

# CenterPage

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## Office of Equal Opportunity and Civil Rights

Centers for Medicare & Medicaid Services



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### Strength in Unity, Faith and Diversity



U.S. Surgeon General Richard H. Carmona

Under Public Law 90-498, Congress authorized the President of the United States to issue an annual proclamation designating Hispanic Heritage Month from September 15 to October 15.

CMS held its annual Hispanic Heritage Month Program on September 24, 2002 with the theme "Strength in Unity, Faith and Diversity." The afternoon program featured a keynote address from the recently confirmed U.S. Surgeon General, Vice Admiral Richard H. Carmona.

Rubén J. King-Shaw, Jr., Deputy Administrator and Chief Operating Officer, provided opening remarks and welcomed the Surgeon General to his first visit to CMS. The Deputy Administrator challenged the audience to look to the past for lessons of inclusiveness and diversity while celebrating Hispanic heritage. He cited the great advancements in civilizations as a direct result of the contributions of African, Spanish, Asian and other European cultures.

Dr. Carmona, sworn into office on August 5, 2002, was humble in his address to CMS employees, which included a large number of Public Health Service Commissioned Corps officers. "It is a distinct privilege to be here, while you all discuss and honor the diversity among you and make plans to make it even better in the future." Dr. Carmona shared his personal journey that, as he said, underscores faith, unity and diversity." "My background would not have predicted this," [his appointment as the U.S. Surgeon General] he said acknowledging his

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### CMS and VA Create Student Academy



OEOCR Director, Ramon Suris-Fernandez (5<sup>th</sup> from left), Veterans Affairs Assistant Secretary for Human Resources and Administration, Dr. Jacob Lozada (next) and Patterson High School Principal Laura D'Anna (far right) pose with students.

On Tuesday, October 22, 2002, the Centers for Medicare & Medicaid Services (CMS), Department of Veterans Affairs (VA), and Baltimore City School officials signed a Memorandum of Understanding creating the Student Career Academy Youth Initiative.

The Academy is an educational model in the spirit of the "No Child Left Behind Act of 2001" and aims to stimulate students to continue their academic studies and acquire the knowledge and skills needed for success in either the workplace or college.

The Office of Equal Opportunity and Civil Rights (OEOCR) Director, Ramón Suris-Fernández, represented CMS at the kick-off and signing ceremony, which was held at Patterson High School in East Baltimore. Also from CMS was Jennifer Olson, Special Assistant to the Philadelphia Regional Administrator.

The Veterans Affairs Assistant Secretary for Human Resources and Administration, Dr. Jacob Lozada discarded his prepared remarks and reflected on his personal experiences that led him to his current position at VA. He spoke of the significance of mentoring relationships and how the Academy will make a difference in the lives of the Patterson High School students.

Dr. A. Skip Saunders, Deputy State Superintendent for Administration at the Maryland State Department of Education participated along with several



Baltimore's Patterson High School

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Archived Issues of CenterPage

<http://cmsnet.cms.hhs.gov/hpages/oecr/archive.htm>

## Strength in Unity, Faith and Diversity (cont'd)

extraordinary journey from a high school dropout to the nation's leading spokesman on matters of public health. Stating that he was once embarrassed about providing such insight to his personal life, Dr. Carmona now welcomes the opportunity to "share" his story. "As I've gotten older, the importance of cultural heritage has become more important to me. Not only as an individual, but as a leader in this country and a role model for youngsters who are struggling--that they can see that there is hope on the horizon." As for his legacy, Dr. Carmona stated it simply: "that where ever I am, what ever I touch, is left better as I eventually leave this office."

Returning to CMS for an encore performance was Flamenco music and dance performed by Richard Marlow and his Flamenco Troupe.

CMS Choir member, Yvette Cooper, opened the program with the national anthem accompanied by Pianist, Kim Skellan. The CMS Choir, featuring Leslie Knight, closed the program with the Cuban folksong *Guantanamera*.

## CMS Hosts HHS Employment Forum

On Tuesday, September 17, 2002, the Department of Health and Human Services (HHS) launched the 2002 Hispanic Heritage Month observance with the 2<sup>nd</sup> Annual HHS Managerial Forum on Hispanic Employment Issues. CMS served as the host for this event that brought approximately 200 Department managers and staff.

