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# 2012 LULAC National Convention

EEO and the Special  
Emphasis Program Manager

# History

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- When the Civil Rights Act of 1964 passed, the law did not apply to employment within the Federal government.
- In order to equate Federal EEO programs with those in the private sector, President Johnson issued Executive Order 11375 to prohibit Title VII discrimination in the Federal government.
- In 1968, the Civil Service Commission created the Federal Women's Program (FWP) in order to reinforce the President's order and to give additional emphasis to issues of sex discrimination in the Federal sector.

# History Cont.

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- In 1970, President Nixon created a sixteen-point program to assist Spanish-speaking persons obtain Federal sector employment. The Civil Service Commission implemented the President's program in 1973 creating the Hispanic Employment Program.
- While reorganization of federal sector EEO sent oversight responsibility to EEOC in 1978, OPM retained responsibility for special emphasis programs.

# History Cont.

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- In addition to the SEPs controlled by OPM, many agencies established additional SEPs:
  - Black Employment Program.
  - Asian American/Pacific Islander Employment Program.
  - American Indian/Alaskan Native Employment Program.
  - People with Disabilities

# Goals for SEP

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- Improve employment and advancement opportunities for SEP groups in the Federal service;
- Identify systemic barriers to opportunity for the specific SEP group;
- Monitor agency progress in eliminating discrimination and adverse impact on SEP groups and agency programs;
- Seek ways to help SEP groups to advance by using their skills more fully; and
- Educate Federal employees and managers about the extent of various forms of discrimination within the Federal Service

# What Does SEPM Do?

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- Assists in identifying barriers to the hiring, development and advancement of SEP groups for the Affirmative Employment Program.
- Develop and implement special program initiatives that will enhance the employment and advancement of their particular group.
- Identify ways to ensure equal consideration for promotions, training, and awards and monitoring separation and disciplinary actions to ensure that they are given in a nondiscriminatory manner.
- Conduct career counseling and encouraging participating in self-development and continuing education.

# What Does SEPM Do?

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- Keep managers and key personnel aware of program goals, objectives and accomplishments.
- Perform liaison between recruiters and organizations which can assist in recruitment efforts and activities.
- Developing and maintaining positive working relationships with community, professional and national organizations, college and universities.
- Publicizing program goals and objectives and successful initiatives.

# Implement Process Review

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- Review identified triggers and determine the policies, practices or procedures affected by the trigger.
- Prioritize the identified policies, practices or procedures (high, medium, low) in light of impact on opportunity.
- Select those which are high impact and achievable in light of organizational climate and situation.



# Develop Business Case

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- Special emphasis efforts should be linked to ongoing mission priorities.
- Identified action items and subsequent plans should be linked to the agency's strategic plan.
- If possible, link your special emphasis efforts to specific measures in the agency's strategic plan.

# Cultivate Strategic Alliances

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- Know your organization
  - Who are the decision-makers?
  - Who are the influencers?
  - Who has the information?
- Engage key partners
  - Who will be affected by this effort?
  - How will it benefit them to partner?

# Cultivate Strategic Alliances

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- Ensure that partners know that the goal is process improvement.
  - If relevant, equate the process to the six sigma model.
  - Cost-savings through in-house evaluation.
  - Information important to external entities.
    - Congress
    - OMB
    - EEOC/OPM

# Execute Action Plans

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- Provide partners with the steps for implementing process review.
- Make sure partners have key role in reviewing the process.
- Develop realistic timelines with reassessment points.
- Avoid making the process adversarial.

# Provide Assessment and Recommendations

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- Present organizational assessment of area studied.
  - Current state with any history explaining the origins and reasons for the policy, practice or procedure.
  - Areas of strength and weakness.
  - How does this area affect the organization?

# Provide Assessment and Recommendations

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- Explain alternatives to current state.
- What are the potential repercussions if nothing is done?
- What are the potential benefits if change is implemented?

# The benefits of the Special Emphasis Programs are:

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- Expanded opportunities for all
- An environment at work free from discriminatory practices
- Improved communications resulting in positive working relationships
- An organization that embraces diversity and treats employees fairly and with dignity and respect.
- An awareness and appreciation for all cultures.

# Tips for Effectiveness

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- Become an expert on your program and be familiar with our organization's mission. You will not be taken seriously if you do not relate your efforts to the larger organizational mission.
- Be informed of the current environments, i.e. downsizing, reorganization, etc. and manage your program based on the agency's and employees' needs.
- Learn which major occupations and which grades have lower than expected participation and why. Know the current local statistics of your particular special emphasis group.
- Focus your energy and attention on "employment related" activities; prioritize the problems/concerns which have been identified. Concentrate your efforts on two or three key areas for the short-range goals. Problems requiring additional strategies and resources should become long range goals.





# Overview of EEO Laws

## Identifying Discrimination

# Laws Enforced by the EEOC

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- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (ADEA)
- Rehabilitation Act of 1973 (Including ADA Amendments of 2008)
- Equal Pay Act of 1963
- Genetic Information Nondiscrimination Act of 2008

# Title VII of the Civil Rights

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- Race
- Color
- National Origin
- Religion
- Sex

# ADEA

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- Prohibits discrimination on the basis of age against individuals forty (40) and over.
- Agency succession plans do not operate to allow discrimination against those at or near retirement age.

# The Rehabilitation Act

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- Prohibits discrimination because of a disability.
- Prohibits discrimination because of an association with someone with a disability.

# ADA Amendments Act

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- “Substantially limits” no longer means “significantly restricted” and now includes any condition which “materially restricts” a major life activity.
- Two non-exhaustive lists of major life activities
- Regarded as are not entitled to reasonable accommodation. Protects from discrimination if the employer perceives them as having an impairment lasting more than 6 months.

# Other Notable Changes

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- Mitigating measures- impairment is judged in its unmitigated state without regard to use of corrective items such as medication or prosthetic devices
- Impairments that are episodic or in remission can still be disabilities
- Expressly states that disability protections do not establish a claim of discrimination on the basis of lack of disability.

# The Equal Pay Act

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- Focuses on sex discrimination in wages.
- Violation established if it is shown that unequal wages are paid to individuals doing substantially equal work under similar conditions for the same agency.



# Genetic Information Nondiscrimination Act (GINA)

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- Prohibits employment discrimination based on genetic information.
- Genetic information includes:
  - Genetic tests of employee
  - Genetic tests of a family member
  - Manifestation of a disease or disorder in a family member
  - Family medical history
- Does not apply to conditions that have manifested in the present; instead applies to medical situations that may arise in the future

# Proving Discrimination

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- Disparate Treatment
- Disparate Impact
- Harassment
- Reasonable Accommodation
  - (Religion and Disability Only)

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