Happy New Year, everyone! I hope you all had a safe and happy holiday season!

The New Year brings both accolades and new challenges for us, VA. I am pleased to report that the Department of Veterans Affairs was ranked the number one place to work for individuals with severe disabilities by readers in the 18th Annual "Top 20 Government Agencies" in CAREERS & the disABLED Magazine! Their readers were asked to list “the top three companies or government agencies for whom you would most like to work or you believe would provide a positive working environment for people with disabilities.” The list of the top 50 companies and government agencies will be featured in the winter 2009/2010 edition of CAREERS & the disABLED Magazine so be sure to check it out. We are proud to redouble our efforts here in the Office of Diversity and Inclusion (ODI) to make VA an inclusive workplace. Toward that end, ODI will soon be issuing a new Reasonable Accommodations Directive that will standardize the process for consideration of requests for reasonable accommodations for people with disabilities in VA.

VA is proud to support a new Executive Order on the Employment of Veterans in the Federal Government, signed by President Obama on November 9. [Cont. on page 2.]

CELEBRATE!
Dr. Martin Luther King, Jr.’s Birthday and Black History Month

VA proudly joins the Nation in celebrating Dr. Martin Luther King, Jr.’s 81st birthday anniversary on January 15 (observed January 18), 2010, and Black History Month, observed in February.

Each year, on the third Monday of January, we reflect on the life and legacy of a man who brought hope and healing to America. The late Dr. King was born on January 15, 1929, in Atlanta, Georgia, and became the world’s best-known advocate of the civil rights movement.

The King Holiday honors the timeless values he taught us through his example—the values of courage, truth, justice, compassion, dignity, humility, and service in the face of opposition that so elegantly defined Dr. King’s character and empowered his leadership. Dr. King was a man of faith who not only dreamed of a meritorious nation with nonviolence as a catalyst for change, but who also led a nation-wide community movement that achieved historic reforms to help make this belief a reality. On this holiday, we commemorate the universal, unconditional love, forgiveness, and belief in nonviolence that permeated his holistic message of peace.

On a daily basis, VA is in a position to carry on the legacy Dr. King left behind—his commitment to helping others. Our Veterans and their families are our priority, and the employees who serve them are our most valued resource. Therefore, we must ensure that equal opportunity is carried out in our Veterans programs and through hiring, promotion, and advancement of our diverse workforce.

The month of February is designated as Black History Month. In 1915, educator and historian Dr. Carter G. Woodson founded the Association for the Study of Negro Life and History that was later renamed the Association for the Study of African American Life and History. [Cont. on page 3.]
Executive Order 13175 Update
In a recent memo to heads of executive departments and agencies available at <www.whitehouse.gov/the-press-office/memorandum-tribal-consultation-signed-president>, President Obama called for regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, as required by Executive Order 13175. In the memo, the President also directed agency heads to submit to the director of the Office of Management and Budget a detailed plan of actions each agency will take to implement the policies and directives of executive order 13175. And each agency’s plan (and subsequent reports) must designate an appropriate official to coordinate implementation of the plan and the preparation of progress reports. VA’s designated official is Emily Smith, Office of Public and Intergovernmental Affairs. For more information on VA’s Native American Employment Program, contact Tinisha Agramonte, Director of Outreach and Retention, Office of Diversity and Inclusion, at (202) 461-4030 or <Tinisha.Agramonte@va.gov>.

Sponsoring a Nontraditional Intern
The Office of Diversity and Inclusion has provided tools on the Web at <www.diversity.hr.va.gov/spi/internships.htm> to assist hiring officials, supervisors, and managers on the step-by-step processes, and to address questions and answers, on securing nontraditional interns for the spring, summer, or fall. The majority of these internships provide college students an experiential employment opportunity for a 10-week summer session and a 15-week spring or fall session. Many of these college students have completed at least their first year of college or are acquiring their doctorate of philosophy degree with a GPA average of 3.0. If your designated human resources liaison has any questions, please contact Tinisha Agramonte, Director of Outreach and Retention, at (202) 461-4030 or <Tinisha.Agramonte@va.gov>.

