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NWS DIVERSITY/EEO NOTES FROM THE COMMUNITY

Supervisor's Comments about Complaint Trigger Violation

Case name: *Walker v. Department of Agriculture*, 108 LRP 56721 (EEOC OFO 09/25/08).

Ruling: The Department of Agriculture committed unlawful retaliation for protected EEO activity when a supervisor asked the complainant about her recent EEO complaint after he received a call from an EEO counselor.

What it means: A manager who questions an employee about her recent EEO complaint and makes comments about the complaint may be committing per se violations of the anti-retaliation provisions of Title VII and EEOC regulations. The agency may be liable for this per se violation, even if the employee is not actually deterred from engaging in future EEO activity.

Summary: The complainant alleged that after she filed an EEO complaint, the EEO counselor contacted her supervisor. The supervisor asked the complainant about the complaint and made comments about the matter. The administrative judge determined, and the EEOC agreed, that the

supervisor's actions were per se violations of the antiretaliation provisions of Title VII and EEOC regulations. The EEOC awarded the complainant \$9,313 in attorney's fees and costs.

The EEOC observed that a supervisor's actions may be per se reprisal where he intimidates an employee and interferes with the employee's EEO activity in any manner. The supervisor's comments and inquiry were unlawful because they interfered with the complainant's right to pursue a remedy for EEO violations, the commission concluded.

The AJ noted that although the complainant was not actually deterred from engaging in future EEO activity, the agency was liable because it had a continuing duty to promote the full realization of equal employment opportunity in its policies and practices in every aspect of agency personnel matters.

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NOAA's NWS Diversity Council Recognizes Dr. Stephan Smith

By Harriet Loeb



Pictured L-R:

*Dr. James Su, Charly Wells, Hope Hasberry, **Dr. Stephan Smith**, Jack Hayes, Stephanie Jones, Sabrina Cook, Patricia Taylor*

On November 20, 2008, Dr. Stephan Smith was honored for his 10 years of dedicated service as Chair of the NWS Diversity Management Council. Dr. Smith is Chief of the Decision Assistance Branch, Meteorological Development Laboratory, in the NWS Office of Science & Technology. The Diversity Council assists management in creating an environment that recognizes, develops, promotes, understands, and uses employee abilities, skills, and knowledge in a way that allows them to be optimally effective and productive. The Council provides advice and recommendations to the Director of the Office of Equal Opportunity and Diversity Management. Dr. Smith worked diligently to bring the need for diversity and change to NWS management and employees. Throughout the years he served on the Council, Dr. Smith focused his efforts on building a foundation that allows all employees to feel a part of the NWS family. Jack Hayes NWS Director, said: "I am grateful for Dr. Smith's ongoing dedication to the NWS Diversity Council. The time and effort he put into the Council are exemplified by management's increased awareness of the need to embrace diversity."



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October 2008 - National Disability Employment Awareness Month “America’s People, America’s strength, America’s Talents”



In October 2008, we reaffirmed our commitment to ensuring that our nation’s promise is extended to everyone. There are millions of people living with disabilities and many more will become disabled in the future. It is important to integrate individuals with disabilities more fully into every aspect of everyday life. Expanding employment opportunities and finding ways to fight the false perceptions that keep individuals with disabilities from participating in the workforce is the

responsibility of all Americans. We should uphold our standards and morals to include everyone.

Throughout the month of October, DOC/NOAA sponsored several programs commemorating the National Disability Employment Awareness Month. The Federal Triangle Partnership celebrated on October 7, 2008, at DOC’s Herbert C. Hoover Auditorium with Dr. Jonathan Kaufman, founder of Disability Works, Inc., as the keynote speaker.

On October 27-28, 2008, NOAA’s Office of Civil Rights sponsored its 3rd Disability Employment Awareness Month Training Conference in Silver Spring, MD. This two-day event covered topics such as special hiring authorities, reasonable accommodation strategies, recruitment, and retention for individuals with disabilities. Managers and supervisors were encouraged to recognize the abilities and talents of individuals with disabilities and to ensure equal opportunities for in the workplace.

