USAG FORT SILL

Equal Employment Opportunity Newsletter-Equality is OK!

VOLUME 1, ISSUE 3 Q3 2014

SPECIAL POINTS OF INTEREST:

- **Rehabilitation Act of 1973 for Federal Programs**
- **Handicapped Parking in Oklahoma**
- **Women's History Month**
- **Reasonable Accommodation**

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Rehabilitation Act of 1973

The Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors. The standards for determining employment discrimination under the Rehabilitation Act are the same as those used in title I of the Americans with Disabilities Act.

Section 501

Section 501 requires affirmative action and nondiscrimination in employment by Federal agencies of the executive branch. To obtain more information or to file a complaint, employees should contact their agency's Equal Employment Opportunity Office.

Section 504

Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

Each Federal agency has its own set of section 504 regulations that apply to its own programs. Agencies that provide Federal financial assistance also have section 504 regulations covering entities that receive Federal aid. Requirements common to these regulations include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each agency is responsible for enforcing its own regulations. Section 504 may also be enforced through private lawsuits. It is not necessary to file a complaint with a Federal agency or to receive a "right-to-sue" letter before going to court.

Architectural Barriers Act

The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with Federal funds, or leased by a Federal agency, comply with Federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. They do not address the activities conducted in those buildings and facilities.

Handicapped Parking in Oklahoma

It is unlawful for any person to place or park a motor vehicle in any parking space, van-accessible parking space, wheelchair ramp area, wheelchair unloading area or any portion thereof that is designated and posted as a reserved area for the parking of a motor vehicle operated by or transporting a physically disabled person unless such person has applied for and been issued a detachable insignia indicating physical disability. **~Section 15-112 of Title 47 of the Oklahoma Statutes.**

JAN
Job Accommodation Network

The Job Accommodation Network (JAN) is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and employee, JAN helps people with disabilities enhance their employability, and shows employers how to capitalize on the value and talent that people with disabilities add to the workplace.
JAN's trusted consultants offer one-on-one guidance on workplace accommodations, the Americans with Disabilities Act (ADA) and related legislation, and self-employment and entrepreneurship options for people with disabilities. Assistance is available both over the phone and online.
http://askjan.org/

"It was ability that mattered, not disability, which is a word I'm not crazy about using."
~Marlee Matlin

Reasonable Accommodation

Under its Enforcement Guidance: Reasonable Accommodation and the Undue Hardship Under the Americans with Disabilities Act the Equal Employment Opportunity Commission (EEOC) clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship. Title I of the ADA requires an employer to provide reasonable accommodation to qualified individuals with disabilities (IWD) who are employees or applicants for employment, except when such accommodation would cause an undue hardship. This Guidance sets forth an employer's legal obligations regarding reasonable accommodation; however, employers may provide more than the law requires.

This Guidance examines what "reasonable accommodation" means and who is entitled to receive it. The Guidance addresses what constitutes a request for reasonable accommodation, the form and substance of the request, and an employer's ability to ask questions and seek documentation after a request has been made.

The Guidance discusses reasonable accommodations applicable to the hiring process and to the benefits and privileges of employment. The Guidance also covers different types of reasonable accommodations related to job performance, including job restructuring, leave, modified or part-time schedules, modified workplace policies, and reassignment. Questions concerning the relationship between the ADA and the Family and Medical Leave Act (FMLA) are examined as they affect leave and modified schedules. Reassignment issues addressed include who is entitled to reassignment and the extent to which an employer must search for a vacant position. The Guidance also examines issues concerning the interplay between reasonable accommodations and conduct rules.

A reasonable accommodation provided to an IWD allows that individual to perform the essential functions of the job. 29 CFR § 1630.2(o)(1)(i-iii) contains three categories of reasonable accommodations:

(i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodation is related to the benefits and privileges of employment and include, but are not limited to, employer sponsored: training, services (such as Employee Assistance Programs, credit unions, cafeterias, gymnasiums, auditoriums, transportation), parties and other social functions.

http://www.eeoc.gov/policy/docs/accommodation.html

Organizations must create an inclusive environment where employees enjoy all benefits and privileges of employment. Employees unable to participate in organizational activities may feel unappreciated and may not feel valued.

Women's History Month-March

KEY DATES

1901: Army Nurse Corps established

1908: Navy Nurse Corps established

1942-1943: Women's Army Corps (WAC), Women Accepted for Voluntary Emergency Service (WAVES) (Navy), and Women Airforce Service Pilots (WASP) established

1948: Women's Armed Services Integration Act passed

1951: Defense Advisory Committee on Women in the Services (DACOWITS) created

1972: Reserve Officer Training Corps (ROTC) opened to women

1976: Women admitted to service academies

Women have served with great honor and valor in defense of our nation since the Revolutionary War in 1775. Deborah Sampson disguised herself as a man to fight in the Continental Army and Mary Ludwig Hays ("Molly Pitcher") brought water to soldiers on the battlefield. During World War I women served as nurses, bilingual telephone operators, stenographers, and clerks. During World War II hundreds of thousands of women served the war effort at home and abroad performing a variety of jobs in intelligence, supply, medicine, communications, and administration. Women also flew American military planes as carriers, test pilots, and anti-aircraft artillery trainers. The contributions of these women convinced congressional leaders to pass the 1948 Women's Armed Services Act granting women more status in the US military. Opportunities for women continued to increase during the Cold War era with the opening of the Reserve Officer Training Corps (ROTC), Chaplain Corps, Civil Engineer Corps, and the service academies.

