



Equal Employment Opportunity

Proactive solutions to workplace issues!



EEO Services

- Alternative Dispute Resolution (ADR)
- Customized training/workshops
- Advice, guidance and assistance with establishing and maintaining a Model EEO program
- Support for the development, execution and reporting of affirmative employment goals and objectives
- EEO discrimination complaint processing
- Reasonable Accommodation (RA) request processing

EEO Team

USPACFLT EEO Hawaii

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Special Emphasis Program Managers:

- Individuals with Disability Program: Jennifer Patricio
- Hispanic Employment Program: Sharon Paderes
- Federal Women's Program: Sharon Paderes

For more info about EEO programs go to:

<https://www.cpf.navy.mil/employees/equal-employment-opportunity/>

Important Numbers

ADR Intake line:
(808) 471-0241

**EEO
Discrimination
Complaint* Intake
line:**
(808) 471-0241

*To be considered timely, contact must be made within 45 calendar days of alleged discrimination or from when you became aware of the discriminatory action.

RA Intake line:
(808) 471-5099

RA Intake Email:
**CPF-
RA@us.navy.mil**

Equal Employment Opportunity (EEO) Discrimination Complaints

Legally Protected EEO Bases:

If you are a federal employee or job applicant, the law protects you from discrimination because of your:

- Race
- Color
- Religion
- Sex (including gender identity, sexual orientation, and pregnancy)
- National origin
- Age* (40 or older)
- Disability (mental or physical)
- Genetic information (genetic tests, family medical history)

Federal Anti-Discrimination Laws:

- Title VII of the Civil Rights Act of 1964
- Pregnancy Discrimination Act
- Equal Pay Act of 1963
- Age Discrimination in Employment Act
- Rehabilitation Act of 1973
- Genetic Information Nondiscrimination Act of 2008

Retaliation is also prohibited. The law also protects you from retaliation if you oppose employment discrimination, file a complaint of discrimination, or participate in the EEO complaint process (even if the complaint is not yours).

If you are a federal employee or job applicant and you believe that a federal agency has discriminated against you, you have the right to file a complaint.

How to File a Complaint:

The first step is to contact an EEO Counselor at the agency where you work or where you applied for a job.

To reach an EEO Counselor contact:

