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Office of Civil Rights



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**"Mission First,
People Always"**

Special Interest Articles by:

- Compliance and Programs Division
- Public Civil Rights Division
- Employment Complaints and Adjudication Division
- Policy

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QR Code Generates Buzz at OCR



A **QR Code** is a cell phone readable bar code which stands for "Quick Response." It can store website URL's, plain text, phone numbers, email addresses, and pretty much any other alphanumeric data. The **QR Code** can store up to 4,296 characters that are intentionally standardized under ISO 18004, so a **QR Code** is all over the world, and is just now getting real traction in the United States. Mark Oliver, OCR Senior Advisor on Education and Community Partnerships said, "The **QR Code** would be used for employees that would like to access our OCR website and

create an enhanced user-friendly complaint access point." We are required to ensure that the general public can file public access complaints in a timely manner, so corrective actions can be addressed immediately, and reduce possible prolong cost to the government, he added. *Simply encode a URL into the **QR Code** and then point a mobile phone (or other camera-enabled mobile) at it. If the device has had **QR Code** decoding software installed on it, it will fire up a browser and go straight to that URL.*

EEOC Training Seminar in Washington Area Informative

An Office of Civil Rights (OCR) staffer took advantage of the 3rd Annual Equal Employment Opportunity Commission (EEOC) Training Seminar, which was held at the Crowne Plaza Tyson's Corner Hotel in McLean, Virginia on Friday June 28, 2013. "I felt that it was a good overview of recent development of issues appearing before the EEOC," said Equal Employment Specialist Attorney Christina Bui who attended. The workshop provided updates and guidance in crucial EEO law & practice areas essential for broadening knowledge, assuring compliance with federal laws and regulations, along with

Enhancing professional growth. EEOC Washington Field Office Acting Director Mindy Weinstein gave a welcome and opening remarks, followed by a session titled '*Legal Update: Recent Decisions and Their Impact on Employer Responsibilities.*' According to the EEOC Training Seminar agenda, harassment continues to be one of the most common areas of employment litigation. The morning session addressed the legal issues related to workplace harassment and how employers can

Avoid harassment claims. Other key topics covered by leading authorities in the field focused on the ADA's rules, limiting disability-related inquiries, medical exams, and the rules limiting an employer's access to genetic information under Title II of Genetic Information Nondiscrimination Act GINA (2008). Under GINA, employers and health insurers can no longer discriminate against individuals based upon their genetic information. Topics also covered were understanding National origin in the workplace.



IDEA Act Pub. L. 101-476 signed into law by President George H.W. Bush on October 30, 1990.



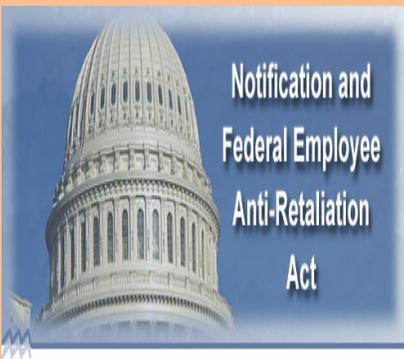
What is IDEA?

The Individual with Disabilities Education Act (**IDEA**) is the nation's federal special education law that ensures public schools provide special education services to eligible students with disabilities. According to the National Center for Learning Disabilities (NCLD), in the past two years, more than six million school-age children in the United States receive special education services as a result of **IDEA**. These special education services for eligible students are outlined in a student's Individualized Education Program (IEP), which use a formal contract outlining the services

supporting the school. This is essential because, it will provide the necessary information available, in order for the child to benefit from the educational program. In addition, the Bureau of Indian Education (BIE) has regulations on Limited English Proficient (LEP), which equal the **IDEA** Act and its regulations as it deals with funding. These regulations require BIE funded schools, which are both BIE and tribally controlled schools, to provide LEP services to their students. AN IEP

must be developed before a student can begin receiving special education services and it must be reviewed and updated each year. This annual review is required for as long as the student remains eligible for special education services. The **IDEA** also has very specific requirements to guarantee a Free Appropriate Public Education (FAPE) for students
(Continued on page 4)

