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NWS Diversity/EEO Notes From the Community

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A Reflection of the Spring 2009 EEO/Diversity Management Summit held in Atlanta, Georgia

By Paul Trotter

National Weather Service EEO and Diversity Management Training Summit was held April 28-30, 2009 in Atlanta, Georgia at the Crown Plaza Perimeter Hotel. The theme and focus of the summit was "Strengthening Partnerships to Achieve Results." There were five Strategic Goals: developing a better understanding of the roles and responsibilities of EEO Managers and EEO/Diversity Focal Points; cultivate and establish support mechanisms for a model EEO Program and Diversity Management process; confirm the agency's method of integrating EEO/Diversity Management into every facet of the Weather Service's Mission; apply the knowledge obtained and pass on to managers, subordinates, and counterparts; improve communications at the Field, Regional, and Headquarters level as it relates to effective management of Diversity and EEO. NWS Office of Equal Opportunity and Diversity Management represented NWS Leadership extremely well. Most of the participants

agreed that the strategic use of laws and theory coupled with the Equal Employment Opportunity Management Directives MD-715 helped to provide a favorable foundation for learning. Enlightened subject matter experts such as Cynthia Ferentinos, Senior Research Psychologist, U.S. Merit Systems Protection Board, Mark Gorkin, ("The Stress Doc") MSW, Licensed Clinical Social Worker, John T. Jones, Senior Consultant for Rushford and Associates, and Byron Kunisawa, founder of Cultural Solutions Inc. did a great job coaching, providing spirited debate, inspiring and challenging presentations. They guided summit participants by sharing beneficial information that will assist in helping NWS enhance its Diversity posture. Ms. Ferentinos covered graphical employment representation in workforces. She provided fair and equitable treatment information regarding federal employees and gave information concerning pay for performance com-

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Mediation Is 'no lose' for EEO, HR and Management

Central to any model agency EEO program, as called for in EEOC Management Directive 715, is demonstrating efficiency, including an alternative dispute resolution program that "facilitates the early, effective and efficient informal resolution of disputes." The EEOC and EEO offices know that mediation, the most common form of ADR, is

highly effective. According to EEOC figures for FY 2007, the latest available, the ADR federal sector resolution rate was 66.5 percent in the pre-complaint (informal) stage, and 62 percent in the formal complaint stage. Resolution means the complaints go away, either through settlement or withdrawal. But although EEO offices have a

clear stake in selling mediation, and employees are generally eager to accept offers to mediate, agency managers and HR offices often resist offering mediation, said Steve Randels, attorney and mediator in Seattle. This is unfortunate. "It is always a good choice to offer ADR from the agency's point of view," he said. "Mediation is a 'no lose' option."

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Reflection of Atlanta, Georgia Summit (continued from page 1)

pensation systems. Mr. Gorkin emphasized team building with humor. He used a number of theories to offset stress such as rehabilitation, burnout prevention, and mastering loss with change. Mr. Jones covered the roles of Special Emphasis Program managers. He used several examples of how to assist management, program advocacy, recruitment and outreach. He also covered law relationships and MD-715, how to stay legal, what are barriers, how to use evaluation and how to improve the process through special emphasis. Byron Kunisawa zeroed in on inclusion versus exclusion. This was done through a theory of "Designs of Omission." He noted the key element was to identify the "right" question eliminating exclusion. Charly Wells, NOAA's NWS Office of Equal Opportunity and Diversity Management Director, Hope Hasberry, NWS EEO/Diversity Management Specialist, Bill Proenza, NWS Southern Regions Director, Steve Kuhl, MIC WFO Quad Cities, and Stephan

Smith, Ph.D., Decision Assistance Branch, OST added quality briefings on the F.A.I.R. Way to Managing Diversity (Feedback, Assistance, Inclusion, and Respect), policy, doctrine, theory, leadership, marketing, new metrics, and survey mining. There were two presentations from OST: one by Steve Smith, Diversity Management in the Operational Environment and the other by Paul Trotter, "Hurricane Katrina (Diversity Management in Action)". The new metrics was the first of its kind nationally and developed by Jason Taylor (OST, MDL). The first of its kind, an online diversity Management measurement tool, was developed by Charly Wells and formatted by Jason Taylor for electronic usage. The Online diversity measurement tool will allow the NWS to determine its best practices and address problematic areas which will assist in workplace and work environment improvement. NOAA's National Weather Service also recognized the following individuals for their time and dedication in supporting Diversity Management and all that it represents:

Eastern Region: Dave Zaff—Diversity Champion Award.

