Message from the DAS

Eighty-five years ago, a man was born whose vision and voice would also change the face of America and the world. Dr. Martin Luther King Jr. came neither from poverty nor wealth, but was imbued with the conviction that irrespective of our birthright, we are all created equal and inextricably linked by our humanity. He once said “all life is interconnected, that somehow we are caught in an inescapable network of mutuality tied in a single garment of destiny.” It was this fundamental principle that guided his life’s work in social justice, pacifism, and civil rights. Today, 85 years later we see both the legacy and the urgency of his vision of diversity and inclusion. We see his legacy reflected in the diversity of our society, our government, and of our President.

We are reminded of an important part of Dr. King’s legacy in the life of Nelson Mandela, who passed away last month. His unequivocal commitment to equal rights changed the course of his nation, South Africa, and the social conscience of the world. His too was a legacy of equality and reconciliation. Let us continue the legacy by addressing the inclusion challenges that remain: the walls of prejudice that separate us and the ceilings that impede many of us from reaching our potential. We in the Office of Diversity and Inclusion are proud to lead the effort in VA and beyond. We invite you to join us as we continue the journey that is the legacy of Dr. Martin Luther King and Nelson Mandela. Please read more about these men in the pages that follow.

We are pleased to announce that this month we have both exceeded the Secretary’s 3% hiring goal for people with targeted disabilities (PWTD) and met the elusive 2% on-board goal for this population. Continued on the next page.

Commemorate

Dr. Martin Luther King, Jr.’s Birthday

VA proudly joins the Nation in observing the late Reverend Dr. Martin Luther King, Jr.’s 85th birthday on January 20, 2014, when the Nation commemorates the 28th anniversary of the National Federal holiday established in his honor. The national theme is: “Remember! Celebrate! Act! King’s Legacy of Peace for our World.” The late Dr. King was born on January 15, 1929, in Atlanta, Georgia, and became the world’s foremost advocate of the 1960’s civil rights movement. Each year, on the third Monday of January, we celebrate what has now become an American tradition—the observance of a national holiday honoring Dr. King. Dr. King is widely regarded as America’s pre-eminent advocate of nonviolence and one of the greatest leaders in world history. He maintained fidelity to his principles that men and women everywhere, regardless of color or creed, are equal members of the human family he inspired the Nation to embrace civil rights. Continued on page 3.
DAS Message

Continued from Previous Page

PWTD now represent 2.02 percent of the entire VA workforce and for the first two months of Fiscal Year 2014, 3.90 percent of the total hires were PWTDs. All VA employees are encouraged to update their disability status at [https://secure.vssc.med.va.gov/SF256](https://secure.vssc.med.va.gov/SF256) and their race/ethnicity status at [https://secure.vssc.med.va.gov/SF181](https://secure.vssc.med.va.gov/SF181). For employees who do not have access to the Web portal, please see your supervisor for a paper form. While self-identification is voluntary, all VA employees are encouraged to participate to update their disability status as well as their race and ethnicity information by January 31, 2014. The participation of every employee counts. It will enable us to ensure we have a diverse and inclusive workforce.

Finally, effective October 31, 2013, the Office of Personnel Management (OPM) issued final regulations allowing the stepchildren of same-sex domestic partners living in states that do not allow same-sex marriage to be added to Federal Employees Health Benefits and Federal Employee Dental and Vision Insurance Program plans beginning on January 1, 2014. OPM issued guidance on these changes in Benefits Administration Letter 13-211, Coverage of Children of Same-Sex Domestic Partners on December 6, 2013. For more information, VA should email benefitsretirement058@va.gov. Once again, Happy New Year, VA! I look forward to our progress in the areas of D&I in 2014! ~Georgia Coffey, VA Deputy Assistant Secretary for Diversity and Inclusion

VACO/Field Notes

Welcome, New ODI Employee!