The Agency welcomed participants to the all day event that attracted not only Department staff and officials, but also Federal officials from the Social Security Administration (SSA), Broadcasting Board of Governors, Central Intelligence Agency (CIA), and the Department of Energy.

The Forum focused on strategies to increase representation of Hispanics in the HHS workforce with guest speakers, panel discussions, and a training seminar.

Evelyn M. White, Principal Deputy Assistant Secretary for Administration and Management, DHHS, represented the Department. Rubén J. King-Shaw Jr., CMS Deputy Administrator and Chief Operating Officer, welcomed forum attendees to CMS. The event also featured Bonita V. White, Director, EEO Programs Group, DHHS, who introduced the keynote speakers: Miguel A. Torrado, Associate Commissioner for Personnel, SSA; and Alex M. Azar II, General Counsel, DHHS.

The discussion panels, Best Practices in Addressing Underrepresentation and Intern Retention Strategies, brought together experts from the Federal government.

The Office of Equal Opportunity and Civil Rights Director, Ramón Surís-Fernández, moderated the Best Practices panel that included Sharon Appleby, Acting Director of CMS's Human Resources Management Group; Dianne Thompson, Personnel Management Specialist at DHHS; Delia L. Johnson, Co-Chair of the Council of Federal EEO and Civil Rights Executives; and Enrique F. Gonzalez, Division Chief of Professional Services Hiring at the CIA.

Leslie D. Knight, CMS Recruitment Coordinator, moderated the Intern Retention Strategies panel that included Maria Patterson, Executive Director of Hispanic Serving Institutions National Program at the Department of Agriculture and Jeffrey Vargas, National Hispanic Employment Program Manager at the Department of Energy.

Concluding the forum activities, Carol Rushford, of Rushford and Associates, provided attendees with an overview of special emphasis program strategies and techniques to refine the skills of program managers and EEO specialists.

A limited number of the forum program booklets are available for managers or supervisors. To obtain a copy, call (410) 786-5110 or e-mail [OEOCRInquiry](mailto:OEOCRInquiry).

## NEW FREEDOM FOR THE 21<sup>ST</sup> CENTURY



CMS's own, Nadia Massuda was the keynote speaker for the 2002 National Disability Employment Awareness Month Program. Ms. Massuda is also Ms. Wheelchair Maryland 2002.

This year's program was held on Wednesday, October 16, 2002 in the CMS auditorium. The program began with musical selections from Betty Davis, also a CMS employee in the Office of Information Services and a member of the 2002 National Disability Employment Awareness Month Committee.

Ramón Surís-Fernández, OEOCR Director, opened the program and welcomed the staff and the invited guests, which included the Madrigal Singers from the Maryland School for the Blind and Robert Watson, Maryland State Coordinator of the Ms. Wheel Chair Maryland Organization.

Leslie Knight, CMS Recruitment Coordinator, delivered remarks after an impromptu invitation to stand in for the Deputy Administrator and Chief Operating Rubén J. King Shaw, Jr. Mr. Knight challenged the audience to view each disabled person as a human being first. "We all are only an accident or a second away from being disabled." He spoke of employment barriers and highlighted the strides of CMS to remedy the perceptions and unfounded concerns some have toward hiring a person with a disability.

Nadia Massuda, an auditor with the Centers for Medicare Management, introduced herself to fellow coworkers with a personal account of her career path. After hearing a guidance counselor and recruiters limit her dreams and question her ability, Ms. Massuda said she has learned a valuable lesson of persevering and living a full life.

Robert Watson shared the keynote address with Nadia and also shared personal, yet humorous insights to his life. He has cerebral palsy and leads a very active life.

The Madrigals Singers, an auditioned and touring group of students age 16 to 21, performed several musical selections under the direction of Rebecca Lindsay and Heidi Burkett.



The Madrigals Singers receive certificate from Nancy Lafferty, Disability Employment Program Manager

## ADA Regulations & Reasonable Accommodation

The EEOC announced publication of a final rule to clarify the application of the employment provisions of the Americans with Disabilities Act (ADA) of 1990 to Federal government workers. This rule continues the movement towards full integration of individuals with disabilities into the Federal workforce.

According to EEOC Chair, Cari M. Dominguez, “These changes to the Commission’s regulations will promote consistent enforcement of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act of 1990.” The final rule highlights include:

- ✓ Incorporation by reference the EEOC’s ADA regulation, at 29 C.F.R. Part 1630.
- ✓ Application of the ADA standard regarding reassignment of federal employees with disabilities as a reasonable accommodation.