NCEP-Central Region: Carol Schultz—Community Outreach Recognition Award.

NWS Headquarters: Jason Taylor - Special Act Recognition Award.

Pacific Region: Jeff Ladouce – Outstanding Dedication and Commitment to Equal Opportunity and Diversity Management Award.

Southern Region: Armando Garza - Manager of the Year Award, Alana McCants - Special Emphasis Program Manager Award, and William Parker - Special Emphasis Program Manager Award.

Western Region: Michelle Mead - Chair/Diversity Action Committee Award and Eric Pytlak - EEO Focal Point Award.

Mediation Is 'no lose' (continued from page 1)

Advantages to the agency

Randels, who admits to a "passion for mediation," backed up his "no lose" statement with the following list of advantages to agency management and HR.

- **Free discovery.** The agency can learn why the employee is aggrieved and what evidence may back it up. Although mediation is confidential, the knowledge is useful if a complaint goes forward.

- **Risk management.** A revelation of actual agency errors can lead to a quick settlement. HR and senior management may not know what is really going on. Mediation is a way to learn the bad news and limit the damage.

- **Keeping peace in the family.** Even if there is no discrimination, hearing an employee out can improve the workplace situation. In the federal process, most



Mediation Is ‘no lose’ (continued from page 3)

aggrieved employees continue working for the agency.

- **Exposing unmeritorious complaints.** Weaknesses become evident, and a mediator can privately point them out to the employee, who may then withdraw the complaint. This is the best way to make weak complaints go away.
- **Avoiding unwanted attention.** Mediations don’t attract the notice of senior management or the public.
- **Resource management.** Mediation is a lot more efficient and cheaper than litigation.

Mediation also favors RMO

The responsible management official is not in a position to refuse mediation, since the agency is the responding party, not the RMO. However, RMOs may use whatever influence they have to discourage the agency from offering mediation, either because they have something to hide or, more commonly, because they are convinced the complaint has no merit and want to fight it. If invited to attend, they may be uncooperative or hostile. However, Randels said it is to the advantage of the RMO to cooperate with mediation, since it is the best way to settle a dispute with minimum disruption to the workplace, attention from senior management, and liability to the agency. HR and senior managers can point this out to reluctant RMOs. If they have not discriminated or done anything else wrong, mediation is a good way to clear the air quickly and demonstrate their good intentions and behavior to both their superiors and the employee. But suppose some embarrassing facts are apt to come out? Better sooner than later. “It’s not going to get better” for the RMO, Randels said, if a complaint goes forward. It is better all around to limit the damage to the agency. Mediations are confidential, Randels pointed out. It is therefore more difficult for an agency to use any negative information about an RMO it learns in a mediation as a basis for later discipline. However, “facts are facts,” he said, and are always subject to later inquiry.

Increases chances for successful mediation

Seattle attorney and mediator Steve Randels says managers and HR participants should approach mediations carefully, to increase their chances for success. They should:

- Always take the high road, even if they are upset with the employee. Thank the employee for agreeing to mediation and make a real attempt to listen. Use active listening techniques.
- Be prepared for emotion and not react negatively.
- Explain the reasons behind the actions at issue, objectively, using timelines.
- Be honest, avoid getting personal, and educate both mediator and employee.

The agency should always send a manager senior enough to make decisions, Randels said, or with a direct connection to someone who can. There should also be at least an HR staffer with a knowledge of EEO law. Attorneys are not necessary, he said, especially at the pre-complaint stage, although if the employee brings an attorney, the agency may also want to bring one. It may or may not be appropriate to have the responsible management official, the one alleged to be responsible for discrimination, present, Randels said. That depends on the nature of the complaint and the state of the relationship between the RMO and the employee.

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House Committee Approves Paid Family Leave Bill

The House Committee on Oversight and Government Reform on May 6 approved a bill that would—if signed into law—provide federal employees with four weeks of paid leave for the birth or adoption of a child. The bill, H.R. 626, now goes to the full House for a vote. The bill would expand options available to federal employees under the 1993 Family and Medical Leave Act (FMLA)—which provides 12 weeks of unpaid leave for a number of reasons. Federal workers who take FMLA leave for birth- or adoption-related activities would be paid for four weeks under the bill. Federal labor unions applauded the House committee action. Congress needs to pass this family-friendly legislation if we are to attract the highly talented and skilled individuals necessary to take on the challenges of recovering from an unparalleled economic upheaval,” said National Active and Retired Federal Employees Association President Margaret

Baptiste. Collen Kelley, president of the National Treasury Employees Union, also praised the vote. “Not only would this have a positive impact on federal employees and improve the competitive position of agencies in their recruitment and retention efforts,” Kelley said, “[but] the strong likelihood is that it would result in an expansion of its use in the private sector as well.” H.R. 626 was introduced by Rep. Carolyn Maloney, D-N.Y., and has a companion measure, S. 354, introduced by Sen. Jim Webb, D-Va., pending in the Senate.

