

# CenterPage

A quarterly publication of the

## Office of Equal Opportunity and Civil Rights

Centers for Medicare & Medicaid Services



Issue 9 Volume 3

Summer 2003

### Celebrating a Vision of Unity



The Fort George G. Meade Joint Services Color Guard opens the 2003 Diversity Day

Under the shade of the Grand Tent, over 1,000 CMS employees and guests joined together at the Central Office Headquarters to celebrate the diversity of our workforce and to “Embrace a Vision of Unity,” the theme for the 2003 Diversity Day celebration.

The annual event provides the Agency the opportunity to reflect on the contributions of various cultures to our society, recognize the diverse beneficiary population that CMS serves, and heighten awareness of issues and concerns of a diverse culture.

The festivities began at 9:00 a.m. in the lower level lobby of the Central Building with musicians of the Washington Toho Koto Society, a nonprofit group of koto players who promote the understanding and appreciation of Japanese koto music. The koto is a string instrument of Chinese origin.

The event picked up tempo at 10:00 a.m. Those who arrived early were treated to a lively prelude under the Grand Tent as the local group, Tropicombo, played salsa music. Several

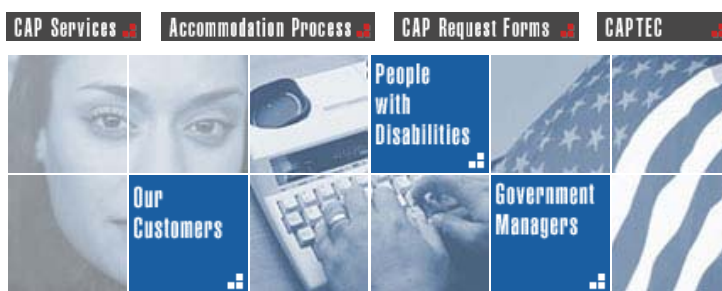
*Diversity Day continues on Page 6*

### Computer/Electronic Accommodations

On June 20, 2003, Assistant Secretary Ed Sontag announced the Department of Health and Human Services’ (DHHS) agreement with the Department of Defense Computer/Electronic Accommodations Program (CAP). The Department of Defense (DoD) established the CAP in 1990 to eliminate employment barriers for its employees with disabilities and to ensure equal access to the information environment and opportunities in the Federal Government.

The Fiscal Year 2001 *National Defense Authorization Act*, 10 U.S.C. § 1582 SEC. 1102, granted CAP the authority to “provide assistive technology, devices, and services to any department or agency in the Federal Government upon the request of the head of the agency.” All Federal agencies are eligible, at no cost to the agency. For the past several years, DHHS and other Federal Agencies have used CAP to provide computer / electronic accommodation to individuals hired through the Workforce Recruitment Program for College Students with Disabilities.

The CMS Office of Equal Opportunity and Civil Rights’ Disability and Reasonable Accommodation web page provides a direct link to CAP. For additional information, please contact Bettie Tapscott Spencer, the CMS Reasonable Accommodation / CAP Coordinator, on (410) 786-0762, or electronically at [Bspencer@cms.hhs.gov](mailto:Bspencer@cms.hhs.gov).



### INSIDE THIS ISSUE

**2** • Confidential Medical Information  
• Women’s Equality Day

**3** • Hispanic Heritage Month  
• National Asian Pacific American Heritage

**4** • Affirmative Action & the Supreme Court

**5** • Sexual Orientation Discrimination & the U.S. Supreme Court

**6** • Student Career Academy

**7** • EEO Counselor Training  
• Disability Employment Awareness  
• FY ‘03 EEO Training Schedule

**8** • Hostile Work Environment  
• Calendar of Events

#### Archived Issues of CenterPage

<http://cmsnet.cms.hhs.gov/hpages/oeocr/CenterPage.ht>



## Confidentiality of Medical Information

So you have an employee with a medical condition, and you want to know more as his/her supervisor. What can you ask, what can't you ask, what can you request, what can't you request, where is the line drawn?

### When can you inquire?

Ultimately, an employer can make medical inquiries in very limited circumstances. Disability-related inquiries (question(s) likely to elicit information about a disability) and medical examinations of employees must be job-related and consistent with business necessity. Job-related and consistent with business necessity are defined as *when the employer has a reasonable belief, based on **objective evidence**, that: (1) an employee's ability to perform essential job functions will be/is impaired by a medical condition, (2) an employee will pose/poses a direct threat (significant risk of substantial harm that cannot be eliminated or reduced by reasonable accommodation) due to a medical condition, or (3) an employee has requested a reasonable accommodation.*

Generally, employers may not ask employees what prescription medication they are taking.

