

# CenterPage

A quarterly publication of the

## Office of Equal Opportunity and Civil Rights

Centers for Medicare & Medicaid Services

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### Surgeon General Joins CMS Outreach Initiative

On April 8, U.S. Surgeon General, Richard H. Carmona, announced his goal to visit at least one school in each of the 50 States to talk about the importance of making healthy choices. As a coup for the *Student Career Academy Youth Initiative (the Academy)*, Dr. Carmona kicked off his tour with a visit to Patterson High School in Baltimore on April 9.

The Centers for Medicare & Medicaid Services (CMS) initiated the *Academy* in partnership with Patterson High School and the Department of Veterans Affairs (VA) in the spirit of the *No Child Left Behind Act of 2001* to stimulate high school students to continue their academic studies and to help them acquire the knowledge and skills they'll need for future success in either the workplace or post secondary education.

The *Academy* works to increase educational and employment opportunities for minority youth by enabling them to work in Federal facilities, attend workshops, meet with knowledgeable mentors, and learn about Federal careers. Program participants meet twice a month off school grounds; once at CMS headquarters with their mentors, and once at the Baltimore VA Medical Center (VAMC) or Regional Office with their job coaches.

Additionally, introducing the students to Medicare and Medicaid programs and Veterans benefits programs increases the opportunities for their families and communities to learn more about these Federal benefits.

The CMS invitation to Dr. Carmona to visit Patterson High School and meet the Academy participants, including CMS mentors and VA job coaches, was a great accomplishment for the Academy, as well as for Patterson High School. The Surgeon General spoke with Academy students and approximately 400 other Patterson High School students about his life and the tough decisions that teens face. "Sometimes the best decisions you can make are the least popular," Surgeon General Carmona said. "But in the end you'll find that the healthy choice, the best choice, will lead down a road to success."

The Patterson students were receptive to Dr. Carmona's message, delivered with his trademark sense of humor, about overcoming his personal challenges as a high school dropout, and making the right choices that eventually led to his success. The Surgeon General also acknowledged the adults who are a major influence in the students' lives, including their CMS mentors. "I want to thank parents, teachers, and community leaders who are the role models to our next generation 365 days a year," he said.



Photo by Bonnie Howard, Public Affairs

Dr. Carmona stresses the importance of healthy choices with a Patterson High School student as Clara Carter and Brian Sutherland (seated together in the background) of CMS look on.

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Archived Issues of CenterPage

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

### Affirmative Action Battle Update

*"Many civil rights lawyers agree that the University of Michigan could be the Alamo of affirmative action, the place where they make their last stand . . . If affirmative action at Michigan can't survive these assaults, it's probably doomed at every other state campus in the nation."* TIME MAGAZINE

The Grutter v. Bollinger case now before the U.S. Supreme Court challenges racial preferences in student admissions at the University of Michigan Law School. (See CenterPage, Winter 2003)

U.S. Court of Appeals for the Sixth Circuit ruled that diversity is a compelling state interest and that the Law School's admissions system is narrowly tailored to serve that interest.

The Supreme Court has now heard oral arguments and a decision is expected by the end of June 2003.

# Retaliation Do's & Don'ts



Retaliation is one of the unlawful employment practices prohibited by the anti-discrimination laws. These laws specifically prohibit two forms of retaliation against employees: (1) because they have invoked the protections of the EEO Laws and Regulations or participated in proceedings thereunder, or (2) because they have opposed practices made unlawful by the EEO Laws.

Therefore, discrimination against an individual because s/he has engaged the EEO process, filed a complaint, been a witness in a complaint, assisted in the EEO complaint process, or protested discrimination is illegal. Below are some do's and don'ts for employees and managers to follow:

## DO:

**Treat everyone the same** – do not single someone out who's opposed discrimination, do not evaluate him/her differently, deny something that was previously approved, limit his/her benefits as opposed to other employees in the same situation, or place him/her under a different set of rules, regulations, or standards.

**Be consistent** – if you counsel an employee who opposed discrimination for coming in late, make sure you counsel other employees who commit the same offense. Always carry out personnel actions in a fair and impartial manner.