COFFEY’S KEYNOTES
Continued from Page 1
Secretary Shinseki was joined by Secretary of Labor Solis, Secretary of Homeland Security Napolitano, and Director of OPM Berry for the signing of the Order that establishes the Veterans Employment Initiative for the Executive Branch. This important new initiative places squarely on all Federal agencies the obligation to transition our Nation’s Veterans into meaningful employment. VA’s Veterans employment goal is 33 percent; Veterans representation currently stands at 30 percent of our workforce. For more information about this Order, read the article on page 5.

VA participated in several events over the past two months, including the National Image Regional Conference featuring the Honorable John U. Sepúlveda as keynote speaker in November, the League of United Latin American Citizens National Veterans Summit, and the Perspectives on Employment of Persons with Disabilities Conference, both in December. I recently had the honor of serving on a panel moderated by Dr. Christopher J. Metzler, Associate Dean of Human Resources for the Masters of Professional Studies at the School of Continuing Studies at Georgetown University, at the Third Annual Diversity Briefing presented by the Federal Interagency Diversity Partnership on December 2 in Washington, DC; the goal of the Partnership is to promote diversity and inclusion throughout the Federal workplace, as ODI strives to do here in VA.

Lastly, I want to take this opportunity to honor the memory of Dr. Martin Luther King, Jr., whose profound legacy we celebrate on January 18, 2010. How poignant that just 45 years after Dr. King accepted the Nobel Peace Prize for his commitment to non-violence and civil rights, our first African American President, Barack Obama, accepted the same prize for his vision and inspiring message of unity. In so many ways, President Obama is the fruition of Dr. King’s vision. As we usher in a new decade in this millennium, let us heed the messages of these champions of diversity. Let us understand that we are all inextricably linked; that our differences strengthen us; and that our fate on this planet depends on this realization. ~Georgia Coffey
It was through this organization that Negro History Week was first celebrated in 1926 and, subsequently, Black History Month was established in 1976. The 2010 Black History Month theme is “The History of Black Economic Empowerment” and celebrates the centennial of the National Urban League by exploring racial uplift and black economic development in the twentieth century. During the Jim Crow era, pushing against the odds, African Americans became landowners, skilled workers, small businessmen and women, professionals, and ministers. They started insurance companies, vocational schools, teachers colleges, cosmetic firms, banks, newspapers, and hospitals. Also during this time, to fight exclusion from the economy, African Americans started their own unions and professional associations. In 1910, a group of dedicated reformers gathered to create an organization to address the needs of African Americans as they migrated to the cities of the United States: the National Urban League.

In September 2009, African American employment reached 24.02 percent of VA’s permanent workforce. Also, 9.58 percent of VA’s permanent workforce were African American Veterans and 2.81 percent were disabled African American Veterans. In fiscal year 2009, the number of African Americans in VA’s leadership pipeline (GS-13 through GS-15) grew by 13.4 percent. For more information on VA’s African American Program, contact Wanda J. Jones, National Program Manager, at <Wanda.Jones@va.gov>.

**POLICY ALERTS**

**Subject: Retention Incentive Due to Closure or Relocation of Employing Office, Facility, or Organization**

The Office of Personnel Management (OPM) issued final regulations to implement a provision of the Federal Workforce Flexibility Act of 2004 that will allow greater flexibility to pay retention incentives. The revision permits an agency to pay a retention incentive to an employee, or group of employees, who would likely leave for a different position in the Federal service after receiving a general or specific written notice that the employee’s position may be affected by the closure or relocation of the employee’s office, facility, or organization. This is the only situation where an employee who is likely to leave for another Federal position may be authorized a retention incentive. The policy revision will be updated on the OHRM Web site: <http://vaww.va.gov/ohrm>.

