This month, VA is proud to join our Federal colleagues in honoring the contributions of Native Americans as we recognize National Native American Heritage Month. The Office of Diversity and Inclusion (ODI) encourages all VA facilities to recognize the many contributions and celebrate the rich ancestry of our first Americans.

This year, ODI partnered with the Office of Resolution Management to plan the Secretary’s First Diversity and Inclusion and Alternative Dispute Resolution Excellence Awards Program. The event, scheduled for October 20, 2009, was postponed due to the unexpected but most welcomed visit by the First Lady of the United States, Mrs. Michelle Obama. VA employees were highly honored and delighted by the First Lady’s visit during which she expressed her and the President’s gratitude for all VA does in service to our Nation’s Veterans.

The Diversity and Inclusion Awards supplants the former Annual Equal Employment Opportunity (EEO) Awards Program established in 1988. The awards program continues to recognize EEO compliance with all applicable laws prohibiting workplace discrimination and requiring fair and equitable employment, and broadens the focus to recognize significant proactive contributions toward workforce diversity and inclusion.

[Continued on page 4.]

CELEBRATE!
National Native American Heritage Month and Veterans Day

VA proudly joins the Nation in celebrating National Native American Heritage Month this November and Veterans Day on November 11.

National Native American Heritage Month
What started at the turn of the century as an effort to gain a day of recognition for the significant contributions the first Americans made to the establishment and growth of the United States resulted in an entire month being designated for that very purpose.

One of the proponents for an American Indian Day was Dr. Arthur C. Parker, a Seneca Indian, who was the director of the Museum of Arts and Science in Rochester, New York. He persuaded the Boy Scouts of America to set aside a day for the “First Americans” and for three years they adopted and sponsored such a day.

In 1915, the annual Congress of the American Indian Association meeting in Lawrence, Kansas, formally approved a plan concerning American Indian Day. The congregation directed its president, Reverend Sherman Coolidge, an Arapahoe, to call upon the country to ordain a formal observance of this day. Coolidge issued a proclamation on September 28, 1915, which declared the second Saturday of each May as an American Indian Day and contained the first formal appeal for recognition of Indians as citizens.

The year before this proclamation was issued, Red Fox James, a Blackfoot Indian, rode horseback from state to state seeking approval for a day to honor Indians. On December 14, 1915, he presented the endorsements of 24 state governments at the White House. There is no record, however, of such a national day being proclaimed.

[Continued on page 3.]
**FIELD NOTES**

**News You Can Use**

**Training: Suspending Judgment**
The cultural competencies required to suspend judgment without compromising one's own beliefs when faced with divergent opinions and values systems are covered in a new training resource offered by ODI called “Suspending Judgment: A Key to Being Culturally Competent.”

**The Cultural Competence Continuum**

- **Negative**
  - Cultural Incapacity
  - Cultural Destructiveness

- **Positive**
  - Cultural Proficiency
  - Cultural Competence

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This and many other EEO and diversity training resources can be found right on the ODI Web site at [http://www.diversity.hr.va.gov/ca/training.htm](http://www.diversity.hr.va.gov/ca/training.htm)!

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**LULAC National Veterans Summit**
The League of United Latin American Citizens (LULAC) will host its National Veteran Summit on December 3–5, 2009, at the Millennium Biltmore Hotel in Los Angeles, California. The LULAC National Veterans Summit is a joint venture between the Department of Veterans Affairs, LULAC, the American GI Forum and the Church of God and focuses on employment, training, Veteran’s business development, and Federal procurement opportunities.

Acting Under Secretary for Memorial Affairs, National Cemetery Administration, **Steve Muro** will speak at the Presidential Community Prosperity Partnership Dinner on the evening of December 4. NCA will conduct a job fair and contractual business enterprise plenary session alerting disabled Veterans of employment and business opportunities. **Pete Dougherty**, National Director for Homeless Veterans, will host a plenary session on December 4 highlighting the Department’s Homeless Providers Grant and Per Diem Program and an overview on homelessness Veterans. The plenary session will also cover assistance to American Indian Veterans, prevention programs, health care, and support to incarcerated Veterans.