ODI welcomes Mr. Lester Stephens! Mr. Stephens brings his talents and experience in developing and delivering training along with a wealth of experience in installation and logistics management, personnel management, Equal Employment Opportunity (EEO) program management, as well as EEO counseling, complaint processing, and resolution. He has a B.A. in Human Resources Management and is currently completing a Master’s program in Human Resources Management. Lester is a graduate of the Defense Equal Opportunity Management (DEOMI) Institute. As an EEO Specialist and Diversity and Inclusion Trainer, Mr. Stephens is responsible for the formulation of operating policies, guidelines, and Standard Operating Procedures (SOPs). He supports ODI’s mission in the design, development and delivery of comprehensive diversity and inclusion training and development solutions for VA employees. He conducts EEO Training and VA new employee onboarding briefing on EEO and Diversity and Inclusion. His military service of more than 30 years included numerous and significant operational assignments throughout the world including Korea, Germany, Kosovo, and combat operations in Grenada West Indies (Operation Urgent Fury), Southwest Asia (Operations Desert Shield and Desert Storm), and Iraq Campaign (Operation Iraqi Freedom). Welcome, Mr. Stephens!

Employment and Training on Tribal Lands

The unemployment rate for all Veterans has risen since the beginning of the economic downturn, but the unemployment rate for Native Americans living on tribal land has been higher. The U.S. Government Accountability Office (GAO) reviewed federal laws, regulations, and DOL guidance; interviewed DOL, state, and tribal officials as well as Native American Veterans; and conducted site visits to tribal lands in four U.S. regions. GAO recommended that DOL could expand the collaboration it has begun with other agencies that serve Native American Veterans on tribal land, such as the Department of Education (Education). GAO site visits indicated that some Native American Veterans received employment services from a vocational rehabilitation program administered by Education. A DOL program in Montana has leveraged other agency resources, such as collaborating with the VA Vet Center to provide both health and employment services to Native American Veterans in remote tribal areas using mobile units, an approach that may be applicable in other states. GAO also recommended that, to boost economic development, DOL could review information from its existing grants and guidance on economic development to disseminate to DOL grantees that serve Native American Veterans. GAO-13-664 is available online at [http://www.gao.gov/assets/660/658213.pdf](http://www.gao.gov/assets/660/658213.pdf).
Commemorate

Continued from Page 1

On a daily basis, VA is in a position to carry on Dr. King’s legacy—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 practiced in our programs for Veterans and through the hiring, promotion, and advancement of our diverse workforce. All managers and supervisors are encouraged to support and attend appropriate activities that are conducted to celebrate Dr. Martin Luther King, Jr. Day and honor his life and legacy.

For more information on this observance, contact your local EEO Manager or Trina Faison, VA’s National African American Employment Manager, ODI, at (202) 494-6013 or Trina.Faison@va.gov.

On January 9, 2014, the Veterans Affairs Central Office’s Black History Month committee will celebrate Dr. Martin Luther King, Jr. Observance in the G.V. “Sonny” Montgomery Veterans Conference Center from noon to 1:00 p.m. The featured guest and keynote speaker will be Mr. Royce Kinniebrew, President and CEO of Kinniebrew Group. The Kinniebrew Group’s primary mission is to teach the public and private sector the achievements, contributions, and presence of black people throughout history. Mr. Kinniebrew has lectured in the United States and the United Kingdom and has served as a contributor for a children’s book entitled “African Americans” authored by Michael Burgan. Mr. Kinniebrew will speak on the 2014 Black History Month theme, “Civil Rights in America”.

First AIM Conference Held

Mentoring Conference a Success

The Blacks in Government (BIG) VA Headquarters Chapter conducted its first Annual Induction Mentoring (AIM) as part of its Future Leaders of American Government (FLAG) Conference on Friday, November 15, 2013. The Chapter implemented the Senior FLAG Chapter in June 2013 that consists of twenty college students from the Virginia Commonwealth University. The purpose of the Conference was to assign the students to VA employees who have a desire to mentor. Mentors were assigned to students, and the students received training on financial literacy, leadership, and resume writing. The best of all the training was our mock interviews conducted by our Senior leaders. Participants were happy to be involved and give back to our future leaders. The event was a huge success. Questions related to this and future BIG events should be directed to Renae Allen, President, BIG VA Headquarters Chapter at (202) 461-6196; Lawrence Shaw, FLAG Coordinator, at (202) 461-8897; or Trina Faison, VA’s National African American Employment Program Manager, ODI, at (202) 494-6013.