### Access to Medical Information

Employers must maintain the confidentiality of medical information and documentation.

When an employee provides you with medical information and/or documentation, the rules under which you can then disclose this information to someone else are very limited. Employers must treat any medical information obtained from disability-related inquiries, medical examinations, as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Employers may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials investigating compliance with the Rehabilitation Act.

Specifically, 29 C.F.R. §1630.14 prohibits the disclosure of medical information except in certain instances. Medical information may be disclosed in the following situations:

- (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
- (2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- (3) Government officials investigating compliance with this part [laws, regulations, and instructions relevant to equal employment opportunity and affirmative action] shall be provided relevant information on request.

In addition, the Rehabilitation Act requires that all medical records for employees, whether disabled or not, be kept in medical files separate from personnel files. Letters and documentation referencing an employee's health should be placed in a separate, confidential medical file, not the employee's 7B file or OPF.

When an employee provides sufficient evidence of the existence of a disability and the need for reasonable accommodation, continued efforts by the employer to require that the individual provide more documentation and/or submit to a medical examination could be considered retaliation. For additional information you may visit <http://www.eeoc.gov/docs/guidance-inquiries.html>

## 2003 Women's Equality Day

CMS will celebrate Women's Equality Day on Thursday, August 21, 2003, from 1:30 p.m. – 2:30 p.m., in the CMS Auditorium. The program will include the presentation of the Women's Equality Day Awards. The purpose of the awards is to recognize individuals who actively worked on issues of importance to women in the workplace and/or have made significant contributions to women's health issues related to the mission of the agency. The individuals nominated and selected for this year's awards are: Vernell Britton, Region IV; Deanna Divenanzio, OIS; Laurie Feinberg, M.D., CMM; Darleen Hayes, CMM; Joni Jones, Region VII; Kimberly Kotova, Office of the Actuary; Anita Pinder, OOM; Mary Pratt, CBC; Marian Redd, OFM; Kelli Singleton, Region II; and Brenda Stup, CBC.

This year's celebration will feature two speakers: Dr. Dorothy Irene Height, Chairperson, Leadership Conference on Civil Rights and Chair President Emeriti, National Council of Negro Women; and Patricia M. Wolfe, Past President, Federally Employed Women.



Dr. Dorothy Height, National Council of Negro Women

Dorothy Height was one of the major leaders of the Civil Rights Movement of the 1960s. To create a dialogue about the Civil Rights Movement, she organized "Wednesdays in Mississippi" which brought together white and black women from both the South and North. Her belief in honoring the diversity of America is seen in her promotion of interfaith, interracial, and ecumenical movements. Having served as the president of the National Council of Negro

Women for over 40 years, Dr. Height's works have helped many women in America and around the world participate in democratic reform that resulted in new opportunities for them, their families, and their communities.



Patricia Wolfe of Federally Employed Women

Patricia Wolfe, Past President of Federally Employed Women for 2002 – 2003, led the 3,500-member organization to new levels from FEW's corporate headquarters in Washington D.C. Ms. Wolfe joined FEW as a member of the Rainier, Washington Chapter in 1982 and quickly became Chapter Secretary and Chapter President, Pacific Northwest Regional Manager and Chairperson of the 1995 Training Program in Tacoma, Washington.

The CMS Choir will perform several musical selections. The program will also feature a special documentary film, produced by Diane Hall of the CMS Office of Public Affairs, on the Suffragettes and how they gained equality. Regional Office staff may view a live broadcast of the program via video-conference.



## Hispanic Heritage Month Celebration September 30, 2003

CMS will commemorate Hispanic Heritage Month on Tuesday, September 30, 2003 from 1:30 – 2:30 PM in the CMS Auditorium. Ms. Jeannette Beltran, National Director of Special Programs, National Latina Health Network, will present a special program about HIV/AIDS and its impact on the Latino Community.

The national theme for Hispanic Heritage Month, which is traditionally recognized September 15 through October 15, is “*Hispanic Americans: Honoring our Past, Surpassing our Present, and Leading our Future.*” CMS’s 2003 program plans will also feature an entertaining performance by “Los Quetzales,” celebrating the rich musical heritage of Mexico.

