

CIVIL RIGHTS UPDATE

December 2010

CIVIL RIGHTS ENFORCEMENT AND COMPLIANCE – (CREC)
 “Finding Common Ground through Prevention, Communication, and Information”

CREC MISSION STATEMENT

To provide leadership, direction, coordination, evaluation, and support to the Civil Rights efforts of the Animal and Plant Health Inspection Service.

Contributing Writers

Lauren Hill
 Sophia Kirby

Editor

Janis K.C. Jarvis

CREC Management

Myra Young
 Director
 Njeri K. Mwalimu
 Deputy Director
 Steve Shelor
 Assistant Director
 Ken E. Johnson
 Special Programs
 Consultant
 Janet Wintermute
 Native American
 Program Delivery
 Manager

Personal Ethnicity, Race, Gender, and Disability Information

Just the Facts...

In this, the age of advanced technology, I have come to accept and even appreciate (in some cases) the freedom provided by simply “pushing a button”, “applying a keystroke”, or “canceling” an entry (if necessary), all in an effort to obtain some much needed information. Through the use of Electronic Official Personnel File, otherwise known as eOPF, employees can access their entire federal employment history with the touch of a button.

Equally as liberating, is the Employee Personal Page, which is accessed through the National Finance Center (NFC) website at www.nfc.usda.gov, which allows you to view and in some categories even modify your personal information, as contained in Benefits Statements, Direct Deposits, Earnings and Leave Statements, to name but a few, with the touch of a button and a few keystrokes. A new feature of this site is access to Ethnicity and Race identification (ERI), Gender and Disability. This site allows you to view your current identification for your ethnicity and race, as well as gender and disability and change these identifications as you desire. Imagine my surprise, when viewing my own ERI I noted that I was now classified under a different ERI. Hmm, I thought, surely this is **not me**...Perhaps, this is the “*other Lauren Hill*”, but alas, it was only me! Perhaps when information was being loaded from my initial employment application, (over 20 years ago) a mistake was made.



I strongly encourage all employees to check their eOPF and their NFC Employee Personal Page, to ensure their information is correct..... just the facts. For guidance on accessing these sites, please feel free to contact your Human Resources servicing office.



Why is it Important that the Data Contain Your Correct Ethnicity, Race, Gender and Disability Status?

The short answer is that it makes a difference. You may remember seeing an email message from USDA’S OHRM encouraging us to update the database by September 24, in which the importance of this data was explained:

“There have been some long standing accuracy and data integrity issues with the RNOG data in the NFC system, With increases in accountability and reporting requirements, accuracy of ethnicity and disability data is vitally important. Please encourage your employees to spend a few minutes checking and updating this information”

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“Personal Ethnicity, Race, Gender, and Disability Information” Continued:

What does that really mean? Well for one thing. It is critically important that our data be correct as it is reviewed by many officials at many levels and is the basis on which the Agency’s EEO Program Status is judged. The data serves as a guide post for Agency policy and even contributes to the Agency’s reputation. It is important to our customers that we are diverse and the extent of our diversity is measured using this data. In fact, Currently in FY 2011, these records show that the Agency’s population falls below the Civilian Labor Force (CLF) percentages in the following areas: Hispanics, African Americans, White Females, Asian Females, and Persons with Targeted Disabilities. By checking your status, you might indeed help to increase our participation rates in the under-represented categories.

Important high level officials, including the likes of USDA, OPM, EEOC, and members of Congress, read reports that refer to the NFC data and make decisions and judgments based on it. Questions about the extent of diversity in APHIS are determined by this data. This influences decisions about targeted recruitment and other remedial actions the Agency may take.

It’s personally very important to us. CREC reviews this data quarterly and makes status reports and recommendations to the APHIS management team and other managers and supervisors. APHIS diversity is compared with other agencies in USDA. Employment, recruitment practices, and retention policies may be reviewed for effectiveness based on this data.