For registration information, please e-mail <M.Marsams@LULAC.org> or call (202) 833-6130.

**Diversity News** is a 15-minute television broadcast produced monthly by ODI with the support of the VA Central Office (VACO) Broadcasting Center. The program is part of VA’s continuing effort to foster equity, a diverse workforce, and an inclusive work environment.

Boasting a wealth of knowledge, ODI’s library of broadcasts can serve to educate the VA community on workforce diversity and inclusion issues and to share best practices in effective diversity management. **Diversity News** can also be used as a training tool. Some of the most recent episodes include October 2009: Employment of People with Disabilities, September 2009: Organizational Justice, August 2009: Building and maintaining high levels of Trust, and July 2009: Cultural Competency.

The June 2009 broadcast, which features a VA recruitment video produced in both English and Spanish by ODI with the assistance of the Veterans Health Administration, can be very valuable for organizations looking to boost recruitment. This episode contains information about the benefits of working for VA, why VA is an employer of choice, possible career paths, and much more.

The broadcast was also used for VA outreach and recruitment purposes at the 80th National LULAC Convention and Exposition, held in Puerto Rico in July 2009. This event, attended by nearly 25,000 people, drew in approximately 7,800 participants for the job fair.

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**Diversity News** is available both on the internal VA Knowledge Network and on ODI’s Web site. To view current and past episodes, visit [www.diversity.hr.va.gov/ca/diversitynews.htm](http://www.diversity.hr.va.gov/ca/diversitynews.htm).
The first American Indian Day in a state was declared on the second Saturday in May 1916 by the governor of New York. Several states celebrate the fourth Friday in September. In Illinois, for example, legislators enacted such a day in 1919. Presently, several states have designated Columbus Day as Native American Day, but it continues to be a day we observe without any recognition as a national legal holiday. In 1990, President George H. W. Bush approved a joint resolution designating November “National American Indian Heritage Month.” Similar proclamations, under variants of the name (including “Native American Heritage Month” and “National American Indian and Alaska Native Heritage Month”) have been issued each year since 1994. The theme for this year is “Living in Many Worlds.”

Overall, in fiscal year (FY) 2009, Native Americans made up 1.31 percent of VA’s workforce and 1.17 percent of VA’s leadership pipeline (GS 13-15). Native Americans made up 0.42 percent of the total VA Veteran population. For more information on VA’s Native American program, e-mail Durodgio Peterson: <Durodgio.Peterson@va.gov>.

Veterans Day
VA also joins the Nation in proudly saluting those who have served our Nation on Veterans Day, November 11.

About 30 percent of VA’s employees are Veterans, and nearly eight percent are service-connected disabled Veterans.

For more information on Veteran employment at VA, visit the Veterans Employment Coordination Service Web site at <www.va.gov/vecs>.

Information, activities, and resources concerning VA’s Veterans Day celebration can be found at <www.va.gov/opa/vetsday>.

POLICY ALERTS

Subject: Noncompetitive Appointment of Certain Military Spouses

Handbook Reference: 5005 - Staffing, Part II - Appointments

To implement Executive Order 13473, the Office of Personnel Management issued final regulations in the Federal Register at 74 FR 40471 on August 12, 2009, to allow for noncompetitive appointment of certain military spouses effective September 11, 2009 [Web site address: <http://edocket.access.gpo.gov/2009/pdf/E9-19340.pdf>]. The final regulations require one addition to VA Handbook 5005, Part II: to provide that the Secretary/designee will make decisions on any requests to waive the limitation that an appointment in VA of a spouse who is eligible based on the service member’s permanent change of station orders must be to a position located within the geographic area to which the service member received assignment. Facilities do not have to wait for this VA policy change in order to make appointments under this authority that otherwise comply with the regulations. For more information about this policy alert, please visit <http://vaww.va.gov/ohrm>.