The final rule amends the Federal sector disability regulation, 29 C.F.R. §1614.203, and sets forth the obligation of the federal government to be the “model employer of individuals with disabilities.”

Additionally, EEOC has published [guidance regarding application of the ADA and its position regarding undue hardship in the provision of reasonable accommodation](#). Much of this enforcement guidance is in question and answer format and provides numerous examples illustrating potential responses.

CenterPage is providing some basic examples to address the application of undue hardship:

An employer cannot claim undue hardship based on employees' (or customers') fears or prejudices toward the individual's disability. Nor can undue hardship be based on the fact that provision of a reasonable accommodation might have a negative impact on the morale of other employees. Employers, however, may be able to show undue hardship where provision of a reasonable accommodation would be unduly disruptive to other employee's ability to work and require significant difficulty or expense.

**Example A:** An employee with breast cancer is undergoing chemotherapy. As a consequence of the treatment, the employee is subject to fatigue and finds it difficult to keep up with her regular workload. So that she may focus her reduced energy on performing her essential functions, the employer transfers three of her marginal functions to another employee for the duration of the chemotherapy treatments. The second employee is unhappy at being given extra assignments, but the employer determines that the employee can absorb the new assignments with little effect on his or her ability to perform their own assignments in a timely manner. Since the employer cannot show significant disruption to its operation, there is no undue hardship.

**Example B:** The EEOC found that the proposed accommodation of the disabled employee (incomplete paralysis) to build a level covered passage between two buildings would cause an undue financial burden on the

agency. The cost of the project was \$500,000 and the agency was already over its building construction/maintenance budget.<sup>1</sup>

**Example C:** An agency discriminated against the complainant based upon his disability (deafness) when it did not ensure he had an interpreter for all important work-related meetings. The employee had proved that the need for an interpreter on short notice was necessary for him and others to perform their job. The agency had argued it would have caused an undue hardship to hire a permanent interpreter based upon a budget freeze and budget shortfalls. The EEOC questioned the validity of this budget shortfall. It further concluded, given the overall size of the agency that the cost of hiring a full-time interpreter would not be an undue hardship. “Congress...clearly intended the federal government to undertake measures that would involve more than a de minimis cost on behalf of disabled employees.”<sup>2</sup>

## 2002 FEB Disability Awareness Training Conference

The 16<sup>th</sup> Annual Baltimore Federal Executive Board (BFEB) Disability Awareness Training Conference was held on October 30, 2002. This year, the conference was hosted by the Centers for Medicare & Medicaid Services (CMS) with the support of CMS’s Committee for Employees with Disabilities Advisory Group, the Office of Equal Opportunity and Civil Rights (OEOCR) and the Office of Internal Customer Support.

Baltimore County Fire Department Honor Guard opened the conference with the Presentation of Colors. Richard H. Howell, the BFEB Executive Director gave welcoming remarks, followed by Dan Rogers, Chairperson of the BFEB Committee for Individuals with Disabilities, Ramón Surís-Fernández, OEOCR Director, and Rubén J. King Shaw, Jr., CMS Deputy Administrator and Chief Operating Officer.

The morning and afternoon sessions included presentations and engaging question and answer periods led by subject matter experts, Donald Names of the Equal Employment Opportunity Commission (EEOC), Patricia Bass of the U. S. Postal Service and Earlene Sesker of the Architectural Compliance Board. Mr. Names discussed recent significant EEOC decisions and the Rehabilitation Act related cases. Ms. Bass shared best Practices in Alternative Dispute Resolution and Ms. Sesker highlighted recent progress in making buildings and workplaces accessible.

The Mental Health Players, a group of volunteers from all walks of life and cultural backgrounds, presented realistic portrayals and interpretations covering a range of topics including misconceptions about persons with disabilities, “hidden” disabilities, anger, stress and other job-related issues.

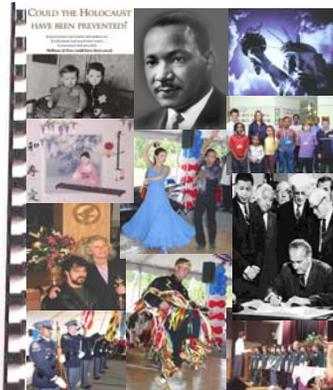


Mental Health Players act out a scene of employment-based insensitivities.