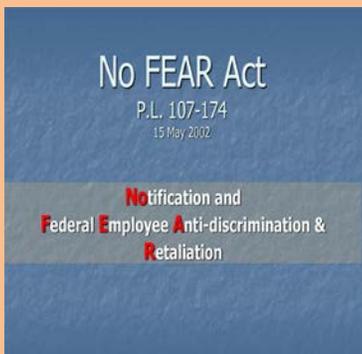
CPD's No Fear Act Training Informative and Fun



The participation was phenomenal according to the OCR staff during the Compliance and Programs Division (CPDs) Notification and Federal Employee Anti-Retaliation Act (**No Fear Act**) **Training** held at the Main Interior Building on Tuesday June 25, 2013. The one hour session included topics on Discrimination & Whistleblower Laws, Employee Rights, Remedies, and Prohibited

Personnel Practices. Ophelia Anderson, Division Chief informed the 17 participants that the deadline for completion of the No Fear Act Training is August 31, 2013. Before the **No Fear Act Training** was implemented, Congress felt that federal agencies were not doing enough to prevent discrimination in the workplace. **The No Fear Act** became effective on October 1, 2003. The Act imposes additional duties

upon federal agencies to reinvigorate a longstanding obligation to provide a work environment free of discrimination and retaliation. All federal agencies are required to report to Congress, EEOC, DOJ, and OPM, an annual report setting forth information about the agency's efforts to improve compliance with the employment discrimination and whistleblower protection laws, and detailing the status of complaints against the agency under these laws.



The training also incorporated an interactive exercise led by Acquanetta Newson, Equal Employment Specialist, on 'Prohibited Personnel Practices' with 12 questions such as, Hiring an applicant because he is your sister's son. (YES or NO). The second informative and fun exercise included a 'Word Scramble,' of words relating to the work

performed in the Compliance and Programs Division. Individuals received a door prize for the number of words they correctly unscrambled. Administrative Assistant Joshua Brant said, the division displayed a good use of creativity. "I had no trouble staying engaged," he added. Program Specialist Barbara Evans, whose responsibilities within the CPD involves

workforce data was the official timer of the two interactive exercises. She said, "All DOI employees have access through DOI LEARN to take the **No Fear Act Training**." The Act also requires agencies to provide the No Fear Act Notice to federal and former employees, & applicants for federal employment to inform them of their rights & protections.

Section 504/Title VI Application to Tribes Discussed

The Public Civil Rights Coordinators (PCR) discussed Section 504/Title VI and their application to Tribal Organizations in a meeting held on June 20, 2013. The issue has not been decided as to whether Title VI of the Civil Rights Act of 1964, as amended, applies to tribal governments and/or tribally run organizations like tribally operated schools, which receive federal financial assistance from the Department of the Interior (DOI), the Department of Justice (DOJ) or another federal agency. Interesting enough Sloan Farrell, Division Chief, PCR Division recently attended an internal meeting with the Department of Education, the White House Initiative and DOJ. It appears that these organizations had

the same conversation and the issue has not been decided and they are still determining if Title VI applies to tribal schools. Farrell via a June 19, 2013, email stated "Since Title VI and Section 504 are so closely linked, I believe that we have to hold off on implementing/enforcing Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 (2000), with the tribally operated schools until a decision of whether Title VI applies." He suggested that DOI should still go forward with BIE operated schools implementing Section 504, since it is federally conducted and not federally financial assistance. On November 16 2004, DOJ had an opinion regarding the applicability of Section 504 of the Rehabilitation Act to Tribally controlled schools. Noel J. Francisco, Deputy Assistant Attorney General, Office of

Legal Counsel wrote, "We therefore conclude that Section 504 of the Rehabilitation Act generally applies to tribally controlled schools that receive federal financial assistance from the Department of Justice." In the past two years, a signed White House Initiative on American Indian and Alaska Native Education led the President's Executive Order 13592, improving American Indian and Alaska Native educational opportunities, and strengthening Tribal Colleges and Universities. This Initiative, located within the Department of Education, seeks to support activities that will strengthen the Nation, by expanding and improving education outcomes for all American Indians and Alaska Native (AI/AN) students. Section 504/Title VI application to Tribal governments and their operations is still in discussion.