To see more, go to:

www.nteu.org/PressKits/PressRelease/PressRelease.aspx?ID=1424 or www.narfe.org

2009 Asian American Awareness Month



(L-R): Ms. Evelyn Channer, Mrs. Sait, Mr. Farook Sait, Mrs. Donna Wells, Mr. Charly Wells, Ms. Michelle Moore, Dr. Jim Su, Ms. Sabrina Cook

By Dr. Jim Su

During the month of May, Asian Americans and Pacific Islanders (AAPI) celebrated the Asian/Pacific American Heritage Month (APAHM) to commemorate the contributions of people of Asian and Pacific Islander descent in the United States. The APAHM was originated by a joint Congressional Resolution in 1978 to commemorate Asian American Heri-

tage Week during the first week of May. This week was chosen because of two important anniversaries: (1) the arrival of the first Japanese Immigrants in America on May 7, 1843 and (2) the completion of the transcontinental railroad by many Chinese laborers on May 10, 1869. In 1990, Congress voted to expand it from a week to a month long celebration and in May 1992, the month of May was permanently designated as “Asian/Pacific American Heritage Month.” This year’s celebration of APAHM on the NOAA campus in Silver Spring, MD began on May 20, 2009. The celebration event featured keynote speaker Ms. Gazal G. Modhera, Special Assistant to EEOC Commissioner Naomi C. Earp, ethnic food, Chinese musical instruments demonstration, as well as Hawaiian music and dance. The celebration events were extended into June, with NOAA Ping Pong Tournament on June 3, 2009 and presentations on Ancient Chinese and Hawaiian Seagoing Ships, on June 16, 2009. These events were sponsored by the NOAA Office of Civil Rights and the Department of Commerce Asian Pacific American Net-

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2009 Asian American Awareness Month (continued from page 5)

-work, NOAA Chapter. The NWS OEODM contributed a substantial amount of funding. On May 20, 2009 Ms. Modhera presented an overview of "Asian American and Pacific Islander Work Group (AAPIWG) Report to the Chair of the Equal Employment Opportunity Commission (EEOC)". The AAPI Work Group was initiated by former EEOC Chair Naomi C. Earp on October 11, 2007. Among 17 members of AAPIWG, two members are Department of Commerce (DOC) employees: Ms. Suzan J. Aramaki, DOC Director of Civil Rights and Dr. James C. Su, NOAA/NWS/OEODM AAPI Special Emphasis Program Manager. Dr. Su Served as the Senior Vice President for Operation (2007-2008) of Federal Asian Pacific American Council (FAPAC) and was appointed by former EEOC Chair Earp to represent FAPAC. The AAPIWG collected statistical data, conducted Federal Government-wide survey, and held public hearing sessions for presentations from several Federal employees and university professors who study issues of AAPI Government employees. The EEOC held a Commission hearing for the presentation of the AAPIWG before the final AAPIWG Report was compiled. The Report was posted on the EEOC website on December 21, 2008. Ms. Modhera is the leader of AAPIWG. She presented a comprehensive overview of the AAPIWG Report with emphasis on recommendations to NOAA regarding the issues of AAPI Federal employees. The Ping Pong Tournament on June 3 was welcomed by many NOAA employees. Presentations on June 16 featured