**Ask questions** – if you have protested discrimination, don't assume that everything that happens to you thereafter is retaliation, ask questions and look at how others are being treated in similar situations before assuming you're being retaliated against.

**Your job** – if you are a manager, don't overly scrutinize or avoid/isolate the employee who has protested discrimination. Manage him/her like you would any other employee. If you are the employee, don't assume that filing a complaint has insulated you from management action – you are still expected to perform under the same standards and rules as your peers.

## DO NOT:

**Spread the word that a complaint has been filed** – the employee, the manager, and co-workers should respect each other's privacy.

**Treat someone different after opposing discrimination** – treat him/her the same as you would have before or absent the EEO activity; if you allowed the employee to work-at-home before filing a complaint, should you question him/her about it now? If you assigned him/her this project before s/he complained, should you reassign it now? If you never counseled him/her on his/her performance before, should you do it now? If s/he was included in meetings before, should s/he be excluded now? Take your pulse and be aware of what

you are doing and why, before you do it. Don't let emotions dictate your decision-making.

**Assume the Worst** – if you are the manager, don't assume that the employee will now stop working, allege everything you do to be retaliatory, and that your hands are tied as a manager; if you are the employee don't assume that your career is over and that your manager is now out to "get even," "punish you," for filing a complaint.

**Stop Communicating** – if the work situation is bad, this will only make it worse. Even if you have trouble communicating and understanding one another, maybe someone else can facilitate discussions. Keep the lines open and try to clear up misperceptions and understandings.

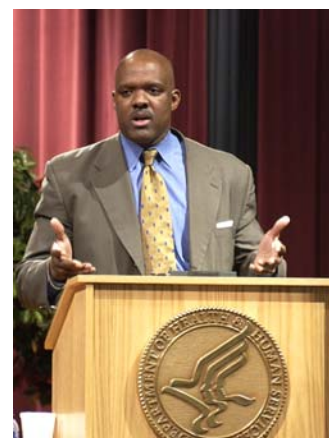
If you have questions or need more information or are faced with any of the above situations, please feel free to contact a member of the Office of Equal Opportunity and Civil Rights', Complaints Team at 410-786-5110.

## The Souls of Black Folk

On Tuesday, February 27, 2003, CMS observed Black History Month. The program participants included Dr. Carla Hayden, Director of Baltimore's Enoch Pratt Free Library; Maryland Lieutenant Governor Michael S. Steele; and Ruben King-Shaw, Jr., former CMS Deputy Administrator and Chief Operating Officer.



The 2003 theme, *The Souls of Black Folk*, brought an array of perspectives from each of the guest speakers.



Leslie Norwalk, who had been filling in for Mr. King-Shaw, (who at the time was detailed to the Department of Treasury), provided remarks and welcomed the keynote speakers.

CMS staff who had not seen much of Mr. King-Shaw since his detail several months ago gave him a warm welcome. His remarks were vintage Ruben King-Shaw. After briefly talking about his new job, which involves working on health insurance and tax relief, Mr. King-Shaw provided a broad historical context to the heritage of Africa and America. He asked the audience to think "bigger" about the topic African-American heritage, which, he said, "...Would include more than the shores of the United States." He went on to say that the continents of Africa and America include many people and many cultures.

The Lieutenant Governor shared his personal relationship with Mr. King-Shaw and said he “never saw this side of him,” referring to the oratorical display of Mr. King-Shaw, which prompted laughs from the audience. The Lieutenant Governor acknowledged the historical mark left by his recent election as the State’s first Black Lieutenant Governor. He seemed particularly pleased and honored that he now sits in the same office where Thomas Jefferson once sat.



Photo by David Snowden, Public Affairs Office

Lt. Governor of Maryland, Michael S. Steele

Dr Carla Hayden jokingly chastised the program planners for setting her up against speakers such as Ruben King-Shaw and Michael Steele. Being the only librarian among the group, she provided the educational link to the occasion. She asked the audience how many had read the *Souls of Black Folk* by W.E. B. DuBois. Seeing a limited number of hands raised, she suggested they add it to their reading list. She discussed DuBois’ work and how the United States has learned and is learning the complexities of living with varied cultures and races.



Director of Baltimore’s Enoch Pratt Free Library, Carla Hayden.

