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**October is Disability
Employment Awareness
Month**

*It is a terrible thing to see
and have no vision*

Helen Keller

This Year's Theme:
**“Profit by Investing in
Workers with Disabilities”**

EEO FOCUS

News You Can Use

Employee Edition



Understanding Your Employment Protections

The U.S. Equal Employment Opportunity Commission (EEOC) enforces the following Federal laws:

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination based on race, color, religion, sex, or national origin;

The Equal Pay Act of 1963 (EPA) protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older;

Title I and Title V of the Americans with Disabilities (ADA) Act of 1990, (as amended) prohibits employment discrimination against qualified individuals with disabilities in the private sector and in state and local governments;

Sections 501 and 505 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities who work in the federal government;

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employment discrimination based on genetic information about an applicant, employee, or former employee; and

The Civil Rights Act of 1991, as amended, among other things, provides monetary damages in cases of intentional employment discrimination.

The ADA Amendments Act of 2008 makes important changes to the definition of the term "disability." The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA. EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

Other federal laws, not enforced by EEOC, also prohibit discrimination and reprisal against federal employees and applicants. **The Civil Service Reform Act of 1978 (CSRA)** contains a number of prohibitions, known as prohibited personnel practices, that are designed to promote overall fairness in federal personnel actions. 5 U.S.C. 2302. The CSRA also prohibits reprisal against federal employees or applicants for whistle-blowing, or for exercising an appeal, complaint, or grievance right. The CSRA is enforced by both the Office of Special Counsel (OSC) and the Merit Systems Protection Board (MSPB).

Extracted from www.eeoc.gov



Remember 45 Days

WHO: Any employee, former employee or applicant for employment who believes that he/she has been discriminated against may file an individual complaint of discrimination

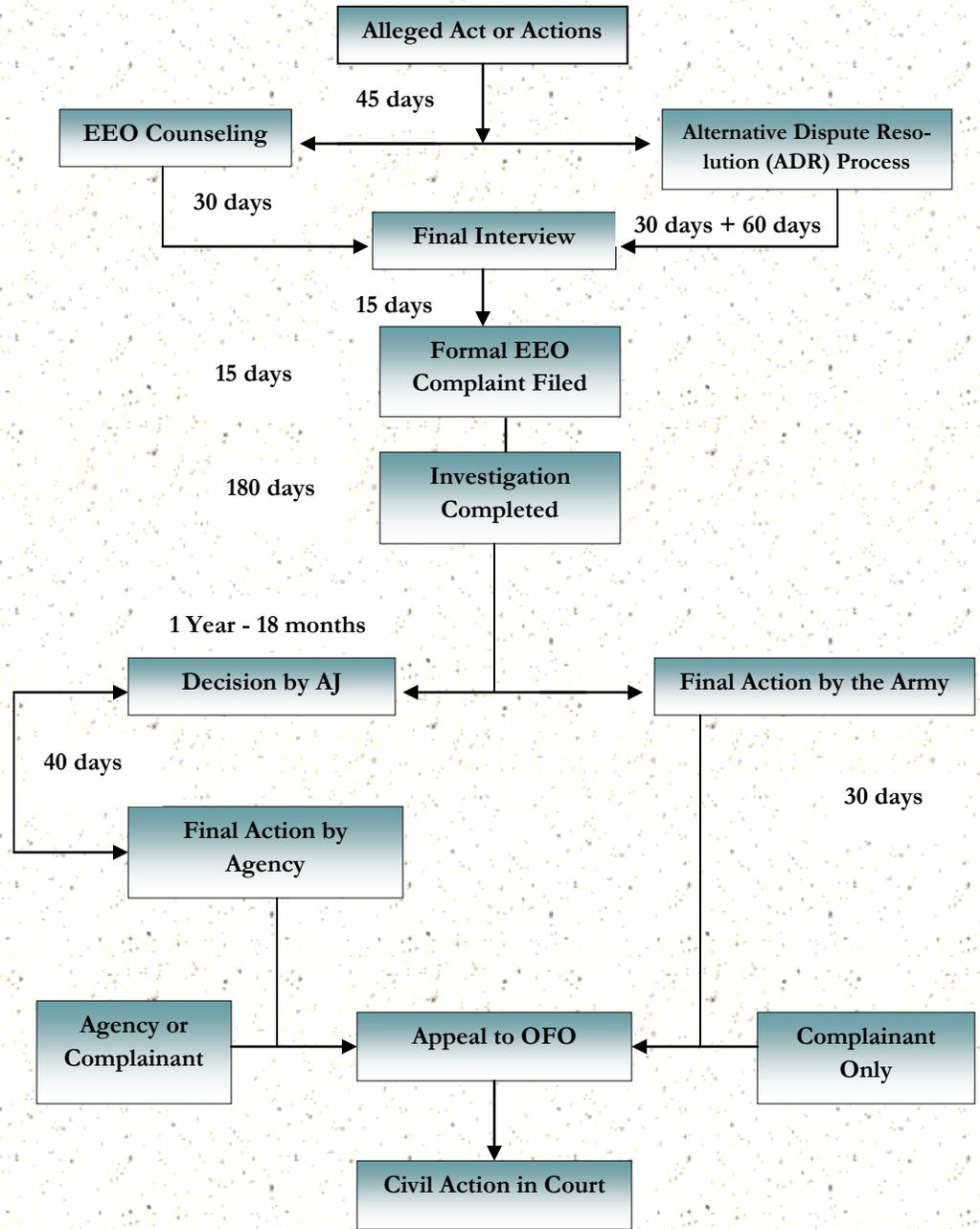
WHEN: Within 45 days from the date of the incident or effective date of a personnel action

STEPS:

- Complete an intake
- EEO Counselor assigned for limited inquiry
- Mediation if offered to possibly resolve the complaint

The Complaints Process

An employee, former employee, or applicant for employment who feels he/she has been discriminated against because of race, color, religion, sex, national origin, age (40 years of age & over), physical or mental disability, genetics, or reprisal for prior EEO involvement may file a complaint by contacting an EEO counselor within 45 days following the alleged discriminatory act. Once an informal/formal complaint has been initiated, the complaint can be resolved at any stage of the process. We encourage the use of Alternative Dispute Resolution as a mechanism to resolve issues quickly and effectively. Often ADR can provide faster and has less contentious results while strengthening workplace relationships by diminishing conflict.



