity and Inclusion Strategic Plan, each of which contribute to the underlying mission to foster a diverse workforce and an inclusive work environment that ensures equal opportunity. Awards will be given in three categories: manager/supervisor, nonsupervisory employee, and team. Please note that all nomination materials must be cleared through proper channels in your organization and received by ODI no later than Friday, April 29, 2011. For more information—including nomination eligibility, criteria, documentation and processing—visit www.diversity.hr.va.gov/ca/awards/index.htm or contact Yvonne Rannels, Training and Communications, ODI, at (202) 461-4007 or Yvonne.Rannels@va.gov.

REPORTS AVAILABLE SOON ON ODI WEBSITE

The U.S. Equal Employment Opportunity Commission's (EEOC's) Management Directive 715 (MD-715) requires agencies to take appropriate steps to ensure that all employment decisions are free from discrimination. It also sets forth the standards by which EEOC will review the sufficiency of agency Title VII and Rehabilitation Act programs, which include periodic agency self-assessments and the removal of barriers to equal employment opportunities.

VA's EEO Program Report for FY 2010 and FY 2011 EEO Program Plan will soon be made available on the ODI Annual Reports Web page at www.diversity.hr.va.gov/annualreport/index.htm. For more information on MD-715, visit www.diversity.hr.va.gov/workforce/md715.htm.

VA's Diversity and Inclusion Annual Report for FY 2010, which presents VA's accomplishments in these very important areas, will also shortly be made available on the ODI Annual Reports Web page mentioned above. This report was a VA-wide effort and is a testament to the commitment the Department places on workforce diversity. The purpose of the report is to chronicle VA's progress toward realizing the goals of the Diversity and Inclusion Strategic Plan (www.diversity.hr.va.gov/docs/strat.pdf), in alignment with the VA Strategic Plan. As in the FY 2009 Diversity and Inclusion Annual Report, relevant responsibilities, activities, and accomplishments will be identified for each administration, organization, and office within VA.

INCLUSIVE OF YOU—VHA'S D&I COMMUNITY OF PRACTICE

The Veterans Health Administration (VHA) Office of Diversity and Inclusion launched a Community of Practice (COP) on January 19, 2011. The intent of the COP is to provide a forum to discuss topics of interest in the area of Diversity and Inclusion (D&I). The COP also provides a venue to make connections and build a network across VHA with fellow employees championing D&I endeavors.

The inaugural call focused on understanding the purpose and intent of VA's Diversity and Inclusion Strategic Plan. Georgia Coffey, VA Deputy Assistant Secretary for Diversity and Inclusion, was the guest speaker. Ms. Coffey engaged in a dialogue with the 45 participants that enhanced insight into the plan and the strategic direction for D&I within VA. Lisa Red, VHA Director of D&I, focused on the FY11 VHA D&I performance measures and their link to the plan.

The COP is open to everyone. To join the group, e-mail Michael Youngblood, VHA D&I Program Specialist at Michael.Youngblood@va.gov. The next call is April 20, 2011, at 1 PM (ET). Dial 1 (800) 767-1750, access code 45834.

Additional information on the VHA D&I Office and the COP is located at <http://vaww.wmc.va.gov/Diversity/default.aspx>.



VACO Notes

WELCOME, NEW ODI EMPLOYEES!

ODI welcomes **Donnice George**, a program specialist who has 20 years of service with VA. Ms. George comes from the Board of Veteran Appeals (BVA) where she served as a dispatch clerk and a case reviewer, examining legal and medical documents related to filing an appeal with BVA. Prior to that, Ms. George served as a mail assistant, screening incoming mail associated with Veterans' claim files. Among other things, Ms. George was selected to work in BVA's Quality Review Section, where she aided work flow processes. ODI welcomes Ms. George's proofreading and organizational skills, knowledge, and expertise!



Andy Gonzalez

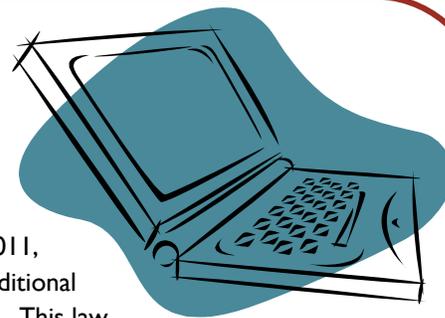
Andy Gonzalez joined ODI in January 2011 as an EEO specialist/Hispanic employment program coordinator with ODI's Outreach and Retention team. He is responsible for the development, implementation, and success of the Hispanic program in VA. Mr. Gonzalez is also involved in promotion of affirmative employment and diversity, and participates in program planning and analysis for additional special emphasis programs, technical assistance reviews, and other ODI activities. Prior to joining VA, he served as an EEO specialist with the U.S. Marine Corps. Mr. Gonzalez is a military Veteran, having served with the U.S. Coast Guard for more than 30 years. Prior to his retirement in 2008, he performed the duties of a military equal opportunity advisor with the Departments of Defense and Homeland Security. ODI welcomes Mr. Gonzalez!