RICCI V. DESTEFANO

The Supreme Court's decision in Ricci v. DeStefano may have effectively invalidated the federal Testing Guidelines. The Testing Guidelines, developed almost 40 years ago, require that employers who use any selection procedure for employment or promotion, including written tests, that screens out significantly more members of one group than another, must “validate” those procedures. They must show by scientifically accepted statistical methods that the tests actually measure a person’s ability to perform the job successfully, that is, that the test is "job related." Most of the focus on the June 29 decision in Ricci was on the Court's new standard for determining whether an employer can throw out the results of a test—it can do so only when it has a "strong basis in evidence" that the test is not job related and justified by business necessity. Source: The American Constitution Society, <www.acslaw.org/taxonomy/term/286>.
Blacks in Government (BIG) held its 31st Annual National Training Conference on August 24, 2009, in Baltimore, Maryland, at the Baltimore Harbor convention center. Downtown Baltimore Harbor was the ideal host for this event with its breathtaking nautical interiors, Prussian beachfront spaces, and warm tapestries which played homage to the cultural spirit of this year’s BIG conference.

Maryland senator Barbara Mikulski issued a proclamation declaring August 24–29, 2009, BIG week in Maryland. Keynote speakers for the event included Bishop Paul Morton Sr., Baltimore mayor Sheila Dixon, and National BIG president J. David Reeves.

The theme for the VA preconference program was: "Meeting Today’s Objectives–New Challenges, New Government, A New VA." The Honorable Will A. Gunn, General Counsel, presented on Leadership. Guy Richardson, Director, Dayton VA Medical Center, presented on Performance-based Interviews and Developing an "Application Package," which included the resume, annual performance appraisal, SF-50 and any supplemental qualification statements. Tinisha Agramonte, Director, Outreach and Retention, Office of Diversity and Inclusion, discussed "Cultural Competency--Suspending Judgment," and provided participants with the requisite skills required to accept divergent opinions and values systems of members across diverse lines without compromising their own value systems. Also, John Sepulveda, Assistant Secretary for Human Resources and Administration, provided welcome remarks. Over 115 VA employees attended.

The purpose of this annual training conference is to promote the professional development of government employees for the public benefit by offering education, training, and leadership seminars to attendees. The conference features participation by the Federal, state, and local BIG chapters and includes dozens of policy forums, general sessions, exhibits, a job fair, book signings, and vast networking opportunities.

Membership in BIG is open to anyone from entry-level employees to senior government executives. The BIG National Conference program is revered as the largest of its kind and enables its participants the unique opportunity to develop careers skills and knowledge in public policy and public service. These developmental opportunities enable them to gain job enrichment and to key in on areas of self-improvement that will inspire the participant to fulfill their goals and aspirations in their careers.

In addition, local area BIG chapters around the Nation produce forums to explore Federal EEO policy, promote public health and financial empowerment, and to solicit opinions and recommendations of government employees. Area BIG chapters and National BIG also sponsor local training events and fundraisers that raise hundreds of thousands of dollars for educational and training opportunities for students in high school and Historically Black Colleges and Universities. If you have an interest in joining, please contact your local area African American Special Emphasis Program manager for more details. For more information about VA’s African American program, contact Wanda Jones, National Program Manager, at <Wanda.Jones@va.gov>.

COFFEY’S KEYNOTES
Continued from Page 1

ODI is currently working with the Office of the Secretary to reschedule the Awards Program at the Secretary’s earliest availability.

This month also features the National Image Regional Conference November 19–20 in Arlington, Virginia, featuring the Honorable John Sepulveda as keynote speaker. December features the Federal Interagency Diversity Summit on December 2 in Washington, DC; the LULAC National Veterans Summit December 3–5 in Los Angeles, California and the Perspectives Conference December 9–11 in Bethesda, Maryland. As always, ODI encourages staff to participate in these diversity-related training events to increase your awareness of diversity and inclusion issues. For more information on these and other events, please contact the ODI Outreach and Retention Team at (202) 461-4131.