<sup>1</sup> Taylor v. Daley, Secretary of Commerce, 97 FEOR 1323 (1997)

<sup>2</sup> Feris v. Browner, Administrator, Environmental Protection Agency, 97 FEOR 3021 (1997)

# Commemorative Program Handbook



On September 25, the Office of Equal Opportunity and Civil Rights (OEOCR) met with Central Office and Regional Office employees to discuss the new *Special Emphasis Commemorative Program Handbook*. The *Handbook* is designed to help plan and carry out CMS's annual commemorations and observances, to clarify the role of committee members

and the Special Emphasis Program Manager, and enhance the committee's relationship with OEOCR. Employees either directly or indirectly involved in planning any of the Agency's special emphasis commemorative programs were invited to discuss the handbook and have questions answered.

In addition to the new handbook, OEOCR assigned liaisons to each committee. For additional information or to participate in any of the special emphasis planning activities, please contact the designated liaison listed below:

MARTIN LUTHER KING, JR., BIRTHDAY	Brian Sutherland Ext. 65118
AFRICAN AMERICAN HISTORY	Angela Davis-Putty Ext. 65112
WOMEN'S HISTORY	Lynn Strange Ext. 65115
TAKE OUR CHILDREN TO WORK DAY	Glenn Smith Ext. 66570
ASIAN PACIFIC HERITAGE	Annia Feliciano Flores Ext. 66463
HOLOCAUST MEMORIAL OBSERVANCE	Glenn Smith Ext. 66570
CMS DIVERSITY DAY CELEBRATION	Nancy Lafferty Ext. 65116
WOMEN'S EQUALITY DAY	Lynn Strange Ext. 65115
HISPANIC AMERICAN HERITAGE	Richard Torres-Estrada Ext. 60018
DISABILITY EMPLOYMENT AWARENESS	Nancy Lafferty Ext. 65116
AMERICAN INDIAN HERITAGE	Joanne Davis Ext. 65127

## Student Academy (cont'd)

### CALENDAR OF EVENTS

#### 2002 AMERICAN INDIAN AND ALASKAN NATIVE HERITAGE MONTH

CMS AUDITORIUM  
MONDAY, NOVEMBER 18, 2002, 1:30 PM

#### 2002 MARTIN LUTHER KING, JR. COMMEMORATION

CMS AUDITORIUM  
WEDNESDAY, JANUARY 15, 2003, 1:30 PM

officials from the Baltimore City Public School System: Laura D'Anna, Principal of Patterson High School; Diana Ford, Patterson High School Counselor; Dorothy Siegel, Board of School Commissioners; Dr. Cassandra Jones, Chief Academic Officer; and Anne Carusi, Area Executive Officer.

The Academy kick-off and signing ceremony also recognized the cooperation of the public and the private sectors with the participation of James Piper, III, Board Co-Chairman of the Maryland Mentoring Partnership and the Latino Parent Group headed by Pedro Palomino, Sr.

The Academy will play a significant role in helping close the achievement gap between disadvantaged and minority students and their peers, and also help to address the Federal government's future work force needs. In a recent press release to announce the Academy, CMS Administrator, Tom Scully, reiterated the objectives of the Academy saying, "CMS is a major Baltimore employer and we have a civic responsibility to work with the city's students to help them stay in high school and become excellent students. CMS and VA also will give these students a taste of the work experience and a chance to be hired by CMS, VA or other federal agencies, either after high school or college."

The Academy will feature job shadowing, service-based learning / volunteer service, job readiness workshops and one-to-one mentoring with work place mentors. Interviews are now being conducted for prospective mentors. If you are interested in being a mentor, visit or call Angela Davis-Putty at extension 6-5112.



Representatives at the official signing of the Memorandum of Understanding for the Student Career Academy Youth Initiative. (Left to right), Dr. Jacob Lozada, VA and Dorothy Siegel, Baltimore City Board of School Commissioners. (Bottom row) Ramon Suris-Fernandez, CMS and Laura D'Anna, Patterson High School.

### CenterPage

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**CenterPage** is published quarterly by staff of the Office of Equal Opportunity and Civil Rights. **CenterPage** is designed to provide information and updates on events and activities that promote diversity and equal employment opportunities at CMS. You may e-mail responses and comments to CenterPage or fax (410) 786-9549.