Eighth Annual Minority Legislative Breakfast of Montgomery County, Maryland Hosted by:

The African American Chamber of Commerce of Montgomery County, MD, the Asian American Political Alliance, and the Hispanic Chamber of Commerce of Montgomery County, MD

By Sabrina Cook

OEODM’s Director Charly Wells and Sabrina Cook attended the *Eighth Annual Minority Legislative Breakfast*. This event was held at the Bethesda Marriott Hotel in Bethesda, MD. The legislative priorities of these organizations are to promote social justice, equal opportunities, fair treatment, and full participation for all residents,

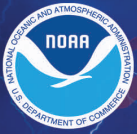
especially the minority community of Montgomery County, MD. They also seek to ensure that everyone’s rights are respected, both in spirit and in practice, and to create a supportive environment for a community that is diverse. Attending the breakfast were notable members of Congress and the House of Representatives who delivered remarks. Those

individuals included Chris Van Hollen, Donna Edwards, Ike Leggett, Phil Edwards and Richard Madaleno few. The breakfast ended with closing remarks by Janice Freeman, President of the African American Chamber of Commerce of Montgomery County, MD. For more information on these organizations visit:

African American CC:
www.aaccmc.org;

Hispanic CC:
www.hccmc.org;

Asian American Political Alliance call (301) 983-251.



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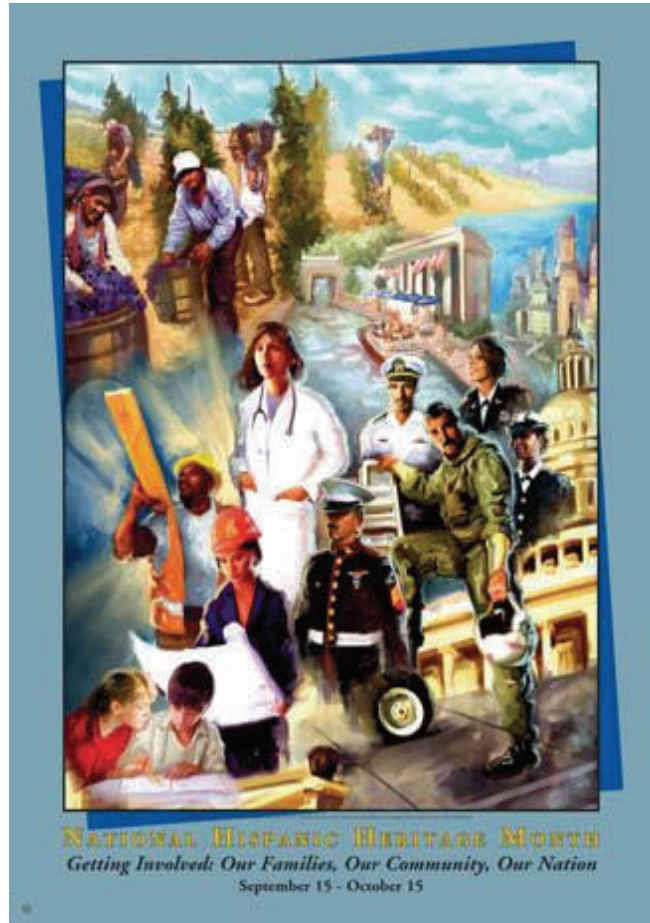
September 15—October 15 National Hispanic Heritage Month

According to the U.S. Census Bureau, more than 44 million people in the United States are of Hispanic origin.

Hispanic Americans have strengthened our country and contributed to the spirit of America. National Hispanic Heritage Month is an opportunity to honor these contributions and celebrate the rich cultural traditions of our Hispanic-American community. We would like to recognize Hispanic-Americans for helping to shape our national character and strengthen our communities. The warmth and vitality of the Hispanic culture are great gifts to America and are a part of the unique fabric of our country.

The rich cultural traditions of the Hispanic-American community have made a remarkable impact on American society. We would like to recognize the many Americans of Hispanic descent who have made outstanding contributions to our Nation.

*National Hispanic Heritage Month
is an opportunity to celebrate diversity
as well as support civil liberties and
rights for all.*





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FUTURE OEODM EVENTS & ACTIVITIES

Spring 2009 EEO/Diversity Summit Atlanta, Georgia

NOAA's NWS Disability Mentoring Day Career Development for the 21st Century

As you know, OEODM is in the process of planning its 2nd Biennial National Weather Service Equal Employment Opportunity Training Summit, scheduled for Spring 2009.