Section 504 of the Rehabilitation Act of 1973



Title VI and its application to Tribal Organizations

OCR Embraces President's Mgmt Council Interagency Rotation Program

Camille Beben, from the Department of Energy (DOE), and Kay-Margaret Cronk, Department of the Treasury has exuded a sense of professionalism and confidence, while working on array of projects and assignments at OCR. Directive Program Manager Camille, whose rotation started April through September 28, 2013, remembers the selection process being very stringent. "Your manager had to write a recommendation on how the applicant would benefit from the program, Camille said." The President's Management Council (PMC) Interagency Rotation Program's criteria

also included a submission of a resume, brief statement of expected accomplishments from the rotation. This goes before a board by the agency, and then the rotational assignment is put on the OMB Max special website. Traveling officers send ones resume to the potential interagency, then the interviewing process starts, she added. In 2011, the PMC and the Chief Human Capital Officers (CHCO) Council launched the PMC to bolster cross-agency exposure for high potential GS 13-15s. It was also created to provide both participants' rotational

opportunities, emerging federal leaders to expand their management skills, broaden their organizational experience, and foster networks they can leverage in the future. Attorney Kay-Margaret, whose been with her agency for 10 years prior to her rotation at OCR, works in the Office of Foreign Assets Control (OFAC). She administers and enforces economic and trade sanctions based on U.S. foreign policy, and national security goals against targeted foreign countries and regimes, terrorists, and other threats to the national security. "As a licensing regulatory attorney, we are a liaison (Continue on page 5)



President's Management Council Interagency Rotation Program

OCR Word Scramble



“Mission First,
People Always”

These words relate to the work performed in the Compliance and Programs Division, OCR

How many can you correctly unscramble?

Created by
OCR, CPD
June 2013

1. 571 DM_____
2. roc swbeiet_____
3. Ssearenwa_____
4. sleapci pesshmia_____
5. on rfea tac troper_____
6. ommdacointsoa_____
7. edormphacis_____
8. sisalya reiarb_____

OCR
WORD
SCRAMBLE

Answers

Located

On Page Six

What is IDEA?

(Continue from page 2)

With disabilities in the least restrictive environment (LRE). FAPE and LRE are protected rights of every eligible child in all 50 states and the U.S. Territories. While each state differs in how they develop and IEP, the **IDEA** requires that every IEP include the following: how the student will participate in the general education curriculum; how the student can achieve educational goals in the coming year; and how the student is currently performing in school. The IEP lays out the schools commitment to provide special education and related services to a child. Developed annually, an IEP must be tailored to the individual needs of a child, with the parents involvement, and input. Originally, the **IDEA** was enacted by Congress in 1975 to ensure that children with disabilities have the opportunity to receive a free appropriate public education, just like other children. The law has been revised many times over the years. The most recent amendments were passed by Congress in December 2004, with final regulations published in August 2006 (Part B for school-aged children) and in September 2011 (Part C, for babies and toddlers).

The ABC's of Cloud Computing



Let's say you're an executive at a large corporation. Your particular responsibilities include making sure that all of your employees have the right software and hardware they need to do their jobs. Buying computers for everyone isn't enough. You also have to purchase software and software licenses to give employees the tools they need. Whenever you have a new hire, you have to buy more software or make sure your current software license allows another user to use the software application. Instead of installing a suite of software for each computer, you would

only have to load one application. That application would allow employees to log into a web-based service, which hosts all the programs the user would need for their job. Remote machines owned by government and/or companies would run everything from e-mail to word processing to complex data analysis programs. It's called **Cloud Computing**, and it has changed the entire computer industry as we know it. In a **Cloud Computing** system, there is a significant workload shift. Stand-alone computers no longer have to do all the

heavy lifting when it comes to running applications. The network of computers that make up the cloud handles them instead. The hardware and software demands on the user's side decreases tremendously. The only thing the user's computer needs to be able to run is the **Cloud Computing** system's interface software, which can be as simple as a web-browser, and the cloud's network takes care of the rest. There's a good chance that you are using some form of **Cloud Computing** at work and home. If you have an e-mail account with a web-based e-mail service like Hotmail, Yahoo Mail or Gmail, then you've had some experience with **Cloud Computing**.