As we approach the holiday season, we in ODI wish you and your families a warm, safe, and happy holiday season!

~Georgia Coffey~

Diversity@Work
November/December 2009

4
MAKE VETERANS’ PREFERENCE THE SPIRIT OF 2010
A Message from the Veterans Employment Coordination Service

You already knew that the primary population served by VA is composed of Veterans who have satisfied their service requirements and reentered civilian life, but did you realize that this group also greatly contributes to staffing VA facilities? In a memo dated October 21, 2009, VA Secretary Eric K. Shinseki explained that VA continues to be at the forefront of Federal agencies in the employment of Veterans yet expressed the imperative that VA continue to set the standard for all Federal agencies. That’s why VA developed the Veterans Service Coordination Service (VECS).

Under the Office of the Assistant Secretary for Human Resources and Administration, VECS was created to assist both transitioning service members entering the civilian workforce and VA recruiters in understanding and using Veterans’ Preference when seeking employment in the Federal sector, particularly at VA. Recruiters enjoy some flexibility when targeting Veterans because of Veterans’ Preference—Federal Statutes that provide special consideration to Veterans considering Federal employment.

VECS assists both Veterans in finding careers and VA in quickly staffing positions in what Andréé M. Sutton, Region 8 Veterans Employment Coordinator, describes as a “win-win” situation. The Director of the Fort Rosecrans National Cemetery contacted Michael Lew, Region 1 Regional Veterans Employment Coordinator, to see if he could refer any Veterans seeking employment. Mr. Lew met with the Director and the Foreman at the facility to discuss how VECS could assist in referring Veterans to fill job positions. “This new collaboration has resulted in three Veterans potentially starting careers in the VA through the use of non-competitive hiring under one of the special appointing authorities for Veterans,” described Mr. Lew.

The goal of VECS is to increase the percentage of Veteran employees in VA’s workforce of 295,000 from 30 to 33 percent and the focus is the hiring of severely injured combat Veterans. To achieve these objectives, VA recruiters, HR specialists, and hiring officials can be more familiar with Veterans’ Preference during the recruiting and hiring process.

[Continued on page 6.]
MAKE VETERANS’ PREFERENCE THE SPIRIT OF 2010
Continued from Page 5

The following special hiring authorities specifically address the hiring of Veterans:

- **Veterans’ Recruitment Appointment (VRA):** VRA allows appointment of eligible Veterans up to the GS-11 or equivalent. Veterans are hired under excepted appointments to positions that are otherwise in the competitive service. After the individual satisfactorily completes 2 years of service, the Veteran must be converted noncompetitively to a career or career-conditional appointment. “During a DTAP briefing on a military installation I met an OIF/OEF Veteran being medically discharged. He was a skilled radiologist,” described Mr. Sutton of one successful VRA employment. “I contacted the HR at the closest VHA facility that had his skill set. They coordinated with the radiology department and picked up the Veteran under a VRA appointment...providing a smooth transition for the Veteran coming off active duty with employment readily available for him.”

- **30 Percent or More Disabled Veterans:** This authority enables a hiring manager to appoint an eligible candidate to any position for which he or she is qualified, without competition. Unlike the VRA, there's no grade-level limitation. Initial appointments are time-limited, lasting more than 60 days; however, you can noncompetitively convert the individual to permanent status at any time during the time-limited appointment.

- **Veterans Employment Opportunities Act of 1998 (VEOA):** This flexibility gives eligible Veterans access to jobs that otherwise only would have been available to status employees. In VEOA appointment, Veterans are not accorded preference as a factor, but they are allowed to compete for job opportunities that are not offered to other external candidates. A VEOA eligible who is selected will be given a career or career-conditional appointment.

Veterans Preference and other hiring flexibilities are an important factor when attracting Veterans for employment at VA. For additional information on VECS and Veteran hiring authorities, visit <www.va.gov/vecs>.

