

INTOUCH WITH EEO

*Equal Employment Opportunity
Newsletter vol. 2 issue 2*

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FROM THE DIRECTOR:

The EEO Office is not just for filing complaints. The EEO office provide information, advise, training (EEO and Diversity, Equity, Inclusion and Accessibility training), manage the Reasonable Accommodation program, early resolution of workplace conflict by the use of Alternate Dispute Resolution (Mediation), (coming soon) manage the Special Emphasis Program, complete mandatory annual reports, review personnel policies, suggest action plans and implement affirmative action plans for individuals with a disability and sponsor the National Disability Awareness Month Program.

Monique N. Moore



EEO, AA, diversity — what's the difference and why does it matter?

Equal Employment

Opportunity (EEO): Title VII of the Civil Rights Act of 1964 as amended provides freedom from employment discrimination based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), reprisal, disability, or genetic information. Equal Employment Opportunity Commission is responsible for enforcing these laws. Legally mandated.

Affirmative action (AA): has a broader reach in that it encompasses policies that support members of disabled and other groups that have suffered historical employment discrimination. The affirmative action plans (AAPs) include numerical measures intended to increase the representation of individuals with disabilities and veterans, without violating Title VII of the Civil Rights Act of 1964. Legally mandated.

Diversity: It is appreciating, respecting, and acknowledging, social, cultural, and personal differences. Diversity moves beyond correcting historical patterns and discriminatory practices to valuing employee difference to improve overall organizational culture. Where EEO and AA are legally driven mandates, diversity is a proactive change creating a culture of respect and dignity where differences are valued.

Diversity, EEO, and AA deal with issues related to discrimination, but in unique ways. The three are complementary in function and intent but vary in their goals and outcomes.

Understanding the differences and connection between EEO, AA, and diversity helps sustain compliance, foster clear personnel policies, and set a work environment that is diverse, free of discrimination, and equitable for all by incorporating a multipronged approach to employment policies, processes, and practices.



Deborah Biddle <https://www.ibmadison.com/eo-aa-diversity-whats-the-difference-and-why-does-it-matter/>

Reprisal Based EEO Complaints

Participating in EEO is a protected activity, protection means supervisors and managers are not able to take or withhold an action or threaten to take or withhold an action against employees who participate in EEO activity. Regardless of whether a supervisor or manager believes an EEO complaint is meritless, or the employee is a frequent filer, they may not retaliate against the employee for using their rights. Retaliating against someone for participating in EEO activity is called reprisal and falls under the Title VII basis for filing an EEO complaint. Employees who believe their supervisor's or manager's actions have been based on their participation in protected EEO activity may file a new EEO complaint alleging reprisal was the motivating factor behind their supervisor's actions.

Allegations of reprisal make up majority of all EEO complaints that are filed. It is important to note that participating in protected EEO activity does not stop at the employee filing an EEO complaint. Protected EEO activity includes participating in activities related to an EEO complaint as well as opposing discrimination. In addition, participating in someone else's EEO complaint as a witness also falls under protected EEO activity.

When considering what could be considered reprisal, the answer is almost anything. Almost anything a supervisor does or fails to do as a supervisor can be labeled as an act of reprisal. The main point is to ensure the supervisor's motivation for the action in question is not based on reprisal. In *Burlington Northern & Santa Fe Railway Co. v. White* the Supreme Court stated any employment action that results in some sort of materially adverse effect on an employee can be considered reprisal if the motivation behind that employment action is to retaliate against the employee.

Employees do not want to experience discrimination and the same can be said about supervisors and managers, they do not want their actions to be seen as discriminatory. While it may be hard not to take an EEO complaint personally, supervisors must not take actions based on those feelings. Managers and supervisors must remember that employees file complaints for all sorts of reasons and sometimes it has nothing to do with the manager or anything they did.

Supervisors and managers have leadership qualities they can develop and maintain that may aid in avoiding EEO complaints. The first quality is demonstrating a high degree of personal and professional integrity in everything they do. The second quality is ensuring they communicate frequently with their employees in a clear and straightforward manner. By adhering to both leadership qualities, employees may be more responsive, more motivated, and less likely to file complaints.