You may have heard that as illustrated above even the CREC staff is not immune from these errors; but I bet you will be surprised to know that a member of our Senior Executive Staff was also miscoded. What about your data?

So, please help us. Help us to provide accurate reports that will support the best and wisest decisions regarding the EEO program and other personnel decisions. It’s easy. Just visit your NFC personal page and it’s listed on the left hand side. Just click and fix!



Genetic Information Nondiscrimination Act of 2008 (GINA)

Background

The Genetic Information Nondiscrimination Act (GINA) of 2008 was enacted in response to developments in the field of genetics, the decoding of the human genome, and advances in genomic medicine. Congress was concerned that people were not taking advantage of genetic tests that could provide beneficial information because of concerns about discrimination by insurers or employers with access to their genetic information. This Act took effect on November 21, 2009.

What is Genetic Information?

Genetic information includes information about an individual’s genetic tests and the genetic tests of any individual’s family members, and the manifestation of a disease or disorder in family members (family medical history).

Purpose

Title II of the Genetic Information Nondiscrimination Act of 2008, (GINA), prohibits genetic information discrimination in employment. Under Title II, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), it is illegal to discriminate against employees or applicant because of genetic information and prohibits the use of genetic information in making employment decisions, restricts deliberate acquisition of genetic information by employers and entities covered by Title II, and strictly limits the disclosure of genetic information. Under GINA it is also unlawful to harass an individual because of his or her genetic information.

Under Title II of GINA, it’s unlawful for an agency to request, require or purchase genetic information with respect to an employee or a family member of the employee except where a request or knowledge of information is:

- Inadvertently acquired, such as in situations where a manager or supervisor overhears someone talking about a family member’s illness;
- Part of a voluntary wellness program with confidentiality provisions;

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“GINA” continued:

- Acquired as part of the certification process under the Family and Medical Leave Act (FMLA); where leave is requested to care for a family member with a serious health condition;
- Acquired through a voluntary program for “genetic monitoring of the biological effects of toxic substances in the workplace” under strict conditions;
- Acquired in connection with DNA analysis for certain law enforcement purposes, i.e., forensic lab for purposes of identification of human remains; or
- Acquired through commercially and publicly available documents such as newspapers, magazine, periodicals, and books (but not including medical databases or court records) is permitted, as long as the employer is not searching those sources with the intent of finding genetic information.

A few examples of prohibited actions under GINA may include the following:

1. ***Example:*** Actions by the agencies that may limit, segregate, or classify employees because of genetic information. An employer could not reassign someone whom it learned had a family medical history of heart disease from a job it believed would be too stressful and might eventually lead to heart-related problems for the employees.
2. ***Example:*** An employment agency or union might share or attempt to share genetic information it obtained (whether legally or not) about a client or member with an employer in an effort to affect the individual’s employment prospects. Such contact would violate the law.
3. ***Example:*** An employer that directed an employment agency to ask applicants for genetic information or told the employment agency not to send candidates with a family medical history for certain conditions would violate the law.
4. ***Example:*** An employer requesting, requiring or purchasing genetic information which would then be used to determine an individual’s current and potentially future physical or mental limitations and whether those limitations can be accommodated.

Additional information regarding GINA can be found at www.eeoc.gov



Civil Rights Conversations Database

Do you have a question or comment? Look us up in your Lotus Notes data base, post a “topic” or “response” and we will get back to you promptly. **Click on this link to be transported to the Civil Rights Conversations database immediately:** [Notes://852573390063E973](https://852573390063E973)



(800) 342-7231 APHIS Alternative Dispute Center (ADR) (301) 734-6317

If you believe you have been discriminated against, contact the APHIS ADR Center for assistance.

APHIS Manager’s EEO Helpline 1-800-372-7428

The EEO Help Line is an opportunity for managers to obtain EEO and Civil Rights assistance quickly and efficiently. Through the Helpline, managers request assistance in resolving EEO and program discrimination complaints and answers to general EEO issues and concerns.