Finally, ODI welcomes **Carolyn Williams**, who enters VA as a senior EEO specialist with ODI's Training and Communications team. Mrs. Williams is a former senior EEO specialist at the Department of Health and Human Services, National Institutes of Health (NIH). Her professional background spans over 20 years in the EEO field with an emphasis on EEO and diversity training awareness, MD-715 compliance, outreach, and complaints processing. During her tenure with NIH, Mrs. Williams was most proud of her interactions with the Workforce Recruitment Program where she was instrumental in increasing the hiring of disabled college students from two students hired in 2006 to 24 students hired in 2010. Mrs. Williams is a certified NIH trainer and a certified NIH mediator. Mrs. Williams has received several awards in recognition of her exceptional work in the area of EEO. Most recently she received the NIH 2010 Office of the Directors Award presented in early January 2011. Welcome, Mrs. Williams!



Carolyn Williams

Policy Alerts



TELEWORK ENHANCEMENT ACT OF 2010

Human Resources Management Letter (HRML) No. 05-11-01, dated February 9, 2011, amends the telework indicator codes provided in HRML 05-07-01 and provides additional guidance regarding telework as a result of the Telework Enhancement Act of 2010. This law requires each executive agency to:

1. Establish a policy under which eligible agency employees may be authorized to telework;
2. Determine the eligibility for all agency employees to participate in telework; and
3. Notify all agency employees of their eligibility to telework.

All VA employees are required to have a telework code recorded in PAID that accurately reflects their telework status. Each Veterans Integrated Service Network, Veterans Benefit Administration Regional Office, National Cemetery Administration, and VA Central Office must have a telework coordinator already identified. These coordinators must ensure that all telework codes in PAID are validated and changed as necessary for employees at facilities under their jurisdiction no later than March 31, 2011. Managers and supervisors must determine whether an employee's position is suitable for telework AND whether the employee is eligible to telework. Both suitability and eligibility must be considered in determining the correct telework code to be recorded in PAID. All VA employees must be notified of their eligibility to telework no later than May 31, 2011.

The existing VA telework policy in VA Handbook 5011, Part II, Chapter 4, will soon be updated to reflect new requirements. Additionally, telework indicator codes previously established in HRML 05-07-01, dated April 5, 2007, for use in recording the suitability of an employee's position for telework are revised by this HRML.

This document will soon appear on the OHRM Library Web site at <<http://vaww1.va.gov/ohrm/HRLibrary/hrmls.htm>> and the OHRM Hours of Duty webpage at <<http://vaww1.va.gov/ohrm/WorkLife/DutyHours.htm>>.

CONVERSION OF FEDERAL CAREER INTERN PROGRAM (FCIP) APPOINTEES

HRML No. 05-11-03, dated February 15, 2011, provides guidance on the conversion of Federal Career Intern Program appointees within VA, in accordance with Executive Order 13562 – *Recruiting and Hiring Students and Recent Graduates*.

For employees who will complete their FCIP service *prior* to March 1, 2011, the facility is to effect conversions or other appropriate actions in accordance with E.O. 13162 and its implementing regulations 5 CFR 213.3202(o) and 5 CFR 315.712.

For FCIP employees who (1) will not have completed their service under the FCIP prior to March 1, 2011, but (2) will have completed at least one year of continuous Federal service as of that date, it is advisable that, prior to March 1, 2011, the employing facility make a determination whether such employees will have satisfied the criteria for conversion. The facility should effect any needed action taking into account rights to adverse action due process, MSPB appeal, and VA grievance procedures. Prudence dictates that a facility take only those actions that it has carefully considered and documented, vs. hastily effected, even when doing so means that an FCIP appointee will have already converted to the competitive service.

FCIP employees who will not have completed one year of continuous Federal service as of March 1, 2011, will continue to be in a probationary period until they reach the one-year service mark, even after conversion to the competitive service (5 CFR part 315, subpart H).

This document will soon appear on the OHRM Library Web site and the OHRM Staffing webpage at <<http://vaww1.va.gov/ohrm/Staffing/Staffing.htm>>.

What Makes a Workplace Inclusive?

The Cornell University School of Industrial and Labor Relations, along with the National Conference for Community and Justice, sponsored the 1998 Alice and Richard Netter Labor-Management Public Interest Seminar. That 3-day seminar brought together organizational leaders, workplace practitioners, trainers, and educators to explore the question, “What will an inclusive workplace look like when it’s achieved?”

For the purposes of the seminar, “inclusion” was defined as “the way an organization configures opportunity, interaction, communication, information, and decision-making to utilize the potential of diversity.” In that definition, inclusion is not limited to the way an organization deals with its employees; it also refers to interactions with customers and clients, partners, vendors, suppliers, and subcontractors.

Participants in the seminar identified 12 attributes that describe workplace inclusion, along with the organizational policies and practices necessary to achieve each attribute and create an inclusive workplace:

Demonstrated Commitment to Diversity. In an inclusive organization, visible and invisible heterogeneity is present throughout all departments and at all levels of responsibility. Human differences and similarities are welcomed, valued, and utilized at all levels across all formal and informal organizational systems.