OEOCR’s Brian Sutherland served as the Master of Ceremony and Yvette Cooper, of the Center for Beneficiary



From left to right: Leslie Norwalk, Carla Hayden, Michael S. Steele, Ruben J. King-Shaw, Jr. and Ramon Suris-Fernandez.

Choices, opened the program with the national anthem, followed shortly by the CMS Choir who sang the selection, *God of Our Fathers*. A videotaped is available at the CMS Library.



Members of the Black History Month Committee pose with keynote speakers: (left to right) Chevell Thomas, Toya Smith Marshall, Carla Hayden, Michael Steele, Betty Shaw, Andrew Mack, Angela Davis-Putty, Angela Wise and Anita Pinder.



CMS Choir members: (Left to Right) T’Koy Hall, Georgia Perry, Jacqueline Johnson (at piano), Lisa Eggleston, Cynthia Parker, Betty Shaw, Yvette Cooper, Winston Kane, Kevin Pope, Lakeicha Wing, Cynthia Robinson, Glynis Johnson and Andrea Haggens (conducting the choir). Members not shown are: Joyce Jordan, Elaine Rees and Linda Murphy.



CMS's children making "health moves" in the auditorium.



Jerry Bartgis, Federal Protective Staff, demonstrates security-screening equipment



Cyber Tiger, Julie Boughn, Deborah Chaney and August Nemece (not shown) help to jump-start the day with "healthy moves."



Dental student, Nyasha Scott demonstrates brushing techniques to an attentive audience and activities to reinforce and promote healthy choices and habits to this young population.

## Take Our Children to Work Day

On Thursday, April 24, 2003, CMS hosted the annual **Take Our Children To Work Day** at the Baltimore headquarters. Although this event had planned activities for children in Baltimore, the Regional Offices in Chicago, Boston, New York and Atlanta also participated via videoconference throughout the day.

Over 150 children participated in activities under the theme: *Promoting the Health of Young America*. To complement a day where children shadowed parents and guardians, the Office of Equal Opportunity and Civil Rights arranged tours

The selected tours included: the Wetlands, TV Production Studio, Administrator's Office, CMS Library, Fitness Center and Health Unit. Deb Chaney, of the Center for Medicare Management, jump-started the morning activities with a stretching exercise, with the help of the Cyber Tiger. Other activities included a security presentation by Jerry Bartgis of the Federal Protective Staff; an age-specific computer lab specially designed and led by Adiah Jones and Derrick Stewart of the Individual Learning and Support Center; a *Meet, Greet & Learn* session, facilitated by Ann Marie Chesney of the Office of Research, Development, & Information; an *Oral Health and Hygiene* presentation by dental students from the University of Maryland at Baltimore School of Dentistry; and a *Healthy Children* presentation by Dr. Gerald Zelinger of CMSO.

The Acting Deputy Administrator, Leslie Norwalk, provided closing remarks personalized with an informal and interactive question and answer session.



# Hope Out of Darkness: A Poet Remembers the Holocaust

CMS's eighth annual Holocaust Memorial Program was held on Wednesday, April 30, 2003. Thomas A. Scully, CMS Administrator and Ramón Surís-Fernández, Director of the Office of Equal Opportunity and Civil Rights opened the program. Linda Lebovic of the Office of Research Development, and Information, served as the Mistress of Ceremony.



CMS Administrator Thomas Scully delivers remarks at the 2003 Holocaust Memorial Program

The keynote speaker for this year's program was Herman Taube, a Holocaust survivor. Mr. Taube, a poet, author and lecturer serves as White House correspondent for the *Yiddish Forward* and serve on the Board of the Days Remembrance Committee of the U.S. Holocaust Museum. At this year's program, Mr. Taube spoke of his personal experiences during World War II and the significance of his writings.



Herman Taube speaks at CMS

Mr. Taube was introduced to the audience with a short film, entitled, *Echoes of Darkness, Visions of Light*, produced by Diane Hall, Public Affairs Office, Visual & Multimedia Communications Group.