Consider an Intern

2014 Workforce Recruitment Program Underway

All VA offices and facilities are eligible to obtain a pre-screened Workforce Recruitment Program (WRP) spring or summer intern with salary costs reimbursed by ODI. Reimbursement will be approved on a first come, first served basis. These WRP interns are all college students in good standing or recent graduates. They each have a disability, which means they can obtain a letter for their Schedule A appointment to a Title 5 position. To identify a suitable intern, visit https://wrep.gov. After you obtain a password, you can do a search by college major or other selecting factor. If you wish to obtain salary reimbursement from ODI, please email Aurelia.Waters@va.gov. Although it is not a requirement, priority consideration will be given to offices/facilities that have identified a position to which the intern can be converted to a permanent position once the internship ends.
Pregnancy, Childbirth

Accommodations for New and Expectant Parents

VA recognizes the importance of family to our employees. Often times, part of that equation is the birth of new family members. We understand that many of our employees are parents, or soon-to be parents. ODI has experienced an influx of questions related to this; therefore, to meet the needs of our employees, we are providing information and resources on areas such as: rights an employee may have regarding freedom from discrimination, leave eligibility, reasonable accommodations, rights for nursing mothers, and flexibilities in the workplace.

Pregnancy is a new, exciting, and sometimes exhausting time for the mother-to-be or her family, and it directly impacts certain aspects of employment. As a working adult it is good to know what options and protections you have as a Federal and VA employee as it relates to pregnancy or related areas. Pregnant women may experience conditions from fatigue to nausea, and let us not forget the doctor visits and later nursing. VA recognizes the unique needs of women when it comes to these issues and is dedicated to ensuring their safety and inclusion, and is committed to preventing discrimination and educating the workforce on related regulations and laws. VA ultimately supports the work-life balance of our VA family.

**Protections from Discrimination**

As an expectant mother or if you are planning to have children, the first thing you should know is there are legal protections against discrimination on these bases. As stated by the Equal Employment Opportunity Commission (EEOC), the Pregnancy Discrimination Act (PDA) of 1978, an amendment to the Civil Rights Act of 1964, involves protections from “treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.” The Act “forbids discrimination as it relates to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment” (EEOC, 2013). If you believe you have been discriminated against on these bases, please contact the VA’s Office of Resolution Management (ORM) at [http://www.va.gov/orm](http://www.va.gov/orm) or call (888) 737-3361 within 45 calendar days of alleged incident to speak with a representative.

**Reasonable Accommodations**

During pregnancy or after childbirth, supervisors can and in some cases must grant certain flexibilities to the employee in keeping with disability and VA regulations. According to EEOC, “If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat her in the same way as it treats any other temporarily disabled employee.” Some examples of flexibilities or reasonable accommodations may include, but are not limited to, are the employer providing light duty, alternative assignments, authorizing use of alternative work schedules or telework, granting disability leave or unpaid leave to the employee unless it would be considered an undue hardship (impairs the organization’s ability to meet mission requirements, or, comes at a great expense beyond what the organization is able to fund).

Along with pregnancy and childbirth, unfortunately also comes the risk of permanent impairments or disabilities such as gestational diabetes or preeclampsia, nerve damage, paralysis, or other conditions. Such permanent disabilities are protected under the Americans with Disabilities Act Amendments Act (ADAAA), amended in 2008 to make it easier to show that a medical condition is a covered disability. For more information about the ADAAA, see [http://www.eeoc.gov/laws/types/disability_regulations.cfm](http://www.eeoc.gov/laws/types/disability_regulations.cfm).

If an employee needs certain permanent or temporary flexibilities or modifications, she is encouraged to inform her supervisor as soon as the need arises. The employee may be required to complete a request for reasonable accommodations, which may also require medical documentation. This request process and documents can be found on ODI’s website at [http://www.diversity.va.gov/programs/pwd.aspx#accommodation](http://www.diversity.va.gov/programs/pwd.aspx#accommodation). All reasonable accommodation requests are coordinated through the employee’s Local Reasonable Accommodation Coordinator (LRAC); a complete list of LRACs is available by VA organization at the above ODI Web link. Continued on page 8.
Training

Prevention of Workplace Harassment/NoFEAR Training

The mandatory Prevention of Workplace Harassment/NoFEAR Training for all employees has been updated and will be available on VA’s Talent Management System (TMS) beginning mid-January 2014.

The Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 requires that all Federal employees receive training on their rights and responsibilities in the areas of equal employment opportunity, non-discrimination, and whistleblower protections.

For more information on this updated course (course number: TMS 8872) or on other diversity-related training available via TMS, contact Carolyn Williams, Diversity Training Specialist, ODI, at (202) 461-4012 or Carolyn.Williams12@va.gov.

New Barrier Analysis Training

Barrier elimination is an important step in VA becoming a model employer. To achieve this status, VA has to create a barrier-free environment where all applicants and employees have the opportunity to compete and work to their fullest potential. This training course covers all aspects of the barrier analysis process under EEOC Management Directive 715 (MD-715) to include: analysis and interpretation of workforce statistics, trigger identification, barrier analysis investigation, action plan preparation, and action plan follow up. Each VA facility has to identify barriers and create action plans on eliminating those identified barriers. This training is intended for employees who work with the MD-715 report and for all managers. Virtual classes will be offered on the following dates from 1:00 to 4:00 p.m. (EST):

- Thursday, January 9, 2014
- Thursday, February 20, 2014
- Thursday, March 6, 2014
- Thursday, March 27, 2014

Each session will be conducted via Microsoft Lync. Register at https://www.tms.va.gov/learning/user/deeplink_redirect.jsp?linkId=ITEM_DETAILS&componentID=3823179&componentTypeID=VA&revisionDate=1352313600000. Sign into TMS, click on “register now”, and register for the class you want. Spaces are available on first-come, first-served basis.

Contact Ryan Pugh at (202) 461-4155 or Ryan.Pugh2@va.gov for more information.

VSSC HR Reporting and Workforce Analysis Tools Training

VA uses the VHA Support Service Center (VSSC) to store human resources (HR) data for all of VA in an easy to use reporting format. This interactive training on the VSSC HR Reporting Tools is designed to alert a wide range of managers and HR, equal employment opportunity (EEO) and diversity specialists to VSSC’s HR query applications. All managers have a duty to ensure there is equal opportunity in the workplace with regard to hiring, promotions, and other terms and conditions of employment. This training provides guidance on how to properly use the applications to conduct various workforce analyses, identify triggers, and define and distinguish between Relevant Civilian Labor Force vs. Civilian Labor Force. Virtual training classes will be offered on the following dates from 11:00 a.m. to 12:30 p.m. (EST):

- Thursday, January 16, 2014
- Wednesday, March 12, 2014
- Tuesday, May 13, 2014
- Wednesday, July 16, 2014
- Thursday, September 25, 2014

Each session will be conducted via Microsoft Lync. Register at https://www.tms.va.gov/learning/user/deeplink_redirect.jsp?linkId=ITEM_DETAILS&componentID=3844925&componentTypeID=VA&revisionDate=1368106800000. Sign into TMS, click on “register now”, and register for the class you want. Spaces are available on first-come, first-served basis.

Contact Ryan Pugh at (202) 461-4155 or Ryan.Pugh2@va.gov for more information.

Diversity News: An Online Training Resource

Policy Alerts

**Family and Medical Leave Act (FMLA) Coverage of Same-Sex Spouses**

On June 26, 2013, the Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. This ruling impacts the definition of spouse found in the U.S. Office of Personnel Management’s (OPM) Family and Medical Leave Act (FMLA) regulations. As a result of the Supreme Court decision, Federal employees are now entitled to use FMLA leave to care for a same-sex spouse with a serious health condition (including care for a same-sex spouse who gives birth to a child), to care for a same-sex spouse who is a covered Servicemember with an injury or illness incurred or aggravated in the line of duty on active duty, or for qualifying exigencies while a same-sex spouse is on covered active duty or has been notified of an impending call or order to covered active duty status in accordance with the statute at 5 U.S.C. chapter 63, subchapter V, and the regulations at 5 CFR part 630, subpart L. Typically, an employee may not retroactively invoke his or her entitlement to FMLA leave. However, employees who took otherwise-qualifying leave for a same-sex spouse between June 26, 2013, and October 21, 2013, will be permitted to re-designate such time off as FMLA leave. Applications are due no later than December 15, 2013. Employees should contact their servicing Human Resources office for additional information regarding changes to FMLA coverage for same-sex spouses and any re-designation of qualifying leave for same-sex spouses between June 26, 2013, and October 21, 2013.