In addition, complimentary copies of a new Hispanic Recipes Cookbook will be distributed, while supplies last. The program will be available for viewing by video-conference to the regions.

## 2003 National Asian Pacific American Heritage

CMS National Asian Pacific American Heritage Program was held on May 21, 2003. Charlene Brown, Deputy Director, CMSO, and Ramón Surís-Fernández, Director of the Office of Equal Opportunity & Civil Rights, opened the program. The keynote speaker for this year’s program was Vivian C. Kim, Procurement Analyst (Small Business Program Manager) at the Substance Abuse and Mental Health Services Administration and Founder and National Chair of the National Association of Professional Asian American Women (NAPAW).



Vivian C. Kim delivers keynote address at CMS

Ms. Kim tied this year’s theme of “Salute to Liberty,” to the recent security threats experienced in the United States, and called on all Americans to stay united. Noting the great diversity of this country, she quoted U.S. Senator, Daniel Kahikina Akaka, a Native Hawaiian, and his comments about patriotism being “a circumstance of the heart and not a consequence of your skin.”

Offering a personal portrait, Ms. Kim said that she is from a South Korean family who respected and admired the ability of women--a concept that was unusual for a South Korean family at that time. She shared her parent’s lectures on the importance of honesty and prayer, the principles of integrity, and acts of kindness toward other people. These values, she said, helped her “along the line in life.”

Ms. Kim’s story includes many accomplishments, but she emphasized that “for [every] successful person there has to be somebody behind [them]. She also spoke of the power of action. “Words alone cannot make something happen. They can’t bring about change by themselves. Words alone cannot change the human heart and give it inspiration and vision.”

Concluding, Ms. Kim encouraged CMS employees to understand and accept the differences among us, remembering that every human being is unique.

This year’s program also featured Ms. Harriet Linn and a special T’ai Chi demonstration. Ms. Linn explained that although this martial art was developed in China, it is universal. T’ai Chi has many benefits including self-defense, relaxation, improving energy, flexibility, circulation, and helps with the balance of the body. This discipline is also used to improve performance in sports like golf, running and swimming. T’ai Chi is considered to be one of the most widely practiced soft martial arts in the world. As one CMS employee described Ms. Linn’s demonstration on the program, “T’ai Chi is like a moving meditation, like yoga.”

The program also featured a wonderful Chinese dance performance by Ms. Michelle Yu from the Hua Sha Chinese Dance School of Columbia, Maryland.

Finally, as part of the CMS National Asian Pacific American Heritage Program, Mr. Bertrand Mao, a local artist specializing in Shan Sui - Chinese Landscape, displayed some of his works in the pre-function area, and later conducted a “brown bag” session for CMS employees about this art form.

If you are interested in viewing a videotape of this program, please contact the CMS Library.



Michelle Yu

## Affirmative Action & The U.S. Supreme Court

In the most important civil rights cases in a quarter of a century, the Supreme Court on June 23, 2003 decided whether affirmative action should be used in admissions to the University of Michigan's undergraduate and law schools, respectively.



University of Michigan Law School

The petitioners in both cases, *Gratz v. Bollinger* 123 S.Ct. 2411 (2003) and *Grutter v. Bollinger* 123 S. Ct 2325 (2003) asked the court to outlaw all consideration of race in university admissions because the use of racial preferences violated the Equal Protection Clause of the Fourteenth

Amendment, Title VI of the Civil Rights Act of 1964, and 42 U.S.C. §1981. However, the petitioners primarily relied on Justice Powell's principal opinion in *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 317 (1978) which expressed the view that the consideration of race as a factor in admissions might in some cases serve a compelling government interest. The compelling government interest the University of Michigan argued is the educational benefits that result from having a racially and ethnically diverse student body.

The two cases were decided as follows:

In *Grutter v. Bollinger*, the Supreme Court ruled that the law school policy, which considered race as a factor in admissions but did not assign specific weight to it, did not violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. According to Justice O'Connor's opinion in the decision, the Constitution "does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body."

The Supreme Court further asserted that the law school engages in a highly individualized, holistic review of each applicant's file, giving serious consideration to all the ways an applicant might contribute to a diverse educational environment. The Law School affords this individualized consideration to applicants of all races. There is no policy of automatic acceptance or rejection based on any single "soft" variable. Unlike the program at issue in *Gratz v. Bollinger*, the Law School awards no mechanical, predetermined diversity "bonuses" based on race or ethnicity.