Holistic View of Employees. An inclusive organization is one in which all employees are viewed and respected as whole persons with identities and family lives which extend beyond the organization and, to the greatest extent appropriate, are free to behave truthfully in the work environment.

Access to Opportunity. An inclusive organization is one that creates a professionally nurturing environment in which all employees have equitable access to opportunities for personal and professional growth.



Accommodation of Diverse Physical & Developmental Abilities. An inclusive organization is one that opens opportunity to persons with diverse physical and developmental abilities by offering effective adaptations in the workplace to eliminate barriers to work performance and workplace participation.

360° Communication and Information Sharing. An inclusive organization is one in which communication and information flow from all directions, in all directions, and across all levels of responsibility.

Equitable Systems of Recognition & Reward. An inclusive organization establishes systems to recognize, acknowledge, and reward the diverse contributions and achievements of employees at all levels of responsibility.

Shared Accountability & Responsibility. An inclusive organization is one in which accountability and responsibility to uphold organizational values and achieve clear organizational goals and objectives in a mutually respectful work environment is shared by employees at all levels and reflected in relations with customers and clients, vendors, suppliers, partners, and subcontractors as well.

Demonstrated Commitment to Continuous Learning. An inclusive organization acknowledges that every employee is a learner and teacher and creates a flexible, fluid organizational culture that prioritizes continuous, collaborative, cross-organizational learning.

Participatory Work Organization and Work Process. An inclusive organization is one that recognizes the traditional and non-traditional skills, aptitudes, educational experiences, bases of knowledge, personal potential, and life experiences of each employee and structures work organization and processes to utilize these diverse skills. **[Continued on the next page.]**

What Makes a Workplace Inclusive? (cont.)

Alignment of Organizational Culture and Process. An inclusive organization is one that acknowledges the existence of an explicit and implicit organizational culture and continuously seeks to align this culture to support organizational values and the synthesis of divergent perspectives.

Collaborative Conflict Resolution Processes. An inclusive organization values and utilizes progressive conflict resolution procedures that empower employees at all levels, across all departments, to work collaboratively to solve problems, resolve interpersonal conflicts, and achieve mutually satisfying dispute resolutions.

Demonstrated Commitment to Community Relationships. An inclusive organization functions as a responsible citizen neighbor by forging constructive alliances with local government, schools, and community-based organizations and professional associations to expand outreach to diverse communities, widen opportunity, enhance access, or promote understanding to overcome prejudice and bias.

For more information on these principles, including policy and practice options for each, download a copy of the seminar report on the Cornell University School of Industrial and Labor Relations Web site: <www.ilr.cornell.edu/wdn/upload/paper2.pdf>.

Reaching Tribal Governments (from page 1)

American Indians, Alaska Natives (AIANs) and Pacific Islanders are second to none in their military service but are among the least likely to benefit from opportunities found in the continental states. Twelve percent of AIANs in the U.S. are Veterans, one of the highest per capita populations of Vets in any ethnic group. Despite their high rates of military service, AIANs are also one of the most vulnerable populations. Approximately 25 percent of AIANs live in poverty and they have higher obesity (nine percent) rates than any other racial/ethnic group, according to the Center for Disease Control. Thirty-three percent of Native Americans had no health insurance coverage in 2007, and of those with coverage, 24 percent relied on Medicaid.

With the Office of Tribal Government Relations under Ms. Birdwell's leadership, VA has an opportunity to practice good government. If we can increase access to VA healthcare, we can reduce AIAN Veterans' reliance on Medicaid as well as increase preventative care that reduces later VA medical costs. For example, one of OPIA's current efforts is to jointly coordinate access for VA's mobile clinics and mobile Vet Centers to tribal lands. This is key to fighting obesity among American Indians, which is associated with diseases such as diabetes, cardiovascular disease, hypertension, coronary heart disease and cancer. A 2003 study on diabetes estimates that it costs \$13,243 per patient to treat diabetes, compared to \$2,560 for patients without diabetes. If 91,920 AIAN Vets are suffering from obesity (24 percent of the 383,000 existing AIAN Vets), VA is faced with a potential cost of \$1.2 billion just to treat these Veterans for diabetes alone.

If we can increase access for VA preventative healthcare and keep just one percent of the 91,920 AIAN Vets who are at risk from obesity-related illness from developing diabetes, VA will save \$12 million. Most importantly, however, we will be improving the lives of a population of Veterans who have shown their bravery and dedication to this nation. It's only right that we make sure that they have access to the services and benefits that they have earned.

This article taken from Vantage Point, the official blog of the U.S. Department of Veterans Affairs, at <www.blogs.va.gov/Vantage/?p=1269>.