stories of re-building ancient Chinese sailboat and Hawaiian Voyaging Canoe "Hawai'iloa". It was also presented that, upon completion of re-building the vessels, both the ancient Chinese sailboat and Hawai'iloa sailed in the Pacific Ocean, trying to follow the ancient routes. Mr. Hans K. Van Tilburg, Historian of Office of National Marine Sanctuaries, Pacific Region, NOAA National Ocean Service, presented the process of re-building an ancient Chinese sailboat and described details of the sailboat. "Building the Voyaging Canoe Hawai'iloa" was presented by Mr. Darrell R. Robertson, Director of Program Planning and Analysis Division, NOAA Satellite and Information Service. He also explained the selection of a tree for building Hawai'iloa and the "Spirit" of every canoe including Hawai'iloa." The presentations were very informative for the awareness of AAPI culture. In addition to the celebration of APAHM on the NOAA campus, NOAA employees also participated in the national conferences of Federal Government AAPI employee organizations, namely, "The 24th (Annual) National Leadership Training Conference" of FAPAC and "The 2009 AAGEN Leadership Conference" of The Asian American Government Executives Network (AAGEN). The FAPAC Conference was held in Houston, TX, during the week of May 11-15, 2009 which featured six plenary sessions, 33 workshops, student programs, and exhibits. An Executive Coaching session was offered for one-to-one mentoring for conference participants who signed up. NOAA Robot Terri also attended

the FAPAC Conference to help outreach efforts in meeting students there and explained NOAA employment opportunities to them. During the FAPAC Conference, Ms. Gazal Modhera also led a plenary session entitled: "EEOC AAPI Report", including four EEOC AAPI Work Group members, among them, Dr. James Su served as one of the panelists. On June 25, 2009, Mr. Charly Wells, Director of NWS OEODM and Dr. James Su participated in the 2009 AAGEN Leadership Conference held in Arlington, VA. The conference featured an Opening Keynote Address by VADM Harry Harris of U. S. Navy, entitled: "Importance of Government Service". It also included 12 workshops in three tracks: Learning in the Workplace, Seizing Opportunities, and Executive Tools. Mentoring effort was also included in the AAGEN Conference by conducting an one-to-one executive coaching session. Both FAPAC and AAGEN have been working closely with the White House, the U.S. Congress, and the U.S. Office of Personnel Management (OPM). The conferences held by FAPAC and AAGEN were endorsed by OPM which sent memoranda to Federal agencies before conference dates. NOAA AAPI employees are grateful for the support to the Heritage Month celebration events from the NOAA management and Line offices.



Want to Improve EEO Accountability? Try Collaborative Approach

Accountability is a sore subject with many EEO practitioners and victims of employment discrimination. The feeling is that managers and other individuals who discriminate are often successful in avoiding discipline for their unlawful acts. Indeed, stories about managers who were promoted after harassing subordinates frequently circulate in the EEO community. Although, agency leaders should know how to respond to acts of discrimination, the anecdotal evidence suggests that EEO practitioners should play a more vigorous role in reaching out to other offices and helping leaders recognize that accountability is essential, but must be implemented appropriately. An appropriate response to employment discrimination not only promotes employee confidence in the EEO system and the agency as a whole, but it also sends a firm message to would-be perpetrators that discrimination will not be tolerated. An agency that develops a track record for fair discipline that sticks may have the opportunity to promote diversity in a positive way rather than constantly addressing discrimination charges.

Lack of will—or knowledge?

Do agency officials lack the will to discipline perpetrators? Or do they simply lack the know-how to make discipline stick? If it's a lack of knowledge, the Office of Personnel Management's Disciplinary Best Practices and Advisory Guidelines Under the No FEAR Act provides useful guidance. The document, which was mandated by the No FEAR Act of 2002, includes practical advice that can help agencies to more successfully discipline discriminators through interoffice teamwork.

Disciplining the right way

OPM's guidelines provide six best practices that can help agencies develop better discipline policies. The practices focus on a team approach to making sure that discipline is appropriate and fair, elements that are crucial in guaranteeing that the discipline is not reversed.

1. Develop disciplinary policies through collaboration with other relevant offices. Involving the offices that are responsible for taking and defending disciplinary actions can ensure that both the technical and legal requirements are met, helping to ensure that discipline

against the perpetrator sticks.

2. Provide written guidance to supervisors. Clearly written discipline policies help the perpetrators' supervisors understand the agency's expectations and take appropriate, consistent disciplinary actions that are legally defensible.

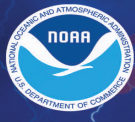
3. Supervisors should work with the ER and legal departments to determine appropriate disciplinary actions in specific situations. Getting guidance from and concurrence with individuals who have valuable experience and insight can help supervisors make sound disciplinary decisions.

4. Provide ER staff members with the training they need to give good advice. If the ER office provides "high-quality," accurate advice, it will develop positive working relationships with management. These positive relationships will encourage the perpetrators' supervisors to respect and follow the advice given by the ER office.