Rabbi Elan Adler conducts the Mourners' Kaddish

The program also featured, Rabbi Elan Adler of Moses Montefiore Anshe Emunah Hebrew Congregation and the children's choir from the Krieger Schechter Day School. Rabbi Adler delivered the invocation for the program and the Mourners' Kaddish. The Choir, led by Sally Grobani, closed the program with several selections.

For a videotape of this program, contact the CMS Library.



The Krieger Schechter Day School children 's choir sings of hope and peace.



The 2003 Holocaust Memorial Planning Committee pose with invited guests. From left to right: Glenn Smith, Rabbi Elan Adler, Ramon Suris-Fernandez, Herman Taube, Angela Wise, Linda Lebovic, Gerald Adler, Diane Hall, David Walczak, Lon Teichman, Tony Hausner and Sam Seidman. Not in picture: Jacqueline Gordon, David Greenberg, Mary Guy and Eric Nevis.

# OEOCR Update



On May 2, 2003, the Baltimore Federal Executive Board recognized Clara G. Carter, Equal Employment Opportunity Specialist, with a special Excellence in Federal Career award for her commitment to community service. Ms. Carter was nominated for her dedication and efforts in support of the CMS partnership with the Department

of Veterans Affairs and the Baltimore City School System to develop and manage the core curriculum for the **Student Career Academy Youth Initiative**. (See front-page article)

A longtime advocate for education and community mentoring programs, Ms. Carter continues to serve on the board of the Maryland Mentoring Resource Center working with Federal, state and local agencies, as well as private industry, to develop lasting relationships with the Baltimore City School system and local business and community leaders. Ms. Carter also shares her talents with community adult literacy programs and provides career guidance and counseling services through career development workshops to such institutions as Coppin State College, the College of Notre Dame of Maryland, and the University of Maryland Baltimore County.

## Limited English Proficiency

Many of you may have heard the letters "L-E-P," and understand that the letters stand for "limited English proficiency (LEP)." Executive Order 13166 was issued August 2000 and states that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities. This Executive Order requires all agencies that provide Federal financial assistance to issue guidance on how recipients of that assistance can take reasonable steps to provide meaningful access. The

Order also requires that Federal agencies create plans for ensuring that their own activities also provide meaningful access for persons with limited proficiency in English.

So, what does it mean to be a person with LEP? LEP Individuals do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. These individuals may be entitled language assistance with respect to a particular type of service or benefit.

On April 30, 2003, the Equal Employment Opportunity Commission issued an updated agency-wide action plan to improve access, outreach and enforcement services to the limited English proficient employer and employee communities. The full text of the LEP Plan is available online at: <http://www.eeoc.gov/plan/lep/lep.html>.

The 2000 Census offers us a glimpse of the degree to which recipients of our programs may be limited in their English proficiency. Stay tuned! CenterPage will address the Census and LEP in our next issue. In future issues, we will provide brief articles on Title VI and LEP, more on Executive Order 13166 and Federal agency responsibilities to assure language access, the Bush Administration's Federal Interagency Working Group on Limited English Proficiency,

## National Asian Pacific American Heritage

CMS will observe Asian Pacific American Heritage Month with a kick-off program in the CMS Auditorium in Baltimore. The program will be held on May 21, 2003 from 1:30 p.m. to 2:30 p.m. The national theme for this year is "Salute to Liberty."

Ms. Vivian C. Kim, Founder and National Chair of the National Association of Professional Asian American Women, will provide the keynote remarks. An orientation and demonstration in the art of T'ai Chi and its unique health benefits, particularly for seniors, is also planned for the program. In addition, the event planners are arranging a special performance by the Hua Sha Chinese Dance Center of Columbia Maryland

## CALENDAR OF EVENTS

### ASIAN PACIFIC AMERICAN HERITAGE

CMS AUDITORIUM  
WEDNESDAY, MAY 21, 2003, 1:30 PM

### CMS 5<sup>TH</sup> ANNUAL DIVERSITY DAY CELEBRATION &

### STUDENT CAREER ACADEMY YOUTH INITIATIVE CLOSING CEREMONY

HEADQUARTERS BACK PARKING LOT  
WEDNESDAY, JUNE 11, 2003, 10:00 AM

### WOMEN'S EQUALITY DAY & AWARDS

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

## CenterPage

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