**Coverage of Children of Same-Sex Domestic Partners**

Effective October 31, 2013, the Office of Personnel Management (OPM) issued final regulations allowing the stepchildren of same-sex domestic partners living in states that do not allow same-sex marriage to be added to Federal Employees Health Benefits and Federal Employee Dental and Vision Insurance Program plans beginning on January 1, 2014. OPM issued guidance on these changes in Benefits Administration Letter 13-211, Coverage of Children of Same-Sex Domestic Partners on December 6, 2013. For more information, VA employees may email benefitsretirement058@va.gov.

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**Celebrating Four Years**

Opening the Government’s Doors to the AAPI Community, EO 13515

On October 14, 2009, President Barack Obama signed Executive Order 13515 reestablishing the White House Initiative on Asian Americans and Pacific Islanders and the President’s Advisory Commission on Asian Americans and Pacific Islanders to address issues concerning the Asian American and Pacific Islander (AAPI) community. Year 2013 marks the four-year anniversary of the Initiative which has worked to open the doors of government to the AAPI community. The Initiative has partnered with agencies throughout the government and community organizations across the country to improve the quality of life of the AAPI community. It has placed its focus on crosscutting priority areas including advancing research; data collection; analysis and dissemination for Asian Americans, Native Hawaiians and Pacific Islanders; and ensuring access, especially linguistic access and cultural competence, for Asian Americans and Pacific Islanders and encouraging Asian American and Pacific Islander involvement in public service and civic engagement opportunities. VA will fully support Executive Order 13515 by working to improve the quality of life and opportunities for AAPI through increased access to, and participation in, Federal programs in which they may be underserved. For more information, contact Andy Gonzalez, VA’s National AAPI Employment Program Manager, ODI, at (202) 299-4320 or Andy.Gonzalez@va.gov.

President Obama signs Executive Order 13515 reestablishing the White House Initiative on Asian Americans and Pacific Islanders and the President’s Advisory Commission on Asian Americans and Pacific Islanders on October 14, 2009.
Nelson Mandela—World Leader, Freedom Fighter, Civil Rights and Iconic Activist and South Africa’s symbol of the struggle against racial oppression—died on December 5, 2013, at age 95. President Obama and leaders from around the world joined together at a national memorial service on December 10, 2013, for the former South African President in Soweto, South Africa. President Obama provided remarks on promoting equality and justice and upholding freedom and human rights around the world.

Nelson Mandela was born July 18, 1918 in Mveso, Transkei, South Africa, in a country that viewed him as a second-class citizen. He was no more than five when he became a herd-boy, “looking after sheep and calves in the fields.” It was in the fields where he “learned how to knock birds out of the sky, to gather wild honey and fruits and roots, to drink warm, sweet milk straight from the cow, to swim in the clear, cold streams, and to catch fish.”

As he grew into a young man, Nelson Mandela eventually left his home and family and moved to Johannesburg for a better life. He worked a variety of jobs, including a guard and a clerk, while completing his bachelor’s degree. He was the first in his family to attend school and was educated by British missionaries. He eventually received a law degree and opened the first Black law firm in Johannesburg, which provided free and low-cost legal counsel to unrepresented Blacks.

In 1942, Nelson Mandela became active with the Youth League of the African National Congress, helping to organize strike demonstrations against the country’s system of racial segregation and in 1956, he and several others were charged with treason for their political advocacy, and were later acquitted. However, in 1964, he and ten other ANC leaders were sentenced to life imprisonment for political offence, including sabotage. He would spend the next 27 years in prison for his efforts in leading the struggle against the racially oppressive, apartheid regime of South Africa.

After his release from prison in 1990, Nelson Mandela worked towards peace and reconciliation, not vengeance, which inspired the world after he negotiated a peaceful end to segregation and urged forgiveness for the White government that imprisoned him. He would later receive the Nobel Peace Prize in 1993 for his efforts to dismantle the country’s apartheid system and the Order of Merit Award the following year.

