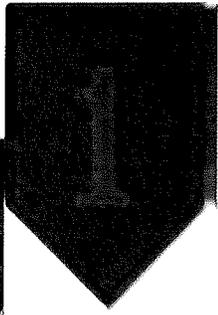
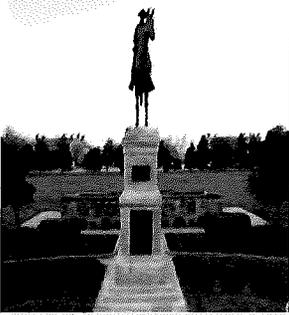


EEO Quarterly News You Can Use

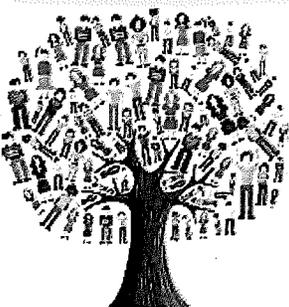


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Special points of interest:

- Black History Month (February)
- Women's History Month (March)
- Asian and Pacific Islander Heritage Month (May)



New Member of the EEO Team

The EEO Office would like to say willkommen (welcome in German) to Mr. Jeffrey Greer, who comes to us from Germany. Mr. Greer is our new Special Emphasis Program manager and will also be handling the requests for accommodations.

Ft Riley EEO Staff

Director: Ms. Therese Ayers (239-6698)

Complaints Manager: Ms. Kathy Bellinder (239-2741)

Special Emphasis Program Manager: Mr. Jeffrey Greer (239-3263)

Location: 510 Huebner Road (Grimes Hall), 2nd Floor

EEO WEBSITE: <http://www.riley.army.mil/Units/GarrisonCommand/EqualEmploymentOpportunity>

Fun Facts on Black and Women's History and Asian/Pacific Islander Heritage Months

Black History Month Fun Fact: When the U.S. entered World War I in 1917, the 369th Infantry—also known as the “Harlem Hellfighters”—was among the first regiments to arrive in France, and it became one of the most highly decorated. An all-Black regiment under the command of mostly White officers including its commander, Colonel William Hayward, the 369th spent 191 days in combat, longer than any other American unit in the war. Hayward described his unit saying, “My men never retire, they go forward or they die.” (From the following website: <http://www.archives.gov/education/lessons/369th-infantry/>)

Women's History Month Fun Fact: Prior to the women's liberation movement, hurricanes were only named for women. By the 1960s, feminists began taking issue with the gendered naming convention. Most vocal among them was Roxcy Bolton. Bolton chided the National Weather Service for their hurricane naming system, declaring, —Women are not disasters, destroying life and communities...! In 1979, the National Weather Service and the World Meteorological Association switched to an alternating inventory of both men's and women's names. (From the following web site:<http://www.womenspagehistory.com/2013/06/roxcy-bolton-gender-naming-hurricanes.html#/2013/06/roxcy-bolton-gender-naming-hurricanes.html>)

Asian/Pacific Islander Heritage Month Fun Fact: In 2013, Democrat Mazie Hirono became the country's first Asian-American female senator. She was also Hawaii's first-ever female U.S. senator. In addition, she's the first senator born in Japan. (From the following website: <http://www.whitehouse.gov/aapi>)

EEOC and the Enforcement Protections for LGBT Workers

Recent events, including the filing of two EEOC lawsuits on behalf of transgender employees and an amicus brief in the 7th Circuit related to coverage of sexual orientation, have triggered increased interest about protections for lesbian, gay, bisexual and transgender (LGBT) individuals under federal employment-discrimination laws. The information below highlights what you should know about the EEOC's enforcement efforts in this area.

Overview

The EEOC is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. These federal laws also prohibit employers from retaliating against workers who oppose discriminatory employment practices - for example, by reporting incidents of sexual harassment to their supervisor or human resources department - or against those who file EEOC charges or cooperate with an EEOC investigation. Also, where these federal laws apply, they protect all workers, regardless of sexual orientation or gender identity.

Employers and employees often have questions about whether discrimination related to LGBT status is prohibited under the laws the EEOC enforces. The Commission's Strategic Enforcement Plan (SEP), adopted by a bipartisan vote in December of 2012, lists "coverage of lesbian, gay, bisexual and transgender individuals under Title VII's sex discrimination provisions, as they may apply" as an enforcement priority for FY2013-2016. This enforcement priority is consistent with positions the Commission has taken in recent years regarding the intersection of LGBT-related discrimination and Title VII's prohibition on sex discrimination.