5. Use joint meetings or other interoffice communications as way to develop effective working relationships among the agency's ER office, EEO office, and legal counsel. Informal updates and discussions about emerging trends can help develop trust and respect between offices. Quality communications also can help offices understand the various roles they play in assisting agencies to productively combat misconduct.

6. Consider alternative discipline in appropriate situations. Although the OPM noted that alternative discipline is not often used in the case of EEO violations, it suggested that supervisors might collaborate with the relevant offices to consider this form of discipline for cases where the perpetrator has a long history of good conduct and a high potential for rehabilitation.

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Diversity Management Within the Office of Hydrology Development

“Team OHD deserves a round of applause for the creativity and innovation shown at your event.”

By January Braxton

Tuesday, May 19, 2009, the Office of Hydrologic Development (OHD) had an All Hands Meeting. Director Gary Carter opened with remarks and handed out length of service awards. After coffee and light refreshments were served, Geoff Bonnin and Donna Page shared the 2009 EEO/Diversity Management Summit presentation that emphasized creating or maintaining an environment that naturally enables all current and future employees, customers and partners to contribute their full potential in pursuit of organizational ob-



Director of the Office of Hydrology Development, Gary Carter as 'Hyrdoman'

jectives. One of the highlights from the meeting was a short video featuring the songs, “A Change Is Gonna Come” and “I Know I Can” that was spliced together with photos of the newly elected people now serving the Obama Administration. The video ended with Gary Carter as Hyrdoman flying to save his OHD Diversifiers. After, the group divided into

smaller groups for a brainstorming session to complete a diversity crossword puzzle, discussed how the events of January 20, 2009 impacted diversity within OHD, and what more could be done within OHD to encourage and support diversity. OHD received a round of applause from invited guest, Charly Wells, Director of the NWS Office of Equal Opportunity and Diversity Management. In an email to Gary, Charly stated, “Team OHD deserves a round of applause for the creativity and innovation shown at your event. I was excited to see the group interaction and OHD employees talking and sharing their feeling about relevant workplace issues. This truly is Diversity Management in action.” In closing, OHD recognized Rick Leach, Manager of NWS Graphics/Communication Office for creating our presentation photos.

“The Forgotten Minority”

By Amy Ladele

According to recent data from the National Science Foundation (NSF), Asian Americans make up 14 percent of the science and engineering workforce, however those numbers are not proportionately represented in leadership positions. Chair of the EEOC’s Asian American Pacific Islander Work Group, Gazal Modhera said that “most federal agencies do not look at Asian American numbers and that Asian Americans have be-

come the forgotten minority.” The fact that Asian Americans are not seen in these leadership positions in academia and in federal institutes is a growing problem that is finally receiving some attention. Asian Americans are currently facing what some are calling a “bamboo ceiling” which is similar to what female scientist faced 30 years ago and the glass ceiling effect associated with African-Americans. This “bamboo ceiling” is repressing many qualified Asian

Americans from elevating themselves to executive positions within various organizations; one of them being the National Institute of Health (NIH). The Asian American Pacific Islander Work Group collected data from Asian American scientists from the federal sector and found three dominant categories where the Asian American community had problems: employment, lack of support, and failure to file complaints

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“The Forgotten Minority” (continued from page 8)

“The December 2005 EEOC Gallup Poll reported that Asian Americans have the highest reports of discrimination of all minority groups, but only 3 percent of official charges were filed by them.” The issue with NIH is that their latest 2008 numbers for their MD-715 report has not changed much since 2006. Currently, 23 percent of Asian Americans represent those in tenure-track positions, but there were only 12 percent of those at the tenure/senior scientist level; 6 percent hold lab chief positions but there is only one Asian American scientific director. Kuan-Teh Jeang, a senior investigator at NIH’s National Institute of Allergy and Infectious Diseases raised the point of “invisible hiring”. Jeang commented that, “there is a transparency of the leadership selection process that needs to be addressed and it may be the use of invisible hiring for leadership positions that is deterring Asian Americans.” Often, they perceive that the openings for those positions are filled by preselected candidates when that is not the case. Similarly, Asian Americans are not immune to

“The United States’ competitive edge cannot stand to loose a section of valuable individuals...”