In the end these things matter most: How well did you love? How fully did you love? How deeply did you learn to let go? - Buddha

Workplace Conflict: Conflict in the workplace is inevitable and even necessary for innovation and efficiency. Healthy conflict means that people are sharing diverse ideas and points of view, but if problems aren't addressed, the tension will build and turn into negative energy. Many leaders will ignore problems and conflicts with the hopes that they will simply disappear. But this strategy can actually escalate the problem further. Leaders have a responsibility to help their employees be as productive and engaged as possible. If problems aren't confronted then passive aggression, arguing, further conflict, and sometimes, fighting and abuse will occur. This applies to both formal and informal leaders. Here are seven steps to diffusing workplace conflict:

- 1) Address the issue with all parties involved. When possible, have a meeting to discuss the facts surrounding the issue (s). Bear in mind to discuss facts not emotions. It's important to avoid emotional language when possible so that the focus can be on finding a way forward versus discussing how past events made the parties feel.
- 2) Listen to all sides. Allow all sides to hear one another and speak from their own point of view, focusing on facts and behaviors, not personalities.
- 3) Find common ground between the sides. Ask both parties what works about their relationship. Discuss the positive aspects of their interactions.
- 4) Encourage compromise. Ask both parties what they are willing to change or commit to in order to resolve the problem.
- 5) Confront negative feelings. If feelings and thoughts aren't worked out fully, the problem may go away for a while but may reappear.
- 6) Define what changes need to occur. List specific actions that must be taken and the supporting goals with specific time frames. Take notes and document the conflict as well as resolution plan.
- 7) Schedule a follow-up meeting. Make any adjustments to the plan.

It is recommended to use "I feel" when presenting your conflict with the other person. No one can respond that your feelings are wrong because they are yours and yours only. Also using "I" versus "you" prevents the other person from feeling attacked and becoming defensive. Use of these "I" statements allow focus to be directed on the solution.

Personal Measures When Faced with Conflict

- 1) **Stay Calm:** accept the reality of conflict. Next, come up with a plan to deal with the problem by talking with the other person(s) involved before the tension grows into something unbearable between you. Don't let the situation get passive-aggressive. Tackle the conflict before it gets that far. Don't let your emotions get the best of you. Say what you need to say without yelling or snark, and remember, there are two sides to every story. What you've been experiencing during your interactions with another may not always be what they were experiencing during their interactions with you. Open your mind to other points of view. Accept ahead of time that you're not always in the right.
- 2) **Communicate via Active-Listening:** It's not only important to get together and talk, but also to get together and listen. Tap into your empathy and have a dialogue with each other. Don't avoid it. Have a sit-down somewhere and make sure both of you have a chance to say everything you need to say. Don't just wait for your turn to talk, really listen to the other person. Be attentive to their words and try to think how they think and feel how they feel. Ask questions to make sure you understood what they meant to say, and not just what you thought they were saying. Active listening is critically important to true conflict resolution. We all like to feel like we've been heard.
- 3) **Self-Reflect and Resolve the Conflict:** Self-reflect on both sides of the situation. It helps to see from the other person's point of view and helps you to understand what they're thinking and feeling so you can resolve the conflict. Focus on where you agree and not so much on where you disagree. Be forgiving – we're all only human. We make mistakes and we misinterpret situations. If we all have empathy for each other, we can resolve conflicts and help build each other into better people.

Disability Program Management: Religious Accommodation

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits federal agencies from discriminating against employees or applicants for employment because of their religious beliefs in hiring, firing and other terms and conditions of employment. Additionally, Title VII requires federal agencies to reasonably accommodate the religious beliefs or practices of employees or applicants unless doing so would impose an undue hardship upon the agency.