**Subject: Department of Veterans Affairs (VA) Workplace Harassment Policy Information**

In a memorandum dated November 17, 2009, Assistant Secretary for Human Resources and Administration, John U. Sepúlveda, reminded employees and managers of their obligations to maintain an environment free from discrimination and harassment. Workplace harassment is defined as any unwelcome, hostile, or offensive conduct taken on the basis of race, color, religion, national origin, sex, sexual orientation, age, or disability that interferes with an individual's performance or creates an intimidating, hostile, or offensive environment. Employees must not engage in harassing behavior and should immediately report such conduct to their supervisor or another appropriate official, as indicated in the policy memorandum. Managers and supervisors bear a special responsibility and legal obligation to promptly investigate allegations of harassment in a thorough and impartial manner and take appropriate and effective corrective action, as necessary. Supervisors are strongly encouraged to seek guidance from their local EEO managers, the Office of Resolution Management, the Office of Labor-Management Relations, or the Office of General Counsel on conducting such internal investigations. Additionally, the Office of Diversity and Inclusion (ODI) provides training and consultation in the areas of EEO and diversity management. This, the summary of VA’s EEO, Diversity, and No FEAR policies, and other VA policies and directives can be found on the ODI Web site: <www.diversity.hr.va.gov/exec/policy.htm>.

**Subject: Genetic Information Nondiscrimination Act**

In the first legislative expansion of its jurisdiction since passage of the Americans with Disabilities Act (ADA) in 1990, the U.S. Equal Employment Opportunity Commission (EEOC) will assume responsibility for enforcing Title II of the Genetic Information Nondiscrimination Act (GINA). For more information, read the article on page 4.


The EEOC will not be granting extensions for this year's MD-715 reports. Agency reports received by February 1, 2010, will be considered timely. Reports received between February 2nd and March 31st will be considered late. Any agency that does not submit its report by March 31 will be listed in the Annual Report in the “failed to submit” category.
GINA TAKES EFFECT
Historic Genetic Information Nondiscrimination Act

In the first legislative expansion of its jurisdiction since passage of the Americans with Disabilities Act (ADA) in 1990, the U.S. Equal Employment Opportunity Commission (EEOC) will assume responsibility for enforcing Title II of the Genetic Information Nondiscrimination Act (GINA). GINA, signed into law in May 2008, prohibits discrimination by health insurers and employers based on individuals’ genetic information. Genetic information includes the results of genetic tests to determine whether someone is at increased risk of acquiring a condition (such as some forms of breast cancer) in the future, as well as an individual’s family medical history.

“GINA affirms the principle central to all employment discrimination laws—that all people have the right to be judged according to their ability to do a job, not on stereotypical assumptions,” said Acting EEOC Chair Stuart J. Ishimaru. “No one should be denied a job or the right to be treated fairly in the workplace based on fears that he or she may develop some condition in the future.” Specifically, the law prohibits the use of genetic information in making employment decisions, restricts the acquisition of genetic information by employers and others, imposes strict confidentiality requirements, and prohibits retaliation against individuals who oppose actions made unlawful by GINA or who participate in proceedings to vindicate rights under the law or aid others in doing so. The same remedies, including compensatory and punitive damages, are available under Title II of GINA as are available under Title VII of the Civil Rights Act and the ADA.

Acting Vice Chair Christine Griffin said, “Title II of GINA is an ideal complement to the ADA Amendments Act. With both laws now effective, American workers are protected if they experience discrimination because of their disability or because of impairments they may develop.”

EEOC is charged with issuing regulations implementing Title II of GINA. On March 2, 2009, EEOC published a Notice of Proposed Rulemaking to implement Title II with proposed regulations and received over 40 public comments in response. The final regulations implementing Title II are currently under review by the Office of Management and Budget and will be issued as soon as the review process is concluded. Further information about the EEOC is available on its Web site at <www.eeoc.gov>. This article taken from <www.eeoc.gov/eeoc/newsroom/release/11-20-09.cfm>.