the glass ceiling problem with academia. The Higher Education Report Card issued by the Committee of 100 reported that Asian Americans represent 6.2 percent of faculty, but only hold 2.4 percent of the 145,371 administrative positions within universities. The past explanation for this was that Asian Americans were qualified for performing research, however not completely acculturated for administrative positions. However, as more and more Asian Americans are born and raised in the United States this weakens the acculturation argument. Ajit Varki, a cellular and molecular medicine professor at the University of California, San Diego, explained that not seeing more Asian Americans in administrative positions within higher education is not a cultural issue, but a generational one due to immigrant vigor. “The immigrants face

the challenges head on and succeed, and their immediate children see it and work just as hard. The later generations, being fully acclimatized, start taking things for granted and stop working as hard to prove themselves.” It is clear that such evidence on Asian American discrimination and the bamboo ceiling effect cannot and should not be easily ignored, fortunately the Work Group has made several recommendations on how federal agencies can improve through engaging their leadership to become more involved with the issue and pushing career development programs. In order for true success to rise from this, both ends must actively and genuinely cooperate for a more diverse and equal working environment. The United States’ competitive edge cannot stand to loose a section of valuable individuals that are qualified to compete in the global scientific marketplace.

Source: Paraphrased from Breaking Through the “Bamboo Ceiling” for Asian American Scientists by Jacqueline Ruttimann, the AAAS/Science Business Office.

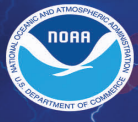
YOU Have the Ability to Turn Things Around

By January Braxton

Don’t get stuck in the moment. Your attitude and mindset has everything to do with your future. A made up mind is a powerful thing. Unpack your anger bag and make the decision to enhance your current skills and embrace new skills. The Administrative Assistant Developmental Program (AADP) is a team of administrative assistants at the National Weather Service (NWS) Headquarters who

meet monthly to discuss certain issues that affect them. Jennifer Kent, Executive Officer for the Office of Hydrologic Development (OHD) leads the team into goal setting habits. In order to enhance our basic skills in management and leadership each team member is given the opportunity to chair the monthly meeting. Thursday, April 2, 2009 Administrative Assistant, January Braxton chaired the AADP Meeting that started at 10:37 a.m.

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YOU Have the Ability to Turn Things Around (continued from page 9)



(L-R): Charmaine Jones, Shalisha Harris, Norma Lomax, Evon Eggleston, January Braxton, Jennifer Kent, Regina WilliamsMackie, Victoria Harps, Yvonne Williams, Mary Boyer, Leslie Rivas, Carol Crandon, Steve Holt, Sharon Smith, Paul Trotter

the dots of change, control, attitude, and performance so your behavior is consistent with your goals, injected excitement into the group. Paul delivered information that was inspiring, uplifting and entertaining. “You can achieve outstanding success, just re-energize and celebrate success,” says Paul. The group left knowing to always do your best and what you plant now, you will harvest later.

The meeting was at the NWS Headquarters, Conference Room 8246. Invited guest speaker, Paul Trotter who currently works for NWS Office of Science and Technology (OST) was available to talk to the group. Paul’s knowledge and experience educated the group about living a life full of possibilities. His presentation and exercise on developing new habits by connecting



Sexual Stereotyping of Transsexual Leads to \$491K Award

The U.S. District Court, District of Columbia broke relatively new ground in *Schroer v. Library of Congress*, 108LRP53915 (D.D.C.09/19/08) when it determined that the transsexual plaintiff was subjected to sex-based discrimination under Title VII when the agency withdrew its offer of a position, based on sexual stereotypes, after being informed the plaintiff was transitioning from male to female. The court’s recent decision regarding remedies may not be groundbreaking, but it does provide food for thought. The court’s award of \$300,000 in nonpecuniary damages, the maximum amount available, may influence other entities, including the Equal Employment Opportunity Commission, to issue higher awards.

Case name: *Schroer v. Library of Congress*, 109 LRP 24691 (D.D.C. 04/28/09).

Ruling: The plaintiff was subjected to sex discrimination when she stated that she was a transsexual who planned to present as a woman. She was entitled to \$183,653 in back pay and benefits; \$7,537 in past pecuniary damages; and \$300,000 in nonpecuniary damages for the extreme emotional pain and suffering she experienced as a result of the discrimination.