Religious Discrimination

The Equal Employment Opportunity Commission (EEOC) defines "religious beliefs" to include theistic beliefs (i.e., those that include a belief in God) as well as non-theistic moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views. In most cases, whether a practice or belief is religious is not an issue. However, generally, religion typically concerns "ultimate ideas" about "life, purpose and death," while social, political and/or economic philosophies and mere personal preferences are not "religious" beliefs. It is important to consider that an individual's religious beliefs may change over time. Additionally, individuals may choose to adhere to some tenets of their religion but not others, and/or individuals may have a sincere belief in a religious practice that is not observed by other followers of their religion. Title VII also protects employees or applicants from discrimination if they do not subscribe to a particular religious view and/or are atheist. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group. An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.

Religious Accommodation

What is a religious accommodation?

A religious accommodation is any adjustment to the work environment that will allow an employee or applicant to practice his or her religion. The need for religious accommodation may arise where an individual's religious beliefs, observances or practices conflict with a specific task or requirement of the position or an application process. Accommodation requests often relate to work schedules, dress and grooming, or religious expression in the workplace. If it would not pose an undue hardship, the employer must grant the accommodation.

What is an undue hardship?

An agency may justify a refusal to accommodate an individual's religious beliefs or practices if the agency can demonstrate that the accommodation would cause an undue hardship. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work. Undue hardship also may be shown if the request for an accommodation violates the terms of a collective bargaining agreement or job rights established through a seniority system. Undue hardship based on cost requires that the agency show more than a de minimis (minimal impact upon the agency's business) cost to the agency. The hardship upon the agency must be genuine and cannot be merely speculative.

How does a religious accommodation process work?

In requesting an accommodation, an employee or applicant is not required to use "magic words" (such as indicating that he or she is seeking "an accommodation"). However, an employee or applicant must make the agency aware of the need for an accommodation based on a conflict between the individual's religious belief or practice and their work duties or the agency's application process. The employee should make the request orally and/or in writing (via letter, email or fax), to his or her immediate supervisor. The request for an accommodation may trigger an interactive process, particularly if the employer reasonably needs more information, between the responsible management official and the individual making the request to discuss the request and assess available options. Examples of religious accommodations may include scheduling changes (arrivals, departures, floating/optional holidays, flexible work breaks and any other scheduling changes); voluntary shift substitutions and/or swaps; job reassignments, such as changes of position tasks and lateral transfers; and modifications to workplace practices, policies, and procedures. An accommodation may also involve designating an unused or private location in the workplace where a religious observance or practice can occur if it is disrupting other workers. The need for accommodations may also apply to such things as dress or grooming practices that an employee has for religious reasons. These might include, for example, wearing head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts).

<https://www.dol.gov/agencies/oasam/civil-rights-center/internal/policies/religious-discrimination-accommodation#:~:text=A%20religious%20accommodation%20is%20any%20adjustment%20to%20the,requirement%20of%20the%20position%20or%20an%20application%20process>

EEO Spotlight:

Michael Langston: first recipient of the EEO Change Culture Award

How equal is equal? Is it defined by what you have or does what you have define who you are? If two people have \$50,000.00 and they both want to buy a car of equal value. If one of them can purchase the car and ride off into the sunset, but the other cannot be due to a pre-conceived notion, are they truly equal? Throughout my life, I have seen many forms of inequality. Some in the form innocence due to heritage or upbringing. They do and say things that are perfectly fine in their mind. They don't have a clue that they have hurt someone or made them feel uncomfortable. Then you have those that are malicious with ill intent. They do and say things with the intent of hurting others. Whether rooted in race, creed, color, sexuality, mental or physical disabilities, their intent is to hurt, belittle, and even disgrace you.



I found that the remedy for both is education. I find that the more that I educate myself and others about Equal Opportunity, the easier it is to combat inequality. EEO comes in many subsets, we have mandatory SHARP Training, Diversity Training and Transgender Training. When you really look at it, isn't it all about treating everyone with dignity and respect and giving them not only the right but the equal opportunity to excel and achieve their goals in life. I have been employed by organizations where inequality was so blatant, I gave up a GS-7 position and accepted a down grade to a GS-4. Before accepting the position, I asked about the possibility of starting as a GS-5 and was told that the organization didn't have GS-5's so I accepted the position. When I got to the organization, I found that everyone was a GS-5 except me. People that were hired after me, some came in as GS-4's and others came in as GS-5's. I don't know if these were intentional acts or people just trying to fill vacant positions.