NATIONAL IMAGE REGIONAL CONFERENCE
Leadership Training

The National Image, Inc., Region III Leadership and Diversity Training Conference for Federal Employees took place on November 19–20, 2009, at the Holiday Inn-Key Bridge in Arlington, Virginia. This year’s theme was “Progress, Development, and Partnership.” The conference drew about 45 attendees and 20 presenters from different Federal agencies this year. The Honorable John U. Sepúlveda, VA’s Assistant Secretary for Human Resources and Administration, provided keynote remarks at the opening plenary session.

Region III delivered panel discussions that included Best Practices in Recruiting and Retaining Hispanics in the Federal Service; Fair and Equitable Treatment: A progress Report on Diversity in Government; Hispanic Women Executives: An Exchange of Strategies and Approaches for Mentoring, Mobility, Career Development and Advancement; and Cohort Leadership for Diverse Groups and Teams.

The Region III Leadership Training Conference for Federal Employees has become institutionalized in the DC training environment. National Image, Inc., is very pleased with this development because it is in keeping with the objectives of the organization: “To provide state of the art training to Federal employees so that they will provide timely and quality service to the nation and also remain the best government civil service in the world.”

National Image, Inc., is a 501(c)(3) nonprofit and nonpartisan organization dedicated to excellence in public service. Its three basic objectives are equity in employment, education and civil rights for all Americans. Membership in National Image is open to everyone who supports the objectives of the organization.

Save the dates! National Image, Inc., will host their 38th Annual Training Conference and Exposition April 5–9, 2010, at the Sheraton San Diego Hotel & Marina, San Diego, California. Detailed information and registration for the National Conference will soon be available at <www.nationalimageinc.org>. Also, in support of outreach to our nation’s Veterans, National Image, Inc., will host its third Community Prosperity Partnership initiative, a Veterans Summit, on April 6, 2010, in San Diego. For more information, contact José O. Marrero, VA Office of Diversity and Inclusion, at (202) 461-4041 or <Jose.Marrero@va.gov>.
VETERANS EMPLOYMENT
President Obama Launches Major Veterans Employment Initiative

The White House announced the launch of an initiative that is designed to transform the Federal government into the model employer of America’s Veterans. On November 9, 2009, President Obama was joined by Secretary of Veterans Affairs Eric Shinseki, Secretary of Labor Hilda Solis, Secretary of Homeland Security Janet Napolitano, and Office of Personnel Management Director John Berry, as he signed the Executive Order on the Employment of Veterans in the Federal government, which establishes the Veterans Employment Initiative for the Executive Branch. The Initiative underscores to Federal agencies the importance of recruiting and training Veterans, aims to increase the employment of Veterans within the Executive Branch, and helps recently hired Veterans adjust to service in a civilian capacity.

“Honoring our sacred trust with America’s Veterans means doing all we can to help them find work when they come home so they never feel as if the American Dream they fought to defend is out of reach for them and their families,” said President Obama. “But this initiative is about more than repaying our debt for their courageous service and selfless sacrifice. It’s also about continuing to fill the ranks of Federal employees with men and women who possess the skills, dedication, and sense of duty that Americans deserve from their public servants. And few embody those qualities like our nation’s Veterans.”

The Executive Order creates an interagency Council on Veterans Employment that will advise the President and the Director of the Office of Personnel Management on the Veterans’ employment initiative. The Council will be chaired by Secretary of Labor Hilda Solis and Secretary of Veterans Affairs Eric Shinseki. OPM Director John Berry will serve as the Vice Chair and Chief Operating Officer of the Council.

“Veterans have shown unmatched dedication to public service,” said Secretary Shinseki. “They offer leadership and technical skills that are in high demand, whether in the public or private workforce. Not only does this initiative present an opportunity for Veterans to serve their Nation once again, the Nation will benefit from the education and training Veterans received in the Armed Forces. I am looking forward to working with Secretary Solis and Director Berry to achieve the objectives of this initiative across the Federal government.”

The Executive Order also establishes a Veterans Employment Program office within most Federal agencies. These offices will be responsible for helping Veterans identify employment opportunities within those Federal agencies, providing feedback to Veterans about their employment application status, and helping Veterans recently employed by these agencies adjust to civilian life and a workplace culture often different than military service. In addition, the Office of Personnel Management will issue a government-wide strategic plan that will focus on creating leadership commitment and an infrastructure in each agency to promote continued skills development and employment success for Veterans. The strategic plan will also include marketing strategies aimed at agency hiring managers as well as Veterans and transitioning service members.