In 2012, the EEOC held that discrimination against an individual because that person is transgender (also known as gender identity discrimination) is discrimination because of sex and therefore is prohibited under Title VII of the Civil Rights Act of 1964. See Macy v. Department of Justice, EEOC Appeal No. 0120120821 (April 20, 2012). The Commission has also found that discrimination against lesbian, gay, and bisexual individuals based on sex-stereotypes, such as the belief that men should only date women or that women should only marry men, is discrimination on the basis of sex under Title VII. See Veretto v. United States Postal Service, EEOC DOC 0120110873 (July 1, 2011) (accepting Title VII sex discrimination claim alleging that supervisor harassment was motivated by sexual stereotype that men should only marry women); Castello v. United States Postal Service, EEOC DOC 0520110649 (December 20, 2011) (accepting Title VII sex discrimination claim alleging that supervisor harassment was motivated by sexual stereotype that having relationships with men is an essential part of being a woman); Complainant v. Dep't of Homeland Sec., EEOC DOC 0120110576 (August 20, 2014) (reaffirming prior findings that federal employees discriminated against on the basis of sexual orientation can establish violations of Title VII based on the sex stereotyping theory).

(Taken from the EEOC Website at www.eeoc.gov, January 2015)

"The only way I will rest in peace is if one day transgender people aren't treated the way I was, they are treated like human beings, with valid feelings" - Leelah Alcorn

Helpful Hints for Employees and Managers When Dealing with a Discrimination Allegation

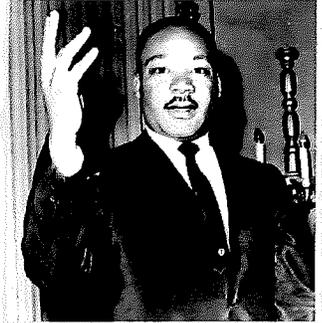
Employees have the right to come to the EEO Office. Employees do not have to take leave, but do have to tell their supervisors that they need to come to the EEO Office. Employees are not obligated to tell their supervisors specifically why they need to go to the EEO Office. Supervisors need to allow an employee to go to the EEO Office but can tell the employee to go the next day if a mission suspense is due that day.

An employee who accuses a manager of discrimination or testifies against a manager in an investigation, hearing or court case cannot be punished, intimidated, disciplined or otherwise harassed for doing so. The legal right to protest against discrimination, whether informally or formally, is protected under Title VII of the Civil Rights Act of 1964, as amended. The accuracy of the allegation will be determined during the hearing or trial.

When an employee files an EEO complaint of discrimination, it is filed against the Secretary of the Army not the manager.

Recommendations for supervising an individual who has filed an EEO complaint that prevents or reduces the possibility of allegations of reprisal or retaliation are:

1. Do not find fault with the employee for using the complaint process.
2. Do not take the action personally.



“Have we not come to such an impasse in modern world that we must love our enemies—or else? The chain reaction of evil—must be broken, or else we shall be plunged into the dark abyss of annihilation”
- Martin Luther King Jr

Mediation in the Workplace – A Proactive Approach to Preventing Litigation and Promoting a Healthier Work Environment

Mediation brings people together to proactively resolve their disputes. Mediation is a confidential voluntary process of shared decision making in which one or more impartial persons, called mediators, assist people, organizations and communities in conflict to work toward a variety of goals.¹ Mediation is a way to resolve disputes without filing a “formal complaint” or lawsuit. It can provide a non-public forum in which the disputing parties can discuss the dispute, feel that they are being heard, gain insight and understanding into the perspective of the other party, and work together in exploring and developing possible ways to resolve the dispute.

Why Mediation In The Workplace:2

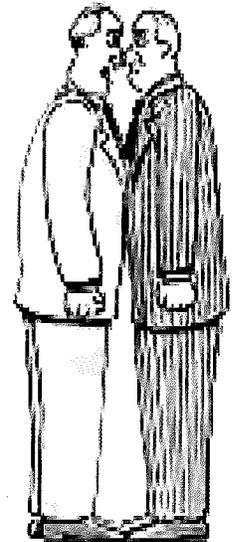
Recognition and Understanding. When employees feel they are being heard and have the opportunity to hear and understand the other party’s point of view, the chance for an amicable resolution is heightened.

Self-Empowerment. The workplace is an environment where employees feel they are normally being told what to do – mediation offers employees the opportunity to have input in the decision on how to resolve a situation.