Background

The U.S. District Court, District of Columbia previously found the plaintiff, a male-to-female transsexual, was

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Sexual Stereotyping of Transsexual Leads to \$491K Award (continued from page 10)

subjected to sex discrimination when the Library of Congress rescinded a job offer in the Congressional Research Service after learning that the plaintiff intended to present as a woman when she started the job. In awarding the plaintiff \$300,000, the maximum award of nonpecuniary damages available under statute, the court found the evidence outlined the severe impact the discrimination had on the plaintiff just as she was going through two difficult transitions: 1) leaving the military after 25 years; and 2) beginning to present herself as a woman. Being selected for the CRS position gave the plaintiff great hope of achieving both personal and professional success. The agency's decision to rescind its offer caused her to lose hope and confidence. She was embarrassed to have to seek work through friends in the military. Although they found work for her, it was much less fulfilling than the work she hoped to do at the CRS.

Past pecuniary damages

The agency did not dispute the plaintiff's entitlement to past pecuniary damages for therapy to help cope with

"\$300,000 in nonpecuniary damages for the extreme emotional pain and suffering she experienced as a result of the discrimination"

the impact of the discrimination and for dental procedures she required because of damage to her teeth caused by stress-triggered clenching and grinding. Past pecuniary damages are not subject to the \$300,000 cap that applies to future pecuniary and nonpecuniary damages.

Calculating back pay

The District Court found back pay was appropriately calculated using the periodic mitigation method, which "compares a plaintiff's anticipated wages and benefits for certain periods (calendar years, most often) with her actual earnings during those periods." The plaintiff thus received back pay for periods during which she received less pay

than she would have received if she had been working for the Library of Congress. The court noted that under the aggregate mitigation method of calculation, the plaintiff would not have received a back pay award because her combined earnings for the years after the discrimination were higher than she would have received if she had been working for the CRS. The court pointed out that the aggregation method is not favored because it would give employers the incentive to delay reinstatement by giving plaintiffs as much time in a higher-paying job as possible, thereby resulting in a reduction of back pay liability.

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LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PRIDE MONTH

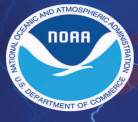
Obama Proclaims June to Be Lesbian, Gay, Bisexual, and Transgender Pride Month

Forty years ago, patrons and supporters of the Stonewall Inn in New York City resisted police harassment that had become all too common for members of the

"I am proud to be the first President to appoint openly LGBT candidates to Senate-confirmed positions..."

lesbian, gay, bisexual, and transgender (LGBT) community. Out of this resistance, the LGBT

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Obama Proclaims June LGBT Pride Month (continued from page 11)

rights movement in America was born. During LGBT Pride Month we commemorate the events of June 1969 and commit to achieving equal justice under law for LGBT Americans. LGBT Americans have made, and continue to make, great and lasting contributions that continue to strengthen the fabric of American society. There are many well-respected LGBT leaders in all professional fields, including the arts and business communities. LGBT Americans also mobilized the Nation to respond to the domestic HIV/AIDS epidemic and have played a vital role in broadening this country's response to the HIV pandemic. Due in no small part to the determination and dedication of the LGBT rights movement, more LGBT Americans are living their lives openly today than ever before. I am proud to be the first President to appoint openly LGBT candidates to Senate-confirmed positions in the first 100 days of an Administration. These individuals embody the best qualities we seek in public servants, and across my Administration -- in both the White House and the Federal agencies -- openly LGBT employees are doing their jobs with distinction and professionalism. The LGBT rights movement has achieved great progress, but there is more work to be done. LGBT youth should feel safe to learn without the fear of harassment, and LGBT families and seniors should be allowed to live their lives with dignity and respect. My Administration has partnered with the LGBT community to advance a wide range of initiatives. At the international level, I have joined efforts at the United Nations to decriminalize homosexuality around the world. Here at home, I continue to support measures to bring

the full spectrum of equal rights to LGBT Americans. These measures include enhancing hate crimes laws, supporting civil unions and Federal rights for LGBT couples, outlawing discrimination in the workplace, ensuring adoption rights, and ending the existing "Don't Ask, Don't Tell" policy in a way that strengthens our Armed Forces and our national security. We must also commit ourselves to fighting the HIV/AIDS epidemic by both reducing the number of HIV infections and providing care and support services to people living with HIV/AIDS across the United States. These issues affect not only the LGBT community, but also our entire Nation. As long as the promise of equality for all remains unfulfilled, all Americans are affected. If we can work together to advance the principles upon which our Nation was founded, every American will benefit. During LGBT Pride Month, I call upon the LGBT community, the Congress, and the American people to work together to promote equal rights for all, regardless of sexual orientation or gender identity. NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2009 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to turn back discrimination and prejudice everywhere it exists. IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.