Celebrate! (from page 1)

History is filled with courageous women like Elizabeth Cady Stanton, who resolved to remove the word “obey” from her marriage vows and went on to become a leader in the Women’s Rights Movement; Harriet Tubman, who risked her life to liberate slaves through the Underground Railroad; Susan B. Anthony, who fought to ensure women were provided their inalienable right to vote; Rosa Parks, who changed the social conscious of a nation by the simple but courageous act of refusing to give up her seat on the bus; Amelia Earhart, who paved the way for women in aviation; Deborah Sampson, who enlisted in the Continental Army as “Robert Shurtlieff,” was wounded in battle twice and, once discovered, was honorably discharged; Elizabeth Newcom, who disguised herself as “Bill Newcom” so that she could serve in the military during the Mexican War; and Geraldine Ferraro, the first woman to run for vice-president in our Nation’s history. These are courageous women who endured unjust treatment and criticism, yet found the strength to continue to fight and pave new paths for women of the future to follow.

These renowned women have certainly set their place in society and opened new worlds of possibilities; however, many of us could share such stories but of a more personal nature. For example, how many of us can think of a mother, grandmother, or aunt who may have endured some type of struggle because of her gender? We often overlook those closest to us who may have served as personal role models or embedded strength and endurance into our beings from a young age. This month, you are encouraged to recognize the women in your personal lives.

As the leader in providing Veterans’ benefits and health care, VA understands the important role women have in the military. Women have served in the military, whether enlisted/commissioned or not, in critical roles since our Nation’s first battles. Women are now recognized as an integral part of our military and its history. In November 1994, VA recognized the need for specialized care for women Veterans and founded the Center for Women Veterans (CWV) which serves women Veterans nationwide. VA’s CWV serves as an “advocate for cultural transformation (both within VA and in the general public) in recognizing service and

contributions of women Veterans and women in the military, and in raising awareness of the responsibility to treat women Veterans with dignity and respect” (CWV mission statement). In 2010, CWV began publishing “Her Story” to their Web site, highlighting stories of women VA employees who served in the military. CWV also hosts an annual “Women Veterans Forum.” As we move into the future, we look at the challenges those women serving in the recent conflicts in Iraq and Afghanistan face and develop and implement new ways of continuing to provide excellent service to our women Veterans.

As of September 30, 2010, there were over 400,000 women serving on active duty, reserves and National Guard, representing about 16 percent of the overall military workforce. As of 2009, there were more than 1.8 million women Veterans, representing about 7.5 percent of the overall Veteran population.

According to 2009 Census data, women now account for over 55 percent of the U.S. population and 46.8 percent of the workforce, yet earn 77.1 cents for every dollar their male counterparts earn. VA continues to monitor its efforts to ensure all employees, including women, are included in all occupations, at all levels in the VA. As of January 31, 2011, women represented 59.60 percent of VA’s permanent workforce. Women represent approximately 54.99 percent of VA’s leadership pipeline (GS/GM 12, 13, & 14) and 38.9 percent of the senior leadership ranks (GS-15 and Senior Executive Service).

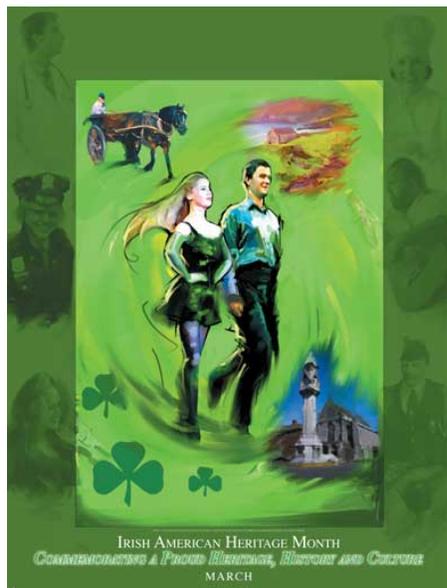
This month, as we celebrate women’s history, please take time to reflect on the past achievements and current endeavors of not only those renowned women, but also the ones in your personal lives who have contributed to your success.

To learn more about VA’s National Women’s Program, contact Nanese Loza, Outreach and Retention, ODI, at <Nanese.Loza@va.gov>.

IRISH-AMERICAN HERITAGE MONTH

VA also joins the Nation in celebrating March as Irish-American Heritage Month. [Continued on the next page.]

Celebrate! (cont.)



Our diverse Nation has been shaped by the sacrifices and successes of those who crossed both land and sea in pursuit of a common dream. For millions of Americans, this journey began in Ireland. In the wake of the Great Hunger, many sons and daughters of Erin came to our shores seeking a brighter day, with only courage and the enduring values of faith and family to sustain them. Alongside many others who sought a better life in a new Nation, these intrepid immigrants built strong communities and helped forge our country's future. During Irish-American Heritage Month, we honor the contributions Irish Americans have made, and celebrate the nearly 40 million among us who proudly trace their roots back to Ireland.

From the earliest days of our Republic, the Irish have overcome discrimination and carved out a place for themselves in the American story. Through hard work, perseverance, and patriotism, women and men of Irish descent have given their brawn, brains, and blood to make and remake this Nation -- pulling it westward, pushing it skyward, and moving it forward. Half a century ago, John F. Kennedy

became our first Irish-American Catholic President and summoned an expectant citizenry to greatness. This year, as we commemorate the 50th anniversary of President Kennedy's inauguration, we recognize our 35th President and the countless other Irish Americans whose leadership and service have steered the course of our Nation.