In addition, in 1994, at age 77, Nelson Mandela was elected as South Africa’s first Black president, also publishing his autobiography, named: “Long Walk to Freedom”. After his election, he reached out to South Africans of all races to help build an equitable and prosperous country. He stated: “We place our vision of a new constitutional order for South Africa on the table not as conquerors, prescribing to the conquered. We speak as fellow citizens to heal the wounds of the past with the intent of constructing a new order based on justice for all. This is the challenge that faces all South Africans today, and it is one to which I am certain we will all rise.”

During his presidency, Nelson Mandela successfully worked to protect South Africa’s economy from collapse. He established a government, guaranteeing the rights of minorities and freedom of expression. Although, he decided not to run a second term, he continued to advocate for peace and equality both at a national and global scale. In 2009, his birthday was declared “Mandela Day”, an international day to promote global peace and celebrate the South African leader’s legacy. The annual event is meant to encourage citizens worldwide to give back the way he has throughout his life.

Nelson Mandela never wavered his devotion to equality, democracy, and learning. He never answered racism with racism. His life has been an inspiration to all races around the world, a true legacy and contribution to humanity in the 20th and 21st centuries. Continued on the next page.
Pregnancy, Childbirth

Continued from page 4

Leave

The Family and Medical Leave Act (FMLA) of 1993 states that “a new parent (including foster and adoptive parents) may be eligible for 12 weeks of leave (unpaid or paid if the employee has earned or accrued it) that may be used for care of the new child.” There are two stipulations to eligibility for use of this type of leave: 1) the employee must have worked for the employer for 12 months prior to taking the leave and 2) the employer must have a specified number of employees. For more information about this type of leave, see http://www.dol.gov/whd/regs/compliance/whdfs28.htm and be sure to read the Policy Alerts section of this newsletter which addresses FMLA Coverage of Same-Sex Spouses.

VA also has its own regulation on leave; VA guidance is in VA Handbook 5011, “Procedures Regarding Hours of Duty and Leave.” This handbook includes an explanation of the different types and requirements of maternity or paternity leave (FMLA, accrued sick leave, LWOP, etc.).

Nursing

In addition to the rights listed above, the FMLA may also provide additional rights to nursing mothers to express milk in the workplace under a provision of the Fair Labor Standards Act enforced by the U.S. Department of Labor’s Wage and Hour Division. For more information, see http://www.dol.gov/whd/regs/compliance/whdfs73.htm. VA Handbook 5011 also provides VA-specific guidance that describes workplace accommodations for nursing mothers (see Chapter 3, page II-31). This handbook can be found on the VA Office of Human Resources Management intranet Web site under “VA Directives and Handbooks.”

The specific guidance provided on workplace accommodations for nursing mothers in VA Handbook 5011 is that “An employee who is a nursing mother should be granted time to express breast milk for her nursing child, up to one year after the child’s birth, each time the employee has a need to express milk. The employee may use her authorized rest periods/breaks, accumulated annual leave, compensatory time off, credit hours, and approved leave without pay for this purpose.”

VA Handbook 5011 also provides specific requirements for the space that the nursing mother is provided. The space “shall be shielded from view and free from intrusion from coworkers and the public. The location designated for the nursing mother to express breast milk shall be in a place other than a bathroom/restroom.”

VA takes great care to ensure the needs of our employees are met and this article provides some of basic information about pregnancy, protections, regulations, leave, reasonable accommodations, and workplace accommodations for pregnant or nursing employees. If you have questions about this article or the content, please contact Ms. Nanese Loza, National Federal Women’s Program Manager, ODI, at (202) 461-4049 or Nanese.Loza@va.gov.

Nelson Mandela

Continued from previous page

“No one is born hating another person because of the color of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.”

Courts have held that grooming polices are typically outside the scope of federal employment discrimination statues. An evenly applied prohibition on certain hairstyles does not discriminate on the basis of immutable characteristics or certain fundamental rights protected by Title VII of the Civil Rights Act of 1964. Individuals can change hairstyles, hair can be cut, and it is not an impermissible employment practice to determine dress code for employees. The EEOC has held that grooming policies that prohibit corn rows, braids, or dreadlocks do not, on their face, equate to unlawful race discrimination. Employers may impose neutral hairstyle rules, e.g., that hair is neat, clean, and well-groomed, as long as the rules respect racial differences in hair textures and are applied evenhandedly.