Timeliness and Speed. Mediation can take place quickly and within a short period of time (often just a few hours). In contrast, a formal complaint filed with a regulatory agency or court can take years to resolve.

Cost Effective. Mediation is cost effective not only financially but also in human capital and time. Mediator fees are a fraction of the costs of the legal fees associated with a protracted conflict and litigation.

Confidential. Once a lawsuit is filed it becomes a matter of public record while mediations, by their very nature and contract, are confidential, regardless if a mediation

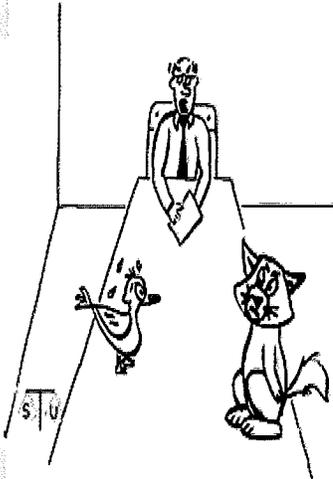


“Do we see eye to eye on this matter?”

takes place prior to or after a lawsuit has been filed.

Durability of the Mediation Agreement. Studies have shown that when disputing parties voluntarily enter into a mediation agreement they are far more likely to adhere to the terms of the mediation agreement since they helped draft and design the agreement rather than when a judgment is imposed by a court or regulatory agency.

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Please clarify item 14: "Have Mr. Birdie over for dinner."

Types of Workplace Issues Where Mediation Can Really Help:

Problems between employees. Even the simplest of problems between employees, if left unresolved, can fester and grow into much larger issues that not only negatively affect the employees involved but also impact others around them. Employers that provide mediation as an avenue that employees can use to resolve their disputes in a confidential, impartial and non-judgmental way serves to empower employees to positively change their workplace interactions.

Performance Issues. Employee performance can deteriorate for an array of reasons: communication style, personal interactions, misperceptions and misunderstanding regarding roles and responsibilities, etc. Mediation can offer an alternative, and likely more productive, forum in which to discuss these difficult issues outside of the standard performance review process.

Harassment Complaints. Utilizing mediation as the first step in dealing with harassment complaints can be very helpful, especially if the complaint is based on a misperception or misunderstanding of what is acceptable workplace behavior. Mediation can serve to open communication between the parties, help clarify what is acceptable workplace behavior, and foster a healthier understanding between co-workers.

Termination. A termination is always a difficult situation for the employee in question, the employer, and often other employees. Mediation can help the employee feel they have fully shared their feelings and concerns regarding the termination in a circumstance in which the power lies ultimately with the employer. Mediation can offer an opportunity for a "peaceful parting" and allay employers' worries of potential litigation.

Why Employers should consider adding mediation to their Employee Relations tool kit. At a minimum, the benefit of using mediation as a first step in addressing and resolving workplace disputes gives each party a better understanding of the issues and problems of the dispute in a confidential, impartial, and non-public venue. Mediation offers the parties the opportunity to resolve the dispute quickly, and it empowers each party by providing them a voice and role in determining the resolution. Even if the mediation does not result in an agreement and a lawsuit ensues the parties will have a good understanding of the nature of the dispute and the facts surrounding it.

Mediations that do lead to an agreement have endless benefits that include a positive resolution to a workplace dispute in a quick, cost effective manner. Mediation also has the long lasting effect of providing the employees who participate in the mediation the conflict resolution tools that were utilized in the mediation to resolve future disputes. At its core mediation is a confidential and voluntary process in which the parties have an active role in the control and resolution of the dispute. When an agreement is finalized, it allows the parties to move forward with a sense of completion, of ownership in the outcome, and, most importantly, that they are winners at resolving their problems.⁶ This is an especially meaningful experience in the workplace since employees often feel that they do not hold a significant amount of power.



"Kind of concerned with your performance as Conflict Resolution Manager."



The mediator could see at the outset that there would be unhealed eyes to be dealt with.

Footnotes:

1 Dispute Resolution Center, St. Paul MN, Brochure 2 Why Mediation by Lawrence a. Heurta www.mediate.com (Originally published in the Nov./Dec. '98 issue of Right of Way) 3 Your Rights in the Workplace (9th Edition) 4 Your Rights in the Work Place (9th Edition) 5 Los Angeles Bar Association Dis-

pute Resolution Services, (DRS) 6 Mediation: A Process To Regain Control of Your Life by Nathan Davidovich