“This Executive Order reflects the shared commitment across the Obama administration to hiring American Veterans,” said Secretary Napolitano. “Veterans play a vital role in the Department of Homeland Security’s mission to protect the nation, which is why we have pledged to grow our Veteran workforce to more than 50,000 Department-wide by 2012.” At the end of Fiscal Year 2008, there were approximately 480,000 Veterans working within the Federal government. For more information, visit <www.fedshirevets.gov>. Parts of this article taken from <www.whitehouse.gov/the-press-office/president-obama-launches-major-veterans-employment-initiative>.

WHAT DO YOU THINK?

In the last Diversity@Work, we asked for your response to the question: Is it realistic and appropriate to honor all religious holidays on Federal calendars? Phillip Schneeberger, an employee in the Cleveland regional office, wrote to us: “I fully believe we should honor and respect more of the major holidays of the main religions, as [this practice] will help to foster an environment stressing the importance of faith within the personal lives of employees, as well as create an excellent opportunity for employee education regarding faiths other than their own. As a Catholic man, I personally struggle to celebrate Mass on the various Holy Days of Obligation (example, Ash Wednesday, Holy Thursday, Good Friday, the Feast of the Assumption) throughout the calendar year. To have the opportunity to have one if not all of these days off would mean a lot to me personally, as I’m sure it would all Catholics working for VA.” Thanks to Mr. Schneeberger for his response. Note: Employers are required under Title VII of the Civil Rights Act of 1964 to provide reasonable accommodation for the religious practices and beliefs of employees.

What do you think? E-mail us at <odi@va.gov> with your thoughts!
LULAC NATIONAL VETERANS SUMMIT
Summit Convenes with Key Community Leaders to Address Veterans Homelessness

In response to VA Secretary Eric Shinseki’s challenge to end Veterans homelessness within five years, the League of United Latin American Citizen’s (LULAC’s) National President Rosa Rosales, with the support of the Los Angeles Office of Personnel Management Federal Executive Board, convened the 2009 National Veterans Summit in Los Angeles, California, to focus on Veterans homelessness issues. The LULAC National Council, along with key community leaders, met and discussed various initiatives and strategies to aid VA’s efforts in this locality.

In support of the Community Prosperity Partnership initiative, on December 14 LULAC members attended the VA homeless-grant-writing training conducted by VISN 22. Also, LULAC’s California Council established a Veterans Employment Training Service (VETS) to target homeless Veterans in East Los Angeles. In California, there are an estimated 55,000 homeless Veterans.

For more information, contact José O. Marrero, VA Office of Diversity and Inclusion, at (202) 461-4041 or Jose.Marrero@va.gov or Brent Wilkes, LULAC Executive Director, at (202) 833-6130.

COMPLIANCE CORNER
Spotlight on OEDCA: National Origin and Race

The Office of Employment Discrimination Complaint Adjudication (OEDCA) is an independent VA adjudicatory authority created by Congress. Established in 1997, OEDCA’s mission is to objectively review the merits of employment discrimination allegations filed by VA employees and applicants for employment and to impartially issue final agency decisions and orders adjudicating filed complaints. The OEDCA Director reports directly to the Secretary or Deputy Secretary. VA has no right of appeal from the OEDCA Director’s final decisions and orders.

OEDCA regularly issues decisions interpreting Title VII of the Civil Rights Act of 1964, a Federal law prohibiting discrimination based on an individual’s race, color, national origin, gender, religion, or because an individual engaged in prior protected activity (i.e., reprisal). Title VII requires management to articulate a legitimate, nondiscriminatory reason for its actions. In order to prevail in his discrimination claim under Title VII, the employee must show, by a preponderance of the evidence, that management’s articulated reasons for taking an action are a pretext for discrimination. Pretext can be established by evidence showing that a discriminatory reason more likely than not motivated management, that management’s articulated reasons are unworthy of belief, that management had a policy or practice disfavoring the employee’s protected class, that management had discriminated against the employee in the past, or that management had traditionally reacted improperly to legitimate civil rights activities.