In this case, the Supreme Court affirmed the principle that a diverse student body is in the best interests of both the university and our nation. In doing so, the Supreme Court accepted the Law School's rationale for using race in its admissions policy to further student diversity. The University referenced the substantial, important, and laudable educational benefits that diversity is designed to produce, including cross-racial understanding and the breakdown of racial stereotypes.

Additionally, the Supreme Court asserted that the Law School's claim is further bolstered by numerous expert studies and reports showing that such diversity promotes learning outcomes and better prepares students for an increasingly diverse workforce, for society, and for the legal profession. Major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints.

However, in *Gratz v. Bollinger*, a case involving admission to the University of Michigan's College of Literature, Science, and the Arts, the Supreme Court issued a 6-3 decision finding that the University's use of race in its freshman admissions policy violates the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964, and 42 U.S.C. §1981. In this case, the Supreme Court held that racial quotas are unconstitutional and struck down a point system used by the University of Michigan to give minorities preference in undergraduate admission. At the University of Michigan, "underrepresented minority" undergraduate applicants to the College of Literature, Science and the Arts, which the University considered to be African-Americans, Hispanics, and Native Americans, received a 20-point bonus on the basis of race out of a 150-point system. However, the Supreme Court left room for the nation's public universities, and by extension other public and private institutions, to seek subtler ways to take race into account.

The two Michigan cases directly address only admissions at public, tax-supported institutions. However, the decision will likely impact governments, corporate America, the media, the military and other institutions that have existing affirmative action programs.

Over the last generation, affirmative action has become deeply woven into the fabric of American life. This became evident during the litigation over the University of Michigan's affirmative action programs. Over 300 or so briefs were submitted to the Supreme Court supporting affirmative action compared to approximately 15 briefs stating that the point system is based on racial preferences and is therefore unconstitutional. Businesses, universities, governments, the media, and the military all engage in affirmative action. The nearly universal practice of affirmative action didn't happen because someone commanded it by law, or that it was intellectually accepted. It happened because each of these institutions, in struggling to deal with its own part of the enormously complex problem of race in America, found that things worked best if they allowed some role for affirmative action.



United States Supreme Court



# Sexual Orientation Discrimination in the Federal Workplace and Recent Developments in the Supreme Court

There are some provisions that protect Federal employees from discrimination on the basis of sexual orientation. For instance, the Civil Service Reform Act of 1978 (CSRA), as amended, prohibits Federal employees, with authority for any personnel action, from discriminating against applicants and employees on certain bases. This includes discriminating against an applicant or employee on the basis of *conduct* which does not adversely affect the performance of the applicant or employee. The Office of Personnel Management (OPM) has interpreted the prohibition of discrimination based on "conduct" to include discrimination based on sexual orientation. The Office of Special Counsel (OSC) and the Merit Systems Protection Board (MSPB) enforce the prohibitions against Federal employment discrimination codified in the CSRA. The OSC will defer those bases of discrimination under EEOC's jurisdiction to the respective Federal agency and its EEO process. The CSRA also prohibits employment discrimination in the Federal government based on conduct which does not adversely affect the performance of the employee, which is not within EEOC's jurisdiction.

In addition, Executive Order (EO) 13087, issued on May 28, 1998, prohibits discrimination based upon sexual orientation within the Federal civilian workforce. EO 13087 states this policy uniformly by adding sexual orientation to the list of categories for which discrimination is prohibited. It is noteworthy that EO 13087 did not make provisions for employees to bring sexual orientation-based claims before the Equal Employment Opportunity Commission.

The policy states in part that it is the policy of the Federal Government to provide an equal opportunity to all of its employees and that Federal employees should be able to perform their jobs in workplaces free from discrimination, including sexual orientation. The Executive Order also states that, as a matter of Federal policy, a person's sexual orientation should not be the basis for the denial of a job or a promotion. As the Nation's largest employer, the Federal Government sets an example for other employers that employment discrimination based upon sexual orientation is not acceptable.

EO 13087 did not create any new rights, however it did set the stage for positive and constructive action by all units of the Federal government to make certain that the workplace is one free from harassment and discrimination. Many of the Cabinet level agencies have issued policy statements prohibiting discrimination based on sexual orientation. The Department of

Health and Human Services has developed a policy of non-discrimination based on sexual orientation, parallel to EEO complaint procedures allowing CMS's employees to file EEO complaints based on sexual orientation within the Agency.