**SPOTLIGHT ON OEDCA: DIRECT THREAT**

By Maxanne Witkin (SES), Director of OEDCA

The Office of Employment Discrimination Complaint Adjudication (OEDCA) is an independent VA adjudicatory authority created by Congress. Established in February 1998, OEDCA’s mission is to objectively review the merits of employment discrimination allegations filed by VA employees and applicants for employment, and impartially issue final agency decisions adjudicating filed complaints.

OEDCA regularly issues decisions interpreting the Rehabilitation Act, a Federal law prohibiting discrimination against qualified individuals with disabilities. The Rehabilitation Act requires more than just non-discrimination against disabled individuals; it also requires affirmative action on the part of VA supervisors and managers to provide reasonable accommodation to qualified individuals with disabilities. Reasonable accommodations may include, but are not limited to, making existing facilities easily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, modification of equipment or devices, or the provision of qualified readers or interpreters.

When making hiring and/or promotion decisions, It is important for VA supervisors and managers to understand that even if they have a good faith belief that an individual’s impairment poses a risk of harm or injury to his own health or safety, or the health or safety of others (Direct Threat), VA may not deny employment to a qualified disabled individual without first determining if a reasonable accommodation would either eliminate the risk, or reduce it to an acceptable level. If no accommodation exists that would either eliminate or reduce the risk, VA may refuse to hire an applicant or may discharge an employee who poses a direct threat.

Tip of the month: Legally, the burden is on the employer to prove that an individual with a disability poses a direct threat in the workplace. To meet its burden, the employer must show more than simply an “elevated risk” of future injury. Speculative or remote risks (the employee could have a seizure in the workplace, fall, and hit his head) are not sufficient to establish the existence of a direct threat. Rather, the employer must identify the specific risk posed by the individual and make an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. The employer should gather relevant information to determine whether an individual poses a significant risk of substantial harm to himself/herself and/or others. For example, relevant information includes current medical documentation, medical opinions, input from the individual with the disability, review of the actual duties of the position (as opposed to a general position description) and the experience of the individual in previous similar job situations. In determining whether an individual with a disability poses a direct threat, the employer should consider the following four factors: 1) the duration of the risk; 2) the nature and severity of the potential harm; 3) the likelihood that the potential harm will occur; and 4) the imminence of the potential harm. For further information, See Equal Employment Opportunity Commission regulation 29 C.F.R. 1630.2(r) Direct Threat.
THE OUT & EQUAL CONFERENCE
Education and Empowerment

Out & Equal Workplace Advocates educates and empowers organizations, human resources professionals, employee resource groups, and individual employees through programs and services that result in equitable policies, opportunities, practices, and benefits in the workplace regardless of sexual orientation, gender identity, expression, or characteristics.

The Out & Equal Workplace Summit was held October 6–9, 2009, in Orlando, Florida. The purpose of the Summit was to bring together lesbian, gay, bisexual, and transgender (LGBT) employees, allies, human resources and diversity professionals, employee resource group leaders, executives and organizational leaders, and others who are working toward creating safe and equitable work environments for all.

The Summit provided a number of benefits for Veterans Affairs attendees. It was an opportunity to showcase our commitment to and leadership in LGBT inclusion as an employer and service provider of choice to our internal and external customers. A variety of learning and professional development experiences to advance diversity inclusion and employee leadership skills.

The Summit’s three plenary sessions featured five keynote speakers, whose discussions were complemented by a panel of executives taking on the latest workplace issues and trends. Additionally, 10 featured sessions—over the four-day conference—offered information on priority topics and strategies from industry leaders and experts. On Tuesday, October 6, 2009, five full-day leadership seminars provided a more intense learning opportunity for participants.

Each of the 120 workshops offered insights into lesbian, gay, bisexual, transgender and ally issues in today’s ever-changing workplace environment. Workshops were designated as introductory, intermediate, or advanced and were targeted toward general, HR/Diversity professional or ERG leadership audiences. Representatives from VA attended over 20 different workshops on topics ranging from Inclusion and corporate responsibility to measuring and evaluating the Federal government’s progress on LGBT diversity.