Seldom in this world has a country so small had so large an impact on another. Today, the rich culture of Ireland touches all aspects of American society, and the friendship that binds Ireland and the United States is marked by a shared past and a common future. As communities across our country celebrate Irish-American Heritage Month and St. Patrick's Day, our Nation pays tribute to the proud lineage passed down to so many Americans from the Emerald Isle.

Parts of this article taken from the 2011 Presidential Proclamation on Irish-American Heritage Month.

DEAF HISTORY MONTH

Deaf History Month is from March 13 to April 15. The concept of National Deaf History Month had its origins in Washington, DC at the Martin Luther King, Jr. Memorial Library.

Two deaf employees, Alice L. Hagemayer and Ida Mapes, taught sign language to their colleagues. The interest inspired Ms. Hagemayer to recommend a "Deaf Awareness Week" to the library administration, with the goal of introducing the public to deaf people and informing deaf people of services offered by the library. While the event continues to be held by the Martin Luther King, Jr. Memorial Library, it also spread to other libraries across the country. In 1996, the National Association of the Deaf suggested that National Deaf History Month be held across the country annually from March 13 to April 15.

VA has a relatively small number of deaf employees, compared to other Federal agencies. Hiring a deaf individual counts toward the VA goal that two percent of all hires be individuals with targeted disabilities. Deaf applicants can be found by contacting the National Technical Institute for the Deaf in Rochester, New York; Gallaudet University in Washington, DC; state Vocational Rehabilitation offices; or the disability services office of any college or university. For information on VA's People with Disabilities Program, visit www.diversity.hr.va.gov/disabilities.htm.

Interpreters and Captioning: FAQs

1. *I have an employee who is Deaf/Hard of Hearing and relies on sign language. When must I provide a sign language interpreter? [Note: The same principles apply to oral interpreters and computer-assisted real time captions (CART).]*

Once an employee alerts the supervisor to his or her preferred means of communication, the agency must provide it for all meetings, events, etc. *Feris v. Browner* illustrates the EEOC opinion that it is the agency's responsibility to provide interpreters.

Feris versus Browner, Administrator, Environmental Protection Agency (EPA), Appeal No. 01934828, decided August 10, 1995. The EPA requested reconsideration, but it was denied by EEOC on July 19, 1996. In *Feris*, the EEOC ruled that once an agency knows an individual relies on sign language to communicate, the agency is responsible for providing sign language interpreters for all meetings related to the employee's work and benefits of employment. The EEOC said that the employee does NOT have to ask for an interpreter each time; once the employee says s/he uses sign language as his/her primary means of communication, this is sufficient notice to the agency that it must provide interpreters.



2. *We can't afford to provide interpreters for every staff meeting, training, etc. Can I tell my Deaf/Heard of Hearing employee he does not have to attend?*

Your deaf employee must be invited to every meeting, training, or other event that is attended by the other employees. To discourage him from attending would be discrimination. The cost of the interpreters can be reimbursed from the Centralized Fund in the Office of Diversity and Inclusion. The memo explaining this fund can be found at: <www.diversity.hr.va.gov/docs/Centralized_Accommodation_Fund_Memo_FY_2010.doc>. The form to be submitted for reimbursement is on the Disability Program web page.

3. *When we have staff meetings, we provide the Deaf/Hard of Hearing employee with someone who knows some sign language. Is that sufficient?*

People who know a little sign language usually do not provide the Deaf/Hard of Hearing employee with a full understanding of the conversation. Federal agencies are required to provide effective accommodations, which means the interpreters must be qualified. The U.S. Department of Justice's Americans with Disabilities Act Technical Assistance Manual for Title II, Section 7.1200, states:

"...when an interpreter is required, therefore, the public entity should provide a qualified interpreter, that is, an interpreter who is able to sign to the individual who is deaf what is being said by the hearing person and who can voice to the hearing person what is being signed by the individual who is deaf. This communication must be conveyed effectively, accurately, and impartially, through the use of any necessary specialized vocabulary."

Sometimes an interpreter who is certified is not effective for a specific Deaf/Hard of Hearing employee or situation. You will need to rely on the employee to let you know if the interpreter is not effective.

[Continued on the next page.]

Interpreters and Captioning: FAQs (cont.)

4. *How will I know if the interpreter we provided is not qualified? My employee is shy, and I'm not sure he would tell me if there was a problem.*

You can ask the employee via e-mail when the interpreter is not present. A sign of poor communication is when the interpreter cannot voice for the employee. If what the interpreter voices does not match the way the employee writes, it could be an indication that the interpreter is not able to read the employee's sign language. Unfortunately, even when an interpreter is certified, it is not a guarantee that the interpreter will be able to understand the specific Deaf employee and vice versa. If an interpreter is not a good fit for the employee, the agency will need to find a different interpreter.