Sexual orientation statutes and policies will soon have an attention-grabbing twist with a decision recently held by the Supreme Court. In *Lawrence et al. v Texas*, the Supreme Court recently voted 6-3 to strike down a Texas law that prohibited sex between homosexuals; a decision that is an unprecedented and decisive endorsement of homosexual rights that is likely to become a milestone in U.S. law and culture.

The *Lawrence et al. v Texas* decision reversed the 1986 ruling in *Bowers vs. Hardwick*, where the court upheld anti-sodomy laws.

In *Lawrence et al. v Texas*, the majority of the court said the Texas law violated privacy rights. This decision vertiginously changes the legal landscape for homosexuals by declaring that the Constitution's guarantee of liberty prohibits government from targeting their sexual preferences. Specifically, the court said the Constitution's guarantee of individual liberty protects homosexuals who engage in personal relationships in the confines of their homes.

The men who challenged the Texas law that banned oral and anal sex "are entitled to respect for their private lives," Justice Anthony Kennedy wrote for the majority. "The state cannot demean their existence or control their destiny by making their private sexual conduct a crime." Kennedy focused on sexual relations but singled out the

home as the most private of places. He also referred to international law in a way that could influence future disputes. He noted that the European Court of Human Rights and other nations recognize the right of homosexual adults to engage in intimate, consensual conduct. The ruling comes just a week after a court in Canada lifted a ban on same-sex marriages. Such a development, once hard to imagine in this country, does not seem so impossible after the ruling.

However, President Bush recently announced that his Administration is drafting a law that would define marriage, as a union between a man and a woman...stay tuned.

Please see [www.eeoc.gov](http://www.eeoc.gov), and [www.opm.gov](http://www.opm.gov) for more related information about Sexual Orientation discrimination prohibition.



Diversity Day, *continued from page 1*

employees, including the OEOCR Director, demonstrated their salsa-dancing talents.



CMS Deputy Administrator Leslie Norwalk

This year, the Fort Meade Joint Services Color Guard opened the event with the presentation of colors (flags). Gina Daniels of the Center for Beneficiary Choices then provided an inspiring rendition of the national anthem, followed by the CMS Choir's performances of patriotic selections.

The Acting Deputy

Administrator, Leslie Norwalk, welcomed the audience and introduced the first speaker, Ms. Felicita Sola-Carter, Assistant Deputy Commissioner for Human Resources at the Social Security Administration (SSA), who in turn, provided information concerning SSA's Diversity Initiative.



(left to right) Ramon Suris-Fernandez, OEOCR Director; Consuelo Kickbusch, founder, Educational Achievement Services, Inc. and Laura D'Anna, Principal of Patterson High School; joins Felicita Sola-Carter, Deputy Commissioner for Human Resources, Social Security Administration as she delivers the keynote address.

The Sankofa Dance Theater, an African dance studio for people of all ages and based in Baltimore, followed Ms. Sola-Carter's remarks with several lively drum and dance selections, each of which was explained by a member of the dance troupe.

The 2003 Diversity Day celebration concluded with the sounds of Tropicombo, who encouraged participation and dancing. A variety of ethnic food sampling from several cultures was also available, as well as publications from CMS and DHHS that directly impact our diverse population.



The Washington Toho Koto Society perform in the lower level lobby at CMS



The salsa sounds of Tropicombo began and ended the Diversity Day celebration



Gina Daniels of the Centers for Beneficiary Choices, sings the National Anthem



Sankofa dancers and drummers of all ages performed at CMS



The CMS Choir, led by Betty Shaw, of the Office of Clinical Standards & Quality



## Student Career Academy Completes 1<sup>st</sup> Successful Year



The Diversity Day celebration also served as the closing activity for the inaugural class of the *Student Career Academy Youth Initiative*, a joint venture with CMS, the Department of Veterans Affairs (VA), and Patterson High School of Baltimore City Public Schools. This partnership was formed to help satisfy the demand for a skilled future workforce and to reach those students who could be favorably impacted by intervention.

Through an educational model developed in the spirit of the *No Child Left Behind Act of 2001*, the *Academy* serves to stimulate students to continue their academic studies and acquire the knowledge and skills needed for success in either the workplace or postsecondary education.