“Remote machines owned by another company would run everything from e-mail to word processing to complex data analysis programs. It's called **Cloud Computing**.”

—Leanne Kowalski, OCR IT Specialist

OCR Embraces President's Mgmt Council Interagency Rotation Program

(Continued from page 3)

with all these agencies that do things with other countries," said Kay-Margaret. We spend a lot of time with DOD, Dept. of Commerce, USAID, DOL, and USDA, she added. At DOI, her roles and responsibilities within OCR include drafting and updating policy for the Secretary's signature, advising on policy, perform challenging legal policy analysis, and drafting and reviewing settlement templates for field use in creating settlement agreements resolving EEO complaints, and drafting corresponding instructions. Prior to her activities in the federal government, Kay-Margaret was in private practice and a professor

at a European Law School. Camille's assignments and projects within OCR include leading the planning phase for Interior's annual Multi-Cultural Day program, working on establishing a strategic plan for Human Capital & Diversity under Acting Deputy Assistant Secretary Mary F. Pletcher, leading a team to establish a baseline footprint for Human Resource (HR) assets, on workforce engagement in HR functions at the Department level and bureaus. "I will take back what the real EEO process is and the basis of EEO complaints and actual legislation of personnel management," said Camille. Since 2008, she has led the DOE's directives as program manager, providing oversight to organizations and internal advice to the Departmental Review Board

(DRB) members, senior management officials, writers, and constituents to ensure compliance of legislative mandates. The directives include policies, notices, orders, and guidance. In 2012, Camille was recognized by DOE Secretary for improving mission performance by streamlining the DOE directives approval process from 1000 days in 2008, 430 days in 2010 to less than 150 days in 2012 and 2013. She was given the nickname "The Hammer" for her efforts. The PMC Interagency six month rotation program cultivates a diverse rising generation of executive talent with broad organizational exposure. The OCR has embraced both Camille and Kay-Margaret skills with this cross agency effort.



"Your manager had to write a recommendation on how the applicant would benefit from the program," -Camille Beben

"As a licensing regulatory attorney, we are a liaison with all these agencies that do things with other countries," -Kay-Margaret Cronk

Camille Beben and Kay-Margaret Cronk, both Fellows of the President's Management Council Interagency Rotation Program

OCR and Bureaus Prepare for the Upcoming EEOC 462 Report

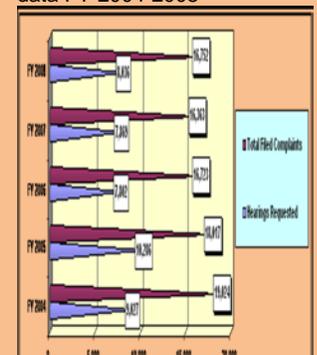
It's that time of the year again when OCR and the bureaus are preparing for the United States Equal Employment Commission's (EEOC) Annual 462 Data Statistical Report, commonly known as "**The EEOC 462 Report**" due October 2013. This written record, on the federal workforce includes, among other data information, federal equal employment opportunity complaints, and Alternative Dispute Resolution (ADR) activities. OCR Records Management Specialist Judy Banks said, "We do the report so that we can determine what trends and comparisons throughout

the Department and its bureaus during this period." This data is collected from each federal agency in the Annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462). According to EEOC, federal agency administrators input data into the form provided on the EEOC Form 462 website, which is not accessible to the general public, but only to authorized federal agency administrators. The DOI 462 Team reviews each bureaus report within DOI for the fiscal year (FY) processing of EEO

complaint statistical data. The EEOC 462 Report also includes the types of judgments, how many contractors the Department has nationwide by bureau, and their EEO processing activities for the entire FY. The bureaus' puts in their information individually into this comprehensive report, then the DOI 462 Team reviews it to check for any discrepancies. "We make sure that our office data and the bureaus information are the same," said Banks. EEOC also produces an instruction manual providing detailed information to the form which aids in understanding the data that must be submitted (rather than entered).