Protections under the ADA

If you have a disability and are qualified to do a job, the ADA protects you from job discrimination on the basis of your disability. Under the ADA, you have a disability if you have:

- a physical or mental impairment that substantially limits a major life activity. The ADA also protects you if you have a history of such a disability, or if an employer believes that you have such a disability, even if you don't.
- a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working.

If you have a disability, you must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. This means two things.

First, you must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. **Second**, you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. An employer cannot refuse to hire you because your disability prevents you from performing duties that are not essential to the job.

Extracted from www.eeoc.gov

"Across this country, millions of people with disabilities are working or want to work, and they should have access to the support and services they need to succeed. That's why I've asked the responsible agencies to develop new plans and policies to help increase employment across America for people with disabilities."

President Barack Obama

Fort Carson Federal Employee Disability Demographics

Targeted Disabilities - 0.6%

All Disabilities - 9.8%

Federal Goal is 2% Targeted Disabled and 7% Overall Disabled Workforce

What is a Reasonable Accommodation

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- providing or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials, or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship that is, that it would require significant difficulty or expense.

Extracted from www.eeoc.gov



Requesting Reasonable Accommodation (RA):

- Review the US Army Procedures for Providing RA for Individuals at : <http://www.carson.army.mil/EEO/subpages/accommodation.html>
- Discuss your RA request with your supervisor/complete Appendix B.
- If your need for RA is not apparent include pertinent medical info and a Release Form.
- **REMEMBER** RA is for a permanent or long term disability that substantially limits a major life activity.

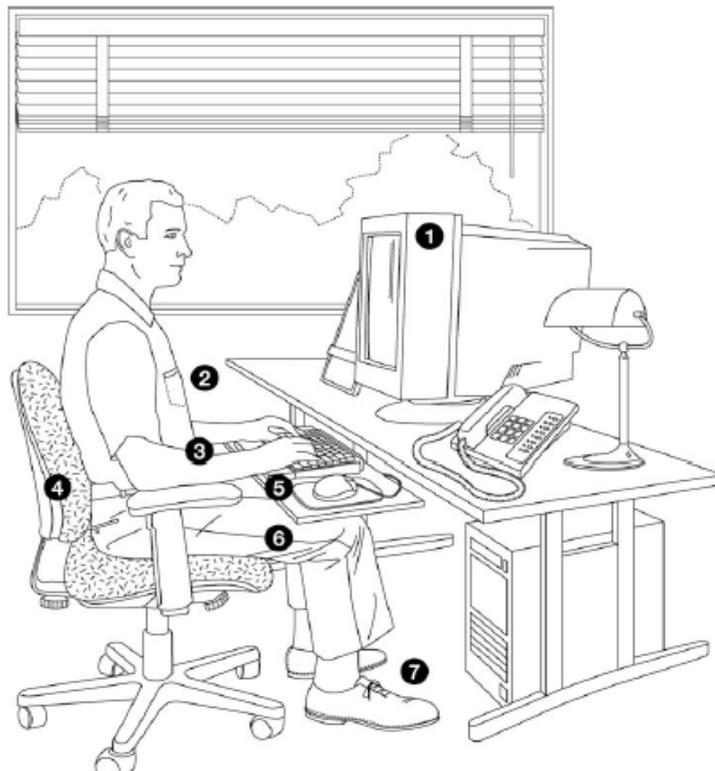
Disability Etiquette Tips

One in five Americans has a disability. There is a good chance that you interact everyday with somebody who has a disability, perhaps without even knowing it. Sometimes people are uncomfortable around people with disabilities because they don't know how to act or what to say. Here are some general tips to make communicating easier.

- Use common sense and extend common courtesies to everyone.
- Don't patronize (treat adults like adults).
- Be patient (people with disabilities and seniors might require more time to express themselves or move about).
- Relax and be yourself (don't worry about using common phrases like – "see you later").
- Speak directly to the person and maintain eye contact (don't speak through a companion, aide or interpreter).
- Describe and address people with disabilities appropriate (use "people first language") and avoid words like handicapped, afflicted or victim.
- Offer assistance and listen for response – follow any specific directions.
- Help make your community accessible (become familiar with "accessible" building standards); reserve accessible parking for those who require it.

Perfecting Your Posture at the Workplace

- 1. Monitor Screen Top**
Slightly below eye level
- 2. Body**
Centered in front of the monitor and keyboard
- 3. Forearms**
Level or tilted-up slightly
- 4. Lower Back**
Supported by chair
- 5. Wrists**
Should not rest while typing
- 6. Legs**
Horizontal
- 7. Feet**
Resting flat on the floor or footrest



Extracted from Computer/Electronic Accommodations Program (CAP) *The Workplace Ergonomics Reference Guide*



RA Examples:

- Headsets
- Wrists Guards
- Providing Instructions in Writing
- Change in Location
- Breaks
- Voice Recognition Software
- Uninterrupted Work Time
- Liberal Leave Usage
- Restructure Position
- Work Environment