Also highlighted were five students who were inducted into the National Honor Society and 15 students who were offered summer employment at CMS or the VA. The Academy students, mentors and job coaches received recognition and awards for their commitment to the program.



Patterson High School Students join the celebration of the *Academy's* first year

Retired Army Lt. Colonel Consuelo Kickbusch provided the keynote remarks for the closing ceremony. Born and raised in a tiny barrio in Laredo, Texas, where she overcame the fierce challenges of poverty, discrimination and illiteracy, Ms Kickbusch has become a successful leader and role model for her community. She has been breaking barriers and setting records in the military and became the highest-ranking



Retired Army Lt. Colonel Consuelo Kickbusch

Hispanic woman in the U.S. Army's combat support field.

Because of her strong dedication to saving the youth of America living in the same barrios she did as a child, Ms. Kickbusch has worked with over one million children, their parents, and educators, in the roughest neighborhoods in America, covering 43 states. She inspires these young "diamonds in the rough" by encouraging them to believe that "we can all make our dreams come true, to not give up hope, but rather to take charge of our lives, make a real difference in our families/communities and follow a disciplined road map to success." To assist them she produced a well-received video entitled, "Porque No - Why Not?" which provided practical techniques that helped her to leave the barrio, to develop self-esteem and to achieve her personal success. She is currently writing a book for young readers, "Journey to the Future," a primer providing young people with a framework for early leadership development.

Also attending the closing ceremony and providing remarks were Ms. Olga A. Arguello, Special Assistant to Deputy Assistant Secretary Gerald Reynolds of the Department of Education; Ann Carusi from Baltimore City Public Schools; Ms. Laura D'Anna, Patterson High School Principal; and Mr. Armando Rodriguez from the Department of Veterans Affairs.



Olga Arguello, (left) of the Department of Education displays "Appreciation" plaque with OEOCR's Clara Carter



Clara Carter (left) presents an appreciation plaque to Laura D'Anna of Patterson High School

## EEO Counselor Training

A 32-hour training class for all CMS EEO Counselors was held at the Central Office on May 19–23, 2003. The required training served as re-certification for the Agency’s current counselors and initial certification for new counselors. The training was very comprehensive in addressing all aspects of the roles and responsibilities of being an EEO counselor.



The role of the counselor is essential to the EEO process. EEO Counselors are impartial fact-finders and are not advocates for employees or managers. They are responsible for:

- Advising an aggrieved person about the EEO process under 29 C.F.R. Part 1614 and the CMS Mediation program;
- Determining the claim and basis raised by a potential complainant;
- Determining jurisdictional questions;
- Seeking a resolution of the dispute (in direct coordination with the Office of Equal Opportunity and Civil Rights) at the lowest possible level;
- Advising the aggrieved person of their right to file a formal complaint if the matter is not resolved through negotiation or mediation;
- Preparing a report to document required counseling actions and all information gathered during the “limited inquiry.”

In addition, EEO Counselors are available as a resource to CMS management and /or officials during the informal process. Below are the new EEO Counselors in the Regional Offices in Seattle, Atlanta and Philadelphia.



Lucy M. Matos  
Seattle

Richard Jones  
Atlanta

Suzanne Bradley  
Philadelphia

For a complete list of the EEO counselors and the EEO Counseling Coordinator go to:

<http://cmsnet.cms.hhs.gov/hpages/oeocr/EEOcounselors.htm>

## Disability Employment Awareness

CMS will host the 17<sup>th</sup> Annual Baltimore Federal Executive Board (FEB) Disability Awareness Training Conference at the Baltimore Headquarters. The conference will be held in the Main Auditorium and Multi-Purpose Room on Thursday, October 30, 2003, from 9:00 a.m. to 3:30 p.m.

This marks the second year that CMS will host the conference. The FEB Disability Advisory Committee, with assistance from the CMS Committee for Employees with Disabilities (CED), has planned this one-day, cost effective training experience to offer timely information and provide strategies for disability related issues in the workplace. Sessions will include recent EEO decisions, Americans with Disabilities Act (ADA) case law, New Freedom Initiative discussions, and Reasonable Accommodation training for managers. Fidos For Freedom, an assistive dog training organization, will provide presentations on the use of specially trained Service Dogs, Hearing Dogs and Therapy Dogs.