5. *I have several deaf employees in my unit. The interpreters can understand and voice for all but one. Why is this happening?*

There are several different kinds of sign language. It is likely that the interpreters are not sufficiently skilled in the type used by that specific employee. Find out what kind of sign language each employee uses, and request an interpreter skilled in the sign language used by the one employee as well as the type used by the other employees.

6. *My deaf employee told me that the person providing the captioning is not good. This person is from an established company. As the supervisor, do I have any responsibility to verify accuracy?*

Yes, VA has a responsibility to ensure that the accommodation we provide is effective. You or the Local Reasonable Accommodation Coordinator (LRAC) will need to determine whether the captioning is accurate. The easiest way to do this is to sit next to the captioner and read the whole transcript as it is being created. If there is gibberish in the transcript, the captioner needs to be replaced. Captioning that is illegible is not effective.

7. *My deaf employee requests that a clean copy of the transcript be sent to him. I feel that providing captioning during meetings is sufficient.*

The deaf employee will need the transcript in order to create notes. It is not possible to read the transcript and take notes at the same time, as the captioning goes very fast. This applies to employees who use interpreters as well; they will often need a note taker, as it is difficult to watch an interpreter and take notes at the same time.

8. *My employee wears a hearing aid, but still requests interpreters or captioning. Isn't the hearing aid sufficient? Do I still have to provide interpreters/captioning, etc?*

Many people who are deaf use hearing aids to help them know when people are talking. Using a hearing aid does not allow every Deaf or Hard of Hearing individual to hear everything; it is especially difficult to distinguish individual words. The Americans with Disabilities Amendments Act clarified that remedial measures, such as hearing aids, should not be considered when determining if an individual has a disability. If there is doubt, simple medical documentation can be requested. Once a health professional has informed VA that the individual relies on sign language or captioning to follow conversations, we are obligated by the Rehabilitation Act to provide the accommodation.

9. *I have given my deaf employee the responsibility of procuring interpreters for himself, using a blanket procurement order. Is this a best practice?*

It is the responsibility of the agency to provide interpreters. The employee should not be doing this, unless he or she procures interpreters for all deaf employees in the facility as part of his/her position as Procurement Officer or Administrative Officer. If this individual has a different job title, such as Nurse, it is not appropriate to ask him/her to do the procurement. Each employee should be allowed to focus on the quality, quantity, and timeliness of his/her work products, career, and relationship with the supervisor, co-workers, and internal or external clients or stakeholders.

[Continued on the next page.]

A “Best Practice” for Disability Recruitment

The National Aeronautics and Space Administration (NASA) issued on USAJOBS a job announcement with the title “OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.” The announcement will be open for one year and covers several locations, positions, and grade levels. The “Position Information” states: “Multiple Appointment Types Multiple Durations” and “Who May be Considered” states: “This announcement is open to U.S. citizens with disabilities.”

The second paragraph of the job summary explains: “If you are an individual with a disability or disabilities, you may be eligible to apply for NASA positions even when there are no current vacancies or open announcements. The Qualifications and Evaluation tab of this announcement provides more information on eligibility.”

The announcement provides a detailed explanation of the Schedule A application process and explains that NASA wants only a resume for the initial application. NASA does not request the Schedule A letter or transcript until the time of the job offer. This saves NASA from the burden of storing Schedule A letters, which are protected by the Privacy Act, for applicants who do not qualify for the job.

In summary, NASA has several best practices which can be used together or independently: (1) A job announcement which explicitly invites individuals with disabilities to apply; (2) An announcement which covers multiple positions and grade levels; (3) An announcement which is open for a long time, making it clear that the agency is seeking outside applicants; (4) A detailed explanation of the Schedule A application process; and (5) Not requesting or accepting the Schedule A letter until the job is offered.



Interpreters and Captioning: FAQs (cont.)

10. Interpreters and captioning are very public. How do I comply with the confidentiality requirements?

While you can't hide the interpreter or captioner, you can minimize their presence by not calling attention to them. Any discussion with the employee regarding the quality of the services or other related issues should be held in private. If any co-workers question or comment on the employee's level of hearing, they should be informed that such remarks are inappropriate and can be perceived as discrimination.

11. My employees object to the captioner creating a transcript of what is said during the meeting, as they don't like having the conversation recorded.

In this situation, the law requiring Federal agencies to provide reasonable accommodation takes precedence over employee concerns about having the discussion recorded. Assure the employees that the captioner is a professional and that the transcript will not be shared beyond the staff who attended the meeting.

Cases Regarding Interpreters and Related Issues:

- Wait v. Social Security Administration
- Saylor v. United States Postal Service
- Feris v. Environmental Protection Agency
- Atkins v. Social Security Administration
- Taylor v. Department of the Interior

For information on reasonable accommodation, visit <www.diversity.hr.va.gov/disabilities.htm>.