Previous Annual EEOC 462 Report of a federal workforce data FY 2004-2008



Birthdays for May—

August

May

Sharon Eller
May 11
Barbara Evans
May 12
Melba Vaughn
May 16

June

Alvin Dillings
June 14

July

Leanne Kowalski
July 5

August

Ophelia Anderson
& Tina Medlin
August 15

SPECIAL EVENTS

DOI Multi-Cultural Day
(August 22, 2013)

Women's Equality Day
(August 26, 2013)

Out and Equal Workplace
Summit
(Oct. 28-31, 2013)

American Indian Science and
Engineering Society (AISES)
(Oct. 31-Nov 2, 2013 Denver)
We're on the Web!

See us at:

www.doi.gov/eeo

Doug Gentile Offered Best Wishes on his Retirement

From the Office of Civil Rights (OCR), the U.S. Fish and Wildlife Service (FWS), PCR Coordinators, the Department of Justice (DOJ), and others all offered their best wishes to Doug Gentile on his retirement celebration May 14, 2013. Doug, who was hired into the Department 21 years ago by Carolyn McGuire (FWS), was finally able to kick back and relax as his colleagues repeatedly paid tributes to his illustrious career. Doug, who was the civil rights coordinator for public access for the FWS handled all civil rights enforcement issues impacting the public, for all programs either funded or operated by the FWS. He also investigated disability rights complaints that were referred to him by the DOJ. As a member or officer in several employee groups at DOI, Doug advised DOI managers on diversity issues. Doug had 30 years of accomplished service with the federal government and the City of New York with civil rights enforcement, EEO, diversity, conflict

resolution and organizational analysis and development. Doug was the co-founder and the recording secretary in the Association of Federal External Civil Rights Specialists/Officers, which represents all public access civil rights officers in the federal government nationwide. At his retirement celebration, a certificate of appreciation was given to him by OCR Director Sharon D. Eller, which read, *'This certificate is presented to Doug Gentile of the U.S. Fish and Wildlife Service for his excellent work with the Department of the Interior, Office of Civil Rights. His dedication has helped to bring attention and resolution to disability and access related access within the Department and the public. Doug's expertise in all issues involving fishing and hunting access will be greatly missed'*.

OCR Word Scramble Answers

Created by OCR, the Compliance and Programs Division (CPD) June 2013

1. **571 DM**

Ans. MD 715

2. **roc swbeiet**

Ans. OCR Website

3. **ssearenwa**

Ans. Awareness

4. **sleapci
pesshmia**

Ans. Special
Emphasis

5. **on rfea tac
troper**

Ans. No Fear Act
Report

6. **ommdaccountsoa**

Ans. accommodations

7. **edormgphacis**

Ans. demographics

8. **sisalyna reiarrb**

Ans. barrier analysis

For rights and protections available to you under the federal antidiscrimination and whistleblower laws, as well as information regarding retaliation and disciplinary actions, go to <http://www.goi.gov/pmb/eeo/rights.cfm>.

Recognitions and Observances

*African American Federal Executive Association 9th Annual Training Workshop, September 16-17, 2013 in NW, Washington, D.C. The theme for this year "*Leading Change.*"

*Hispanic Heritage Month (September 15-October 15, 2013) Theme: Our Time: A Strong America

*Disability Awareness Month (October) Theme: Community Connections

Spotlight



Acquanetta Newson, who recently received her 20 year certificate as an employee of the federal government at a staff meeting is an Equal Employment Specialist in the Office of Civil Rights (OCR), Compliance and Programs Division under the guidance of Ophelia Anderson, Division Chief. Prior to coming to OCR, Acquanetta was with the Inspector General's Office working on audits, inspections, and investigations. "I continued to grow and learned," she said.

Q. What is your background?

"I'm a native Washingtonian," she added.

Q. What are you responsible for?

"I'm responsible for researching, analyzing, and interpreting employment data for submission of Department-wide and OS affirmative employment reports to OPM, EEOC, and Congress pursuant to federal regulations.

Q. What do you like to do for extracurricular activities?

"I enjoy going to concerts, plays, movies, bike riding with my husband, chilling with my family and two daughters." I am very family oriented, so I love hanging with my family which entails a wide array of things, she added.

Q. Do you have any particular hobbies? Yes, I love going to church to get my praise on, serving others and planning events.