The following case went to a hearing where an Equal Employment Opportunity Commission (EEOC) Administrative Judge (AJ) found race and national origin (Asian/Chinese) discrimination by the VA when “Mr. W” was not selected for the position of Program Analyst. OEDCA accepted the judge’s finding of discrimination.

Mr. W was an external candidate who was found by the interview panel to be the best qualified for a Program Analyst position. However, the selection panel had concerns about Mr. W’s communication skills and whether he could “hit the ground running to establish a compliance program.” The panel further found that Mr. W did not have sufficient compliance experience and would require “extensive training” and that VA needed to fill the position “right away.” Rather than hire Mr. W, the vacancy announcement was cancelled.

At the hearing, Mr. W demonstrated that whoever was selected for the position would require “extensive training” because it was a new position and that compliance regulations change frequently. One of the selecting officials agreed that anyone hired would require continued training. Mr. W challenged VA’s assessment that he lacked communication skills. He testified that the selecting officials objected to the fact that he is Chinese and speaks with an accent, and thus concluded that he would be unable to communicate with his peers. He also showed that he had strong communication skills consisting of over 20 years of presenting research results and teaching.

The EEOC AJ found that management’s assertions that Mr. W lacked communications skills to be “implausible.” He further found that VA’s argument that the position needed to be filled quickly was not credible when the evidence showed that it took almost a year before the position was re-advertised.

BOTTOM LINE: This is a case where, on close examination, management’s reasons for not selecting an employee for a position were not believable given the evidence in the record and testimony at the hearing. Since management’s reasons were not credible, the EEOC AJ concluded, as a matter of law, that the real reason VA did not select Mr. W was because of his national origin and race. Thus, the EEOC AJ found Mr. W’s non-selection violated Title VII and was discriminatory. ~Maxanne Witkin

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Summit Convenes with Key Community Leaders to Address Veterans Homelessness

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For more information, contact José O. Marrero, VA Office of Diversity and Inclusion, at (202) 461-4041 or Jose.Marrero@va.gov or Brent Wilkes, LULAC Executive Director, at (202) 833-6130.
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:

- Dr. Martin Luther King, Jr.’s Birthday, Black 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 us at <odi@va.gov> with the words SUBSCRIBE NEWSLINK in the subject line. You can find a sample of NewsLink on the ODI Web site at this address: <www.diversity.hr.va.gov/ca/newslink.htm>.

ODI ON THE INTERNET <www.diversity.hr.va.gov>

FROM THE 2010 DIVERSITY CALENDAR <www.diversity.hr.va.gov/calendar>

JANUARY
National Mentoring Month
Dr. Martin Luther King, Jr.’s Birthday
January 15 (observed January 18)
Religious Freedom Day
World Religion Day
January 17 <www.worldreligionday.org>

FEBRUARY
Black History Month
National Association for Bilingual Education
39th Annual Conference
February 3–6; Denver, DC <www.nabe.org/conference.htm>
Lunar New Year
"Year of the Tiger"
February 14

2010 DeafNation Expo
February 20; Tampa, FL <www.deafnation.com>

American Association for Affirmative Action Professional Development and Training Institute
February 21–27; San Diego, CA <www.affirmativeaction.org>

League of United Latin American Citizens Legislative Conference and Gala
February 23–25; Washington, DC <www.lulac.org>

National Association for the Advancement of Colored People 41st NAACP Image Awards
February 26 <www.naacpimageawards.net>

OTHER USEFUL LINKS

Under Secretary for Health Diversity Advisory Board <www.va.gov/diversity>
VA’s Office of Human Resources & Administration <www.va.gov/ofcadmin>
VA’s Office of Resolution Management <www.va.gov/orm>
VA’s Office of Human Resources Management <www.va.gov/ohrm>

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

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