Disability Issues

NEW INITIATIVES

Do you have co-workers with disabilities? No matter what your pay level is, if VA's Disability Plan is effective in a few years, you will have peers with disabilities: some may be visible, and others will not be visible. The important things to know are simple:

- Never ask an employee (or applicant) if s/he has a disability.
- Help VA ensure that the work environment is accessible to everyone.
- Realize that an employee with a disability may receive an accommodation so they can perform their work or enjoy the privileges of employment, but the disability and accommodation are private.
- The law prohibits discrimination against people with disabilities, who can be from any race or ethnicity. The same law (the Rehabilitation Act) requires Federal agencies to be proactive in hiring people with disabilities.
- Use "people first" language. For example, I am VA's Disability Program Manager. I was born in Washington, DC and have an MBA in Accounting. I also happen to be deaf. (Note that deafness is a minor part of who I am.)

Executive Order (EO) 13548 "Increasing Federal Employment of Individuals with Disabilities" was signed by President Obama on July 26, 2010, the 20th anniversary of the Americans with Disabilities Act. In response to the new requirements, VA created a Plan that describes goals, objectives, planned activities designed to increase recruitment, hiring, accommodation, training, promotion, and retention of individuals with disabilities. We must also increase the number of employees who return to work after being injured on the job.

We are required to set hiring targets for individuals with disabilities and sub-targets for hiring individuals with targeted (severe) disabilities. VA has a goal that two percent of all hires will be individuals with targeted disabilities. We will need to work together to increase the number who are hired and who stay.

VA also needs to improve our response rate for requests for disability accommodation, and approve these requests when possible, including requests for flexible work schedules and Tele-work. We expect more offices and facilities to use the Centralized Fund, which will reimburse offices for the cost of any accommodation not provided by the Department of Defense's Computer/Electronics Accommodation Program (CAP), except for facilities modifications which may be addressed in the facilities budget.

For general information, please see the Disability Program web page at <www.diversity.hr.va.gov/disabilities.htm>.

FIRST QUARTER FY 2011 RESULTS ON THE TWO PERCENT HIRING GOAL FOR INDIVIDUALS WITH TARGETED DISABILITIES

In the first quarter of FY 2011, VA had mixed success in our employment of individuals with targeted disabilities. Although several VA components exceeded the two percent goal and others came close, most did not meet the goal. In addition, the number of employees with targeted disabilities who separated from VA was larger than the number of those who were hired, resulting in a net decrease for this group.

Within the Veterans Health Administration, five Veterans Integrated System Networks (VISN) met or exceeded the goal: VISN 2 (2.11 percent), VISN 7 (2.21 percent), VISN 11 (2.29 percent), VISN 17 (4.04 percent), and VISN 23 (3.09 percent). Within the Veterans Benefits Administration, two Areas exceeded the goal: the Eastern (2.94 percent) and the Southern Area (6.35 percent). Although the National Cemetery Administration did not meet the goal during the first quarter, they have plans to do so this quarter.

The targeted disabilities, per the EEOC, are blindness, deafness, missing extremities, partial paralysis, complete paralysis, epilepsy, severe intellectual disabilities, psychiatric disabilities, and dwarfism.

Vanguard Highlights VA's Disability Hiring

The January/February 2011 issue of VA's *Vanguard* magazine, now available online at www.va.gov/opa/publications/vanguard/vanguard_11_janfeb.pdf, features a story about VA as one of the top Cabinet-level agencies in the hiring of Americans with targeted disabilities. Check it out in *Vanguard* on page 4!

Compliance Corner

SUPERVISORS: YOUR WORDS ARE IMPORTANT

No supervisor or manager likes when a discrimination complaint is filed against them. They may feel offended, angry, or disappointed that an employee would take such an action. However, it is never appropriate for managers and supervisors to publicly express hostility toward the EEO complaint process or the employee who filed the complaint. The EEOC has determined that such conduct is a per se violation of the letter and spirit of Title VII and its regulations. These regulations require agencies to promote and support the full realization of EEO in their policies and practices. The EEOC has determined that retaliation harms the public interest by deterring others from filing complaints.

The EEOC has held that statements or actions by a supervisor may be a per se violation of the EEOC's regulations when the supervisor intimidates an employee and interferes with her EEO activity in any manner. EEOC decisions have found violations of Title VII when managers have exerted pressure on complainants to drop EEO complaints or not to file them, complained about, criticized or discredited EEO activity, disclosed EEO activity, encouraged a complainant to resign, instituted policies that discourage EEO activity, and threatened complainants with reassignment, termination, and civil, criminal and defamation suits because they engaged in protected activity.

In a recent VA case, employee SF alleged that he was harassed because of his race and forced to resign. The Office of Employment Discrimination Complaint Adjudication (OEDCA) found that SF did not establish he was harassed or constructively discharged because of his race. However, it did find a per se violation of the EEOC's

regulations when SF's supervisor, MW, told him he was offended by his claim of race discrimination. MW testified that his race was not going to change, so he asked SF why he was making these allegations against him. MW further questioned why SF would file a complaint because he hated to "see people come back against the government."