Birthday: **March 8th**

Zodiac Sign: **JC**

The Director's Corner

Commemorating the 50th Anniversary of Dr. King's Historic Speech

As the Summer is ending and tourists hurry to fill their days with one more photo op at the Lincoln Memorial, do they remember that this is the place Dr. King gave his renowned "*I Have a Dream*" speech 50 years ago this month? Do they take notice the imprint and plaque on the steps of the Lincoln Memorial commemorating Dr. King's famous speech? How many of you can remember what you were doing this historic making event? Televisions all over the world were tuned in to watch what has been the largest gathering on the National Mall. The King Center and the National Park Service (NPS) are partnering in a global observance of the 50th Anniversary of Dr. King's "*I Have a Dream*" speech and the 1963 March on Washington. "The NPS is proud to join with the King Center in commemorating the 50th Anniversary of Dr. King's historic speech on **August 28, 2013** which has inspired millions of Americans and people all over the world. As the agency charged with protecting and maintaining the Lincoln and King Memorials, NPS looks forward to helping to make this 50th Anniversary Commemoration worthy of Dr. King's legacy," said Bob Vogel, superintendent of the National Mall and Memorial Parks. Ms. King said the theme for the 50th Anniversary observance of Dr. King's "*I Have a Dream*" speech is "**Our World, His Dream: Freedom-It's Happening!**" [thekingcenter.org]. In a MLK Center release on June 23, 2013, The King Center and NPS will present a series of events to help build diverse participation in the 50th Anniversary Commemoration. These events will culminate in a celebration **beginning August 24, 2013, and concluding on August 28, 2013** with commemorative events at the Lincoln Memorial and the Martin Luther King, Jr. Memorial in Washington, D.C. For more information contact Robert Parker via internet at Robert_parker@nps.gov See you next quarter! Sharon D. Eller

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News from the Bureaus:

Each newsletter will highlight a report of events or information considered as a subject of choice from two bureaus.

The featured Bureaus for this quarter's newsletter are the U.S. Fish and Wildlife Service (FWS) & the U.S. Geological Survey (USGS)

THE BUREAU'S QUARTER



U.S. Geological Survey (USGS)

*Employees of the **USGS Diversity and Equal Opportunity (DEO) Office, Complaints and Compliance Branch** are gearing up to present a training session titled: **"Ten Things You Need to Know About EEO."** This session is offered to the National Center employees in Reston, Virginia. The team will discuss EEOC's decision *Mia Macy vs. Department of Justice*, in order to raise awareness of equality for the LGBT community. They are striving to foster a work environment free from discrimination by resolving employment disputes through the agency's Collaborative Action and Dispute Resolution (CADR) program. [TBA]

*On July 18, 2013, the USGS pre-complaint staff conducted a two hour training session at the National Center titled **"EEO News You Can Use."** The agenda included instructions and an overview of the federal EEO complaint process and information regarding the reasonable accommodation process.

*In early June, Barbara Rogers and Joan Corley conducted diversity training titled **"Taking the 'DIS' out of Disability"** at the USGS National Center in Reston, VA. Participants explored ways to create an inclusive environment by enhancing awareness, improving communication, and eliminating barriers when interacting with people with disabilities. Class attendees also participated in an **"experimental"** exercise in which they had the opportunity to explore how routine activities or tasks are accomplished by people with limited mobility, vision, or hearing issues.

FWS: What happened with the FWS (Service) this past quarter?

BSEE EEO NEWS

EXTRA! EXTRA!

*This year, the **FWS** is continuing its pilot Summer Faculty Fellowship Program which was initiated in 2012. This includes activities such as, student mentoring, and assisting the **FWS** with research and recruitment of students with diverse backgrounds for internships and employment.

*The **FWS** launched a national public advertising campaign with support from the Public Service Network in June. The series of 60-second Spanish-language radio spots is geared towards Hispanic families, connecting the listener to the sights and sounds of nature on National Wildlife Refuges. Moreover, it contrasts everyday city sounds with the sounds of nature reminding listeners of recreational alternatives.

*The **FWS** joined DOI for a Department-wide partnership event with the League of United Latin American Citizens at which several hundred youth participated in site visits to public lands in the Las Vegas area. Students learned about critical habitat and endangered species.