Since returning to the National Weather Service in 2005, Charly Wells promised that every two years he would host an EEO or Diversity Management Training Summit for our EEO Focal Points, Special Emphasis Program Managers, and Champions for Diversity Management.

Charly has remained committed to making sure that our programmatic goals are accomplished by providing training during this summit for NWS EEO Focal Points. Knowing that there are several EEO Focal Points who have never received formal training on the duties and responsibilities related to the EEO Program requirements, this summit will address those issues and many other responsibilities. This will enable each focal point to perform more effectively.

The Summit will be from April 27-30, 2009 in Atlanta, Georgia. Detailed travel and hotel information will be provided as soon as specifics are finalized. Please contact Charly Wells or Hope Hasberry if you have questions or concerns at charly.wells@noaa.gov or hope.hasberry@noaa.gov.



2008 Intern Megan Smith in front of the U.S. Capitol

Sabrina Cook, OEODM's Disabilities Program Manager will coordinate and spearhead a NWS Disability Mentoring Day (DMD) activity beginning March 2009. Ms. Cook will work with coordinators from the American Association of People with Disabilities to kick off this event. Additional information will be provided as she receives it. We are hoping to get support and volunteers from each NWS Regional Office /EEO Focal Points and representatives for this very important event.

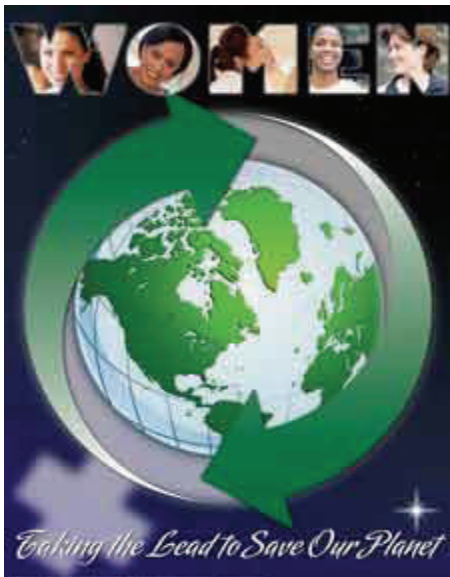
October is the recognized month for Persons with Disabilities, but we should not have to wait until then to provide assistance in making someone's life a little more meaningful or to show how much we care. Disability Mentoring Day is a national program that provides and promotes career development for students and job seekers



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continued from page 5) with disabilities through job shadowing and hands-on career opportunities. For more information on DMD programs and how you can help, please visit: www.dmd-aapd.org. or contact Sabrina Cook at Sabrina.Cook@noaa.gov, or on 301 713-0692x196.



“Women Taking the Lead to Save Our Planet” March 2009 - National Women’s History Month

For generations, women across our great land have helped make our country stronger and better. They have improved our communities and played a vital role in achieving justice and equal rights for all our citizens. During Women's History Month, we celebrate the many contributions women make to our society.

NOAA is in the process of planning this year’s National Women’s History Month celebration which will be held in the DC Metropolitan area. Detailed information will be available as soon as it becomes available from the planning committee. Members from each NOAA line office are working together to host this program.

Reminders: By now everyone should have completed their requirements for the “No FEAR ACT training. All training was to be completed by the end of December 2008. If you have not taken the on-line and/or Face-to-Face training, please contact Charly Wells as soon as possible to make arrangements to meet these requirements. To access the mandatory on-line course, log into the CLC site at: <https://doc.learn.com/noaa/nws> , and select No FEAR ACT. Use Internet Explorer as your browser. If you have completed the FACE-to-FACE training at the Silver Spring location, and have not picked up your training certificates, please contact Sabrina Cook at 301-713-0692, SSMC 2—Room 11358.

- ⇒ **The newly revised DAO 215-10 Reasonable Accommodations Policy is in effect and available on DOC’s website. The reasonable accommodations form (Form CD 575) is an online PDF Form also available the same website. If you experience problems accessing or completing these documents, please contact Sabrina Cook.**
- ⇒ **News Articles: If you have stories or news articles to be featured in OEODM’s News Letter, please submit them to: Sabrina.Cook@NOAA.GOV by the 15th of each month for the quarterly postings to OEODM’s website.**