Additionally, CMS’s 2003 Disability Employment Awareness Month program will be held in conjunction with the October 30 training conference. CMS employees are encouraged to attend.

## EEO Training Schedule at CMS Headquarters

Fiscal Year '03			
Session	Date	Time	Location
ADA Rehabilitation Act	Tuesday, Aug 5	9 AM - 12 Noon	C107
	Tuesday, Sep 23	9 AM - 12 Noon	C 107
	Tuesday, Sep 30	9 AM - 12 Noon	C 101
Alternative Dispute Resolution	Tuesday, Aug 26	9 AM – 3:30 PM	C 107
	Tuesday, Sep 16	9 AM - 3:00 PM	C 101
Sexual Harassment Prevention	Thursday, Aug 7	9 AM - 12 Noon	C 107
	Thursday, Aug 7	1 PM – 4 PM	C 107
	Thursday, Sep 11	9 AM - 12 Noon	C 106
	Thursday, Sep 11	1 PM – 4PM	C 106
Title VI - Protecting the Civil Rights of Beneficiaries	Tuesday, Aug 19	1 PM - 4:00 PM	C 107
	Wednesday, Aug 20	9 AM - 12 Noon	C 107
Title VII EEO in the Workplace	Tuesday, Aug 19	1 PM – 4 PM	C 101
	Wednesday Aug 20	9 AM - 12 Noon	C 101



# The 10 Most Common Mistakes Corporations Make That Lead To A Hostile Work Environment<sup>1</sup>

No corporation purposely arranges to have a hostile work environment – especially today, when violence costs U.S. businesses \$36 billion a year and Supreme Court decisions require companies to prevent, not just react to, all forms of harassment. Yet corporations make 10 common mistakes that can easily lead to a hostile work environment – even though these costly mistakes can be corrected.

## 1 DENIAL

Executives and managers think, “It can’t happen here.”

## 2 FEAR OF CONFRONTATION

Managers ignore employees’ poor job performance and high-risk behaviors – and fail to document either -- because they do not want to confront the employee.

## 3 FAILURE TO FACILITATE

When two or more employees have problems with each other, the manager tells them to “work it out” themselves, instead of facilitating a discussion.

## 4 REWARDING FLATTERY

Managers want their egos stroked more than they want honest input or feedback about how things are going.

## 5 WORKAHOLISM

Managers require – overtly and covertly – that employees spend an excessive number of hours at work.

## 6 REWARDING MACHO BEHAVIOR

Managers want male employees to “take it like a man,” instead of discussing situations that make employees angry.

## 7 MAKING EXCUSES

Managers “explain,” to themselves, unusual behaviors on the part of employees or peers they know well, instead of seeing the behavior for what it is and taking appropriate steps.

## 8 ALLOWING ISOLATION

Managers allow technical specialists to be “exempt” from teamwork and from team thinking.

## 9 THE “BUDDY” SYSTEM

Managers reward and promote employees on the basis of friendship instead of performance.

## 10 REFUSING TO CHANGE

Managers keep things “the way they’ve always been,” instead of making appropriate changes and helping employees adapt.



## CALENDAR OF EVENTS

### WOMEN’S EQUALITY DAY

CMS AUDITORIUM  
THURSDAY, AUGUST 21, 2003, 1:30 PM

### HISPANIC HERITAGE MONTH

CMS AUDITORIUM  
TUESDAY, SEPTEMBER 30, 2003, 1:30 PM

### 17<sup>TH</sup> ANNUAL FEB DISABILITY AWARENESS TRAINING CONFERENCE &

### CMS DISABILITY EMPLOYMENT AWARENESS MONTH PROGRAM

CMS AUDITORIUM  
THURSDAY, OCTOBER 30, 2003, 9:00 AM

<sup>1</sup>Reprinted with permission from Lynne McClure, Ph.D.  
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## CenterPage

Office of Equal Opportunity and Civil Rights  
Centers for Medicare & Medicaid Services  
7500 Security Boulevard, N2-22-16  
Baltimore, Maryland 21244-1850

### Editor

Glenn Smith

### Editorial Assistant

Bettie T. Spencer

### Researcher

Brian Sutherland

### Contributing Writers

Tracey Therit  
Gloria Potocek  
Glenn Locklear

Michele Lenkiewicz  
Tana Hicks  
Annia S. Feliciano Flores

Lynn Strange  
Llauryn Iglehart-Howard  
Richard Torres-Estrada

**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.