I also recognized that the way that the EEO portion of our evaluation is designed, no one could be rated higher than a 3. That is when I started somewhat of a crusade to educate myself and my subordinates in the area of EEO. When I reached out to the APG EEO Office I was introduced to new and exciting ways to get my message across. So, I coordinated with the EEO Office to arrange training not only for my shift but made it available for all the DES/DoO employees. So, each year my coworkers and I search the internet and other sources to promote training and education on EEO and inequality. Since, I started my crusade, I've noticed changes in some of the people in the workforce. I know I can't change the world but if I can change the mindset of one person, that's a start.

The EEO Team

Ms. Monique Moore
Director

monique.n.moore.civ@army.mil
(410) 306-2432

Mr. Jamie Gallentine
Complaints Manager

Jamie.s.gallentine.civ@army.mil
(410) 306-2432

Ms. Lavon Forbes
Disability Program Manager

lavon.forbes.civ@army.mil
(410) 306-2432

Ms. Antoinette Brown
EEO Specialist/Fellow

antoinette.h.brown3.civ@army.mil
(410) 306-2432

Ms. Crystal Gant
EEO Specialist/Pre-Complaint Manager

crystal.y.gant.civ@army.mil
(410) 306-2432

DISCRIMINATION IS PROHIBITED ON THE BASIS OF RACE, COLOR, RELIGION, SEX, (Gender and Pregnancy), NATIONAL ORIGIN, AGE (40+), PHYSICAL/MENTAL DISABILITY, REPRISAL (for Opposition and Participation) AND GENETIC (GINA) INFORMATION

Employees, former employees or applicants for employment and possible contractors at Aberdeen Proving Ground, Maryland who believe they have been discriminated against, may initiate an informal complaint with the Equal Employment Opportunity Office.

Complaints must be initiated within **45 calendar days** of:

- The date of the incident giving rise to the complaint.
- The effective date of the personnel action giving rise to the complaint.
- The date the aggrieved became aware of or should reasonably become aware of the alleged discriminatory action or practice.

There are two stages to an EEO discrimination complaint: pre-complaint and formal. All complaints must begin at the pre-complaint stage before progressing to the formal stage of the EEO process.

The aggrieved individual may be offered an opportunity to participate in Alternative Dispute Resolution (ADR). The Army's preferred method of ADR is mediation. A mediator (neutral, objective third party) brings the aggrieved and management together in an attempt to reach a mutually satisfactory solution to the employment matter.

EEO Email: apgeeo299@army.mil

EEO Website: <https://home.army.mil/apg/index.php/about/Garrison/EEO>

GARRISON EEO NEW EMPLOYEE ORIENTATION

TO ATTEND: CALL (410) 306-2432 OR

EMAIL: APGEE0299@ARMY.MIL



March 3/21
April 4/25
May 5/23



**LOCATION: 6488 RODMAN
ROAD 1ST FLOOR, STE 111,
CONFERENCE ROOM @ 9AM**

Please request any accommodation at least 5 days prior

EEO, Diversity, Equity, Inclusion & Accessibility Engagement Training

During FY23 there will be several training opportunities for you to attend via Teams. EEO promotes a healthy working environment through various processing to include prevention. We foster prevention by educating the workforce on the elements of a healthy working environment. In support of that mission below are a list of upcoming training/development opportunities.



Training/Development Opportunities:

Reasonable Accommodation – February 6, 2023 @10:00

Civility in Workplace – March 23, 2023 @ 10:00

Perceptions – April 12, 2023 @ 1300

Conflict Management – May 1, 2023 @ 10:00

Effective Communications – Jun 21, 2023 @ 1300

Unconscious Bias – July 27, 2023 @ 1300

Diversity Management – August 17, 2023 @ 10:00

Communicating Across Differences – September 18, 2023 @ 10:00

All training will be conducted via Teams. For in-person training or additional training dates please contact the EEO office at 410-306-2432