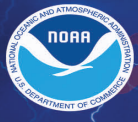
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- New Beginnings -



Collage of the Spring 2009 EEO/Diversity Management Held in Atlanta, Georgia





Bake For Hope



By Catherine Kenney

We baked. They saw. We all won.

Bake for Hope is a 100% volunteer run event consisting of bake sales that occurred nationwide during the week before Mother's Day. The event honored mothers and women everywhere while supporting a cure for breast cancer. All proceeds from the bake sales went to the Susan G. Komen local affiliates, to help women in the community with breast cancer treatments, support, and research. The NCEP Bake for Hope event was held at the World Weather Building in Camp Springs, Maryland on May 6, 2009. Volunteer bakers created delicious cakes, cupcakes, cookies, pies, brownies, whoopie pies, fudge, chocolate covered pretzels, breakfast breads, rolls, and other delectable treats. The turnout was wonderful and all of the baked goods were sold in less than two hours! The NCEP Bake for Hope sale raised \$700 for the cure. NCEP would like to thank the following bakers and volunteers for their help during this successful event: Mukul Bhalla, Susan Callis, Michelle Campbell, Chris Caruso, Heather Hay, Catherine Jordan, Teresa Kirssin, Sheree Link, Regina Nichols, Sue Perroto, Michelle Quigley, James Sims, and Deanna Spindler.

The official website of Bake for Hope is <http://bakeforhope.org>

If you're an avocado fan you're in for a treat! Try this recipe for an avocado pasta salad, it's light, refreshing, easy to make, and a great meal for the summertime. Please feel free to submit recipes that you would like to share with NWS/EEO Diversity Management.

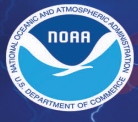
Avocado Pasta Salad

This pasta salad is great when avocados are at their peak—ripe, flavorful and inexpensive. While the salad can be made ahead of time and refrigerated for a few hours before serving, add the avocados at the last minute before serving for the best color and flavor. Pasta salad is always great for a healthy, tasty summer meal.

- | | | | | |
|-----|--|-----------|-----|----------------------------------|
| 1 | lb. bag dry pasta (we like tricolor rotini, fusilli, or wagon wheels) | Dressing: | 2-3 | TB. COUNTRY FRENCH VINAIGRETTE |
| ½ | Cup crumbled feta cheese (shredded Parmesan is also very tasty if you aren't fond of feta) | | 2-3 | TB. water |
| ½-1 | pint cherry tomatoes, cut in quarters | | 3-4 | TB. balsamic or red wine vinegar |
| 1 | bunch green onions, ends removed, thinly sliced | | ½ | Cup light mayonnaise |
| 1-2 | ripe avocados, peeled and chopped | | ¼ | Cup olive oil |
| | | | 1 | TB. honey |

Boil the pasta according to the package directions. While it is cooking, clean and chop the vegetables and crumble the cheese. In a large serving bowl, mix the COUNTRY FRENCH VINAIGRETTE with water; let stand a few minutes, then whisk in the rest of the dressing ingredients. Rinse the pasta and drain very well. Toss the pasta with the dressing. Add the onions, tomatoes, avocado and cheese, then toss again and serve.

Prep. time: 10 minutes Cooking time: 10 minutes Serves: 6-8



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www.weather.gov



NWS Diversity/EEO Notes From the Community

Reminders:

Interesting up coming events:

Federal Employed Women's National Training Program Conference (FEW) - Jul 20 - Jul 24, 2009 - Orlando, FL

Federal Dispute Resolution Conference (FDR) - August 10 - 13, 2009 - Phoenix, AZ

Blacks In Government Conference (BIG) - August 24-28, 2009 - Baltimore, MD

American Indian Science Engineering Society (AISES)-October 29-31, 2009 - Portland, OR

Social Hispanic Professional Engineers (SHPE) - October 30-31, 2009 - Washington, DC

Mexican American Engineers and Scientists (MAES) - November 4-7, 2009 - Las Vegas, NV

EPP Education & Science Forum – November 12-14, 2009 – Howard University, Washington, DC – all LO's participating

News Articles: If you have stories or news articles to be featured in the Office of Equal Opportunity/Diversity Management's newsletter (OEODM), please submit them to: Sabrina.Cook@noaa.gov and Amy.Ladele@noaa.gov by the 15th of each month for the quarterly postings to OEODM's website. **Please remember when submitting articles to have them edited and verified prior to submission.**

We're on the web!

<http://nws.noaa.gov/eo/commnewsletter.php>