Title VII does prohibit banning a natural hairstyle that would implicate the policies underlying the prohibition of discrimination on the basis of immutable characteristics. For example, Title VII prohibits employers from preventing African American women wearing their hair in a natural, un-permed “afro” style that complies with the neutral hairstyle rule. Applying neutral hairstyle rules more restrictively to hairstyles worn by African Americans is also a violation of Title VII.

In a recent case, an EEOC Administrative Judge found that an employee was discriminated against on the basis of race. Complainant, an African American woman, was a Supervisory Social Worker who applied for a Lead Supervisory Social Worker position. Following an interview, the selecting officials engaged in a lengthy discussion of the complainant’s choice of hairstyle, specifically blond dreadlocks. The chief selecting official considered her hairstyle “incongruent” with the complainant’s otherwise conservative and professional attire and repeatedly mentioned this, along with her disdain, to the other panel members. The chief selecting official noted that the complainant’s hair was neatly groomed. In contrast, the selectee was noted by the chief selecting official as casual with messy hair. The chief selecting official’s justification of not selecting the complainant was not credible given these inconsistencies.

The EEOC Administrative Judge found that the Agency did subject complainant to unlawful discrimination based on holding her to a different aesthetic standard that was not equally applied to other non-African-American candidates. The Administrative Judge awarded compensatory damages in the amount of $62,700. ~Maxanne R. Witkin, Director, VA’s Office of Employment Discrimination Complaint Adjudication

For more information about OEDCA, visit [http://www.oedca.va.gov](http://www.oedca.va.gov).

VA Diversity Council

Next Meeting January 15

The next VA Diversity Council (VADC) quarterly meeting is scheduled for Wednesday, January 15, 2013, from 1:00 to 3:00 pm in VA Central Office room 830 and via teleconference. Visit [http://www.diversity.va.gov/council](http://www.diversity.va.gov/council) for more information. ODI will begin summarizing all of VA’s D&I accomplishments in VA’s Diversity and Inclusion Annual Report ([http://www.diversity.va.gov/products/diar.aspx](http://www.diversity.va.gov/products/diar.aspx)). Please be sure that your office’s accomplishments are captured. Contact your VA Diversity Council representative to find out how to submit information for the report. Visit the Council Web site above for the list of current members.
D&I Online

The mission of the Department of Veterans Affairs’ diversity and inclusion program is to develop and implement a comprehensive, integrated, and strategic focus on diversity and inclusion as key components of the Department's human resources strategies. Here’s a sampling of online tools available at [http://www.diversity.va.gov](http://www.diversity.va.gov) that can help leverage diversity and build inclusion:

► Dr. Martin Luther King, Jr.’s Birthday and other observance resources.
► Training resources, guides, and reports.
► Links to professional and community organizations.
► Best practices for diversity management.

D&I In Your E-mail Inbox

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 electronic news service, e-mail [odi@va.gov](mailto:odi@va.gov) with the words SUBSCRIBE NEWSLINK in the subject line. Find a sample of NewsLink at [http://www.diversity.va.gov/products/newsl ink.aspx](http://www.diversity.va.gov/products/newslink.aspx).

D&I on Your TV or PC


January 2014 Calendar

[http://www.diversity.va.gov/calendar](http://www.diversity.va.gov/calendar)

- **National Mentoring Month**
  - **New Year’s Day**
    - **January 1**
  - VA Diversity Council Meeting
    - **January 15**, 1–3 pm; Washington, DC
    - [http://www.diversity.va.gov/council](http://www.diversity.va.gov/council)
  - **Religious Freedom Day**
    - **January 16**
  - Webinar: "You've Just Been Appointed a Federal Disability Program Manager - Now What?"
    - **January 16**, 1–2:30 pm
    - [http://askearn.org/webinar_registration.cfm?activity_id=4645](http://askearn.org/webinar_registration.cfm?activity_id=4645)
  - **World Religion Day**
    - **January 20**

Dr. Martin Luther King, Jr.’s Birthday

- **January 20** (observed)

Assistive Technology Industry Association Conference

- **January 29–February 1**, Orlando, FL
  - [http://www.atia.org](http://www.atia.org)

Lunar New Year

- **January 31**