Another example of a per se violation of EEOC's regulations involved comments made by a Department of Agriculture selecting official. The complainant applied and was not chosen for a position. After she filed an EEO complaint, the selecting official told a co-worker that he could not believe the complainant filed a complaint, that she was a liability, and that she was on the "other side of the line" because she filed the complaint. The selecting official told the co-worker that if she was going to file a complaint, to tell him first. He further told the co-worker that he expected loyalty from his employees. Additionally, two weeks before the hearing in this matter, the selecting official told the co-worker that he knew she was named as a witness, that a court reporter would be at the hearing, and that the transcript was a public record and he would know everything the co-worker said. The EEOC found that the selecting official illegally interfered with the EEO process when he made the comments to the co-worker. The EEOC ordered the agency to provide the selecting official with 16 hours of EEO training, and to consider taking disciplinary action against the selecting official. *Kathleen James v. Department of Agriculture*, EEOC Appeal No. 0120073831 (September 22, 2009), request for reconsideration denied, EEOC Request No. 0520100086 (March 22, 2010).

~Maxanne R. Witkin, Director, VA's Office of Employment Discrimination Complaint Adjudication





ODI on the Internet

DIVERSITY@WORK

is published by the Office of Diversity & Inclusion, a program office within VA's Office of Human Resources & Administration. To subscribe or unsubscribe, e-mail <odi@va.gov>

CONTACT US

Mail:

Department of Veterans Affairs
Office of Diversity & Inclusion
810 Vermont Avenue, NW (06)
Washington, DC 20420

Phone:

(202) 461-4131

Fax:

(202) 501-2145

E-mail the Editor:

<odi@va.gov>

Visit our **Web site**, <www.diversity.hr.va.gov> for additional staff e-mail addresses.

OTHER USEFUL LINKS

VA's Office of Human Resources & Administration
<www.va.gov/ofcadmin>

VA Learning University
<vaww.va.gov/valu>

VA's Office of Resolution Management
<www.va.gov/orm>

VA's Office of Human Resources Management
<www.va.gov/ohrm>

VHA Office of Diversity & Inclusion
<vaww.va.gov/vhadiversity>

GOT NEWS?

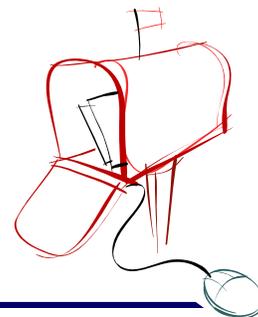
We want to hear from you! If you'd like to share your story ideas, comments, or suggestions, e-mail us at <odi@va.gov> with the words **DIVERSITY@WORK** in the subject line.

The mission of the Office of Diversity and Inclusion (ODI) is to foster a diverse workforce and an inclusive work environment that ensures equal opportunity—through national policy development, workforce analysis, outreach, retention, and education—to best serve our Nation's Veterans. Here's a sampling of online tools available at <www.diversity.hr.va.gov> that can help leverage diversity and build inclusion:

- ▶ National Women's History Month and other special observance resources.
- ▶ Training resources, guides, and reports.
- ▶ Links to professional and community organizations.
- ▶ Best practices for diversity management.

ODI in Your E-mail Inbox

Once a week, ODI sends out *NewsLink*, an e-mail message with annotated links to current news items and other information related to leveraging diversity and building inclusion. For a FREE subscription to this weekly electronic news service, e-mail <odi@va.gov> with the words **SUBSCRIBE NEWSLINK** in the subject line. Find a sample of *NewsLink* at <www.diversity.hr.va.gov/ca/newslink.htm>.



ODI on Your TV or PC

Diversity News is a monthly video program produced by the VACO Broadcasting Center for ODI. *Diversity News* follows VA News on the VA Knowledge Network (VAKN) channel 2 at <<http://vaww.vakncdn.lrn.va.gov>>. Programs are also available at <www.diversity.hr.va.gov/ca/diversitynews.htm>.

From the 2011 Diversity Calendar

<www.diversity.hr.va.gov/calendar>

MARCH

National Women's History Month
Irish-American Heritage Month

International Women's Day
March 8

National Council of La Raza 2011 NCLR Capital Awards
March 8; Washington, DC
<www.nclr.org>

Deaf History Month
March 13–April 15

CAREERS & the disABLED Magazine's Career Expo for People with Disabilities
March 31; Washington, DC
<www.eop.com>

APRIL

Hispanic Association of Colleges and Universities Annual National Capitol Forum on Hispanic Higher Education
April 4–5; Washington, DC
<www.hacu.net>

The Summit on Leading Diversity
April 4–6; Atlanta, GA
<www.linkageinc.com>

League of United Latin American Citizens National Women's Conference
April 8–9; Chicago, IL
<www.lulac.org>

30th Annual American Indian Higher Education Consortium Conference
April 16–19; Bismarck, ND
<<http://aihec.sittingbull.edu>>

African American Federal Executive Association Training Workshop
April 18–20; Newport News, VA
<www.aafea.org>

National Image Training Conference and Exposition
April 25–29; Orlando, FL
<www.nationalimageinc.org>

Take Our Daughters and Sons to Work Day
April 28
<www.daughtersandsonstowork.org>

Gathering of Nations Powwow
April 28–30; Albuquerque, NM
<www.gatheringofnations.com>