The Summit was also the venue for the prominent Out & Equal Workplace Awards, known as “the Outies,” recognizing individuals and organizations that are leaders in advancing equality for LGBT employees in America’s workplaces.

Plenary session speakers included:

- Sharon L. Allen, Chairman of Deloitte and recognized as one of the most influential business women in the world.
- John Berry, the highest-ranking LGBT official in President Barack Obama’s administration and who has played a role in decisions involving the LGBT community.
- Selisse Berry, the Founding Executive Director of Out & Equal Workplace Advocates.
- Kevin Brockman, executive vice president of global communications for Disney-ABC Television Group.
- John Quiñones, the Emmy Award-winning co-anchor of ABC newsmagazine “Primetime” and who has been with the network nearly 25 years.
- Kenji Yoshino, the inaugural Chief Justice.
- Earl Warren, Professor of Constitutional Law at NYU School of Law.

Featured panel topics included:

- On Being Transgender: Challenges of Being Out in the Workplace and Being in the LGBT Community.
- Beyond Talent Management: Inclusion and Corporate Social Responsibility
- We Are the Champions: The Importance of LGBT Allies
- The Feds: A Different Kind of Workplace
- The New Realities for LGBT Employees After ENDA.

For more information, contact Durodgio Peterson at <Durodgio.Peterson@va.gov>. For information about the conference, visit <http://outandequal.org/summit-2009>.

WHAT DO YOU THINK?

Is it realistic and appropriate to honor all religious holidays on Federal calendars? Yes? No? Email us your thoughts at <odi@va.gov>. The results of this poll will be revealed and examined in our next issue!
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 that can help leverage diversity and build inclusion:

- National American Indian Heritage Month and other special observance resources.
- Events, conferences, conventions, and programs.
- Links to professional and community organizations.
- Best practices for diversity management.

ODI ON 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 us at <odi@va.gov> with the words SUBSCRIBE NEWS in the subject line. You can find a recent copy of NewsLink on the ODI Web site at this address: <www.diversity.hr.va.gov/ca/newslink.htm>.

ODI ON YOUR TV SCREEN (OR PC MONITOR)

Diversity News is a monthly video program produced by the VACO Broadcasting Center for ODI. Each program runs for a month, immediately following VA News. A copy of each program will be placed on the ODI Web site (as the files become available) at this address: <www.diversity.hr.va.gov/ca/diversitynews.htm>.

FROM THE 2009 DIVERSITY CALENDAR

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

NOVEMBER

National Native American Heritage Month

DeafNation Expo
November 7; Chicago, IL
<http://expo.deafnation.com>

Veterans Day
November 11

CAREERS & the disABLED Magazine Career Expo for People with Disabilities
November 13; Washington, DC
<www.eop.com/exporegistration.html>

Annual TASH Conference
November 18–21; Pittsburgh, PA
<www.tash.org/conferences_training_events.html>

Veterans Day 2009 LULAC Veterans Summit
December 3–5; Los Angeles, CA
<www.lulac.org>

27th Annual Perspectives National Training Conference
December 9–11; Bethesda, MD
<www.grad.usda.gov/Conferences/Perspectives/index.php>

December 1
International Day of Disabled Persons

December 3–5
2009 LULAC Veterans Summit

December 3
Veterans Day

December 7
National American Indian Heritage Month

December 10
Human Rights Day

December 12
Veterans Day

December 17
Bill of Rights Day

DECEMBER

Universal Human Rights Month

Rosa Parks Day
December 1

International Day of Disabled Persons
December 3

2009 LULAC Veterans Summit
December 3–5; Los Angeles, CA
<www.lulac.org>

27th Annual Perspectives National Training Conference
December 9–11; Bethesda, MD
<www.grad.usda.gov/Conferences/Perspectives/index.php>

Human Rights Day
December 10

Bill of Rights Day
December 15