FAMOUS WOMEN IN HISTORY

Dr. Mary E. Walker - the first, and only, woman to receive The Medal of Honor; earned as a contract surgeon during the Civil War

Annie G. Fox - the first woman to receive The Purple Heart; earned while serving as an officer in the Army Nurse Corps at Hickam Field during the Japanese attack on Pearl Harbor

Grace Hopper – Rear Admiral in the US Navy and leading computer scientist during the Cold War; developed Mark II and Mark III computers, contributed to the design of the COBOL programming language, and received the National Medal of Technology

Ruby Bradley – survived two wars, a prison camp, and near starvation to become a Colonel in the Army and one of the most decorated woman in US military history with 34 medals and citations of bravery

Above: The Sacred Twenty, the first Navy Nurses

Right: WAVES working on a radial aircraft engine block

WACs assigned to the 8th Air Force in England operate teletype machines

A WAC repairs a Springfield rifle at Camp Campbell, Kentucky

WACs making photographic mosaics during training at Lowry Field, Colorado

Left to Right: Deborah Sampson, served under General Washington during the Revolutionary War; Charlotte Edith (Anderson) Monture, a member of the Iroquois Nation and Army nurse during WWI; Maude Fitch, an ambulance driver during WWI; Jacqueline Cochran, director of the Women Airforce Service Pilots (WASPs) during WWII; Eva Romero Jacques, clerk in the Army Air Corps in the Pacific Theater of WWII; Mary Aurtrey, served in the Army during both the Vietnam and Persian Gulf Wars; Barbara Kurts, worked for the Navy at the NSA during the Korean War; Debra Lewis, one of first female graduates from West Point in 1980

Source: diversity.defense.gov

USAG FORT SILL EEO

Ms. Matline Butler-Liverman receives USMC coins from Col Wayne C. Harrison and Sgt. Maj. Joe A. Thornton, USMC Detachment, Fort Sill in appreciation of her inclusion of the Montford Point Marines Congressional Gold Medal presentation to the family of PFC Rudolph Phillips at the 36th annual Black History Month Proclamation Signing Ceremony on 3 February 2014.

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MISSION

Manage the civilian Equal Employment Opportunity (EEO) program, ensuring a workplace environment that is free of illegal discrimination and fosters equality and opportunity for everyone.

VISION STATEMENT

The installation leadership is committed to respect, fairness, and equality for all civilian employees by ensuring a professional work environment free from unlawful discrimination.
Equal Employment Opportunity is provided to all qualified persons. Discrimination based on an individual's race, color, religion, gender, national origin, age (40 and above), mental and physical disabilities, reprisal for participating in a protected activity and genetic information is unlawful.

Hours of Operation Monday-Friday 7:30 a.m. — 4 p.m.

Have an EEO question? Access via EEO website.
http://sill-www.army.mil/USAG/eeo/index.html

EEOC Factsheet: Religious Garb & Grooming in the Workplace

Examples of religious dress and grooming practices include wearing religious clothing or articles (*e.g.*, a Muslim hijab (headscarf), a Sikh turban, or a Christian cross); observing a religious prohibition against wearing certain garments (*e.g.*, a Muslim, Pentecostal Christian, or Orthodox Jewish woman's practice of not wearing pants or short skirts), or adhering to shaving or hair length observances (*e.g.*, Sikh uncut hair and beard, Rastafarian dreadlocks, or Jewish peyes (sidelocks)).

In most instances, federal law requires employers to make exceptions to their usual rules or preferences to permit applicants and employees to observe religious dress and grooming practices.

Title VII's accommodation requirement only applies to religious beliefs that are **"sincerely held."** However, because an individual's religious practices may deviate from commonly-followed tenets of the religion, the employer should not automatically assume that his or her religious observance is not sincere. An individual's religious beliefs - or degree of adherence - may change over time, nevertheless be sincerely held. Therefore, like the "religious" nature of a belief or practice, the "sincerity" of an employee's stated religious belief is usually not in dispute in religious discrimination cases. However, if an employer has a legitimate reason for questioning the sincerity or even the religious nature of a particular belief or practice for which accommodation has been requested, it may ask an applicant or employee for information reasonably needed to evaluate the request. While undue hardship in Americans with Disabilities Act (ADA) cases is intended to be a rigorous standard for agencies to meet, not so under the religious accommodation provisions of Title VII. "For purposes of religious accommodation, undue hardship is defined by courts as a 'more than de minimis' cost or burden on the operation of the employer's business. For example, if a religious accommodation would impose more than ordinary administrative costs, it would pose an undue hardship."

Example: Afizah is a Muslim woman and has been an ABC Savings & Loan bank teller six months. The bank has a dress code prohibiting tellers from wearing any head coverings. Although Afizah has not previously worn a religious headscarf to work at the bank, her personal religious practice has been to do so during Ramadan, the month of fasting on the Islamic calendar. The fact that Afizah adheres to the practice only at certain times of the year does not mean that her belief is insincere.