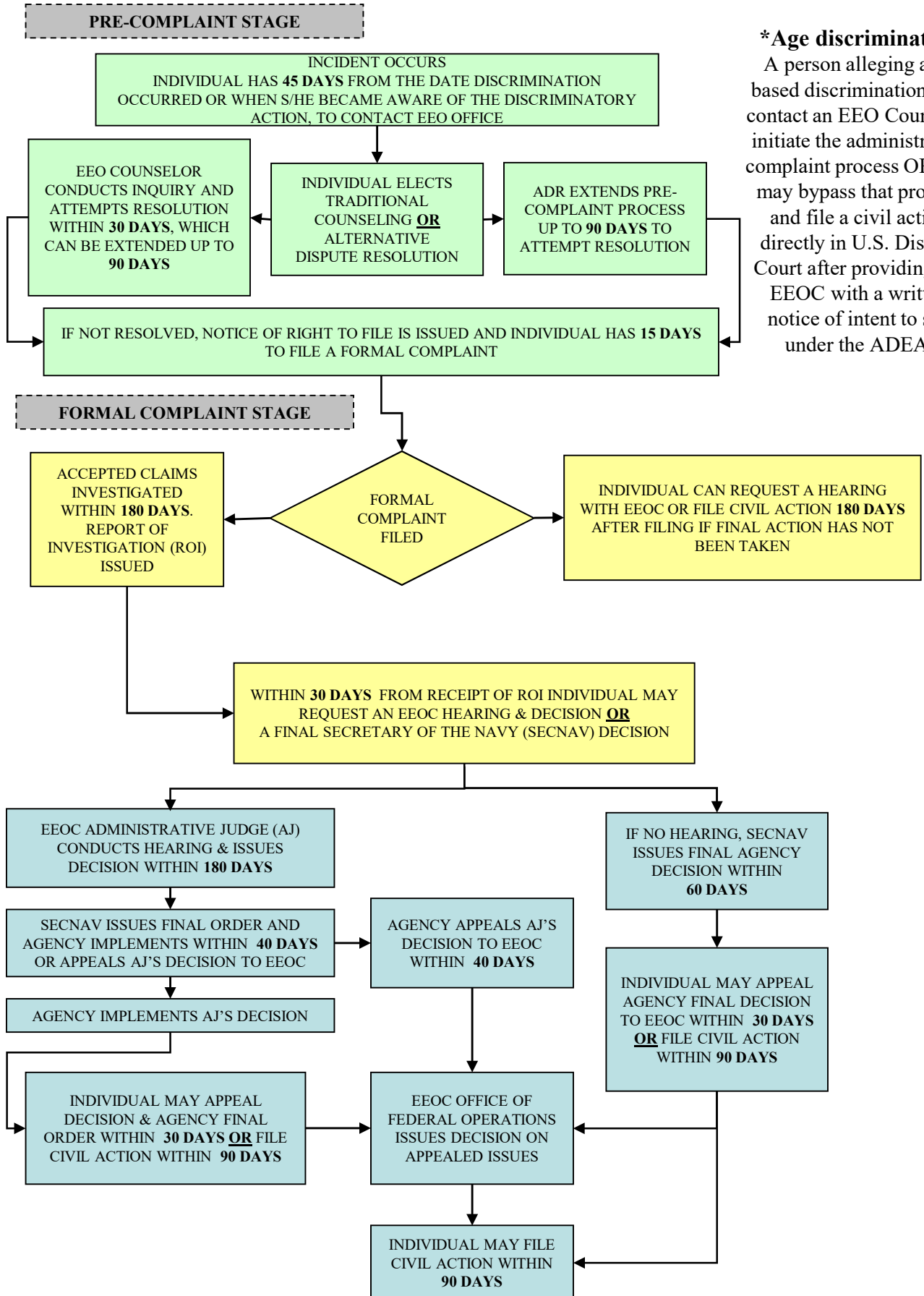
USPACFLT EEO Office Hawaii
(808) 471-0241

You must contact an EEO Counselor within **45 calendar days** from the date the discrimination occurred or from the date you became aware of the discriminatory action.

***Age-based complaints:** A person alleging age-based discrimination may contact an EEO Counselor to initiate the administrative complaint process OR s/he may bypass that process and file a civil action directly in U.S. District Court after providing the EEOC with a written notice of intent to sue under the ADEA.

INDIVIDUAL EEO DISCRIMINATION COMPLAINT PROCESS

ALTERNATIVE DISPUTE RESOLUTION (ADR) CAN BE USED AT ANY STAGE OF THIS PROCESS.
ALL DAYS ARE CALENDAR DAYS,



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Workplace Dispute?

Consider

Alternative Dispute Resolution

The Department of the Navy (DON)'s Alternative Dispute Resolution (ADR) Program provides Navy and Marine Corps employees and management alternatives to formal administrative procedures and litigation.

What is ADR?

ADR is a process used for individuals or groups in conflict. It involves a third-party neutral who will guide participants towards open communication and resolution.

What types of workplace disputes can be addressed through ADR?

- EEO complaints
- Grievances
- Non-EEO workplace conflict

Forms of ADR. Two forms of ADR are generally used in PACFLT:

- **Mediation** is a process in which a neutral person facilitates discussions between two or more individuals to help them arrive at a resolution of the dispute.
- **Group facilitation** is a process that incorporates aspects of mediation, such as using a neutral third party to help groups in conflict work through differences. This form of ADR is often used in situations in which personnel are not working as a team.

Potential outcomes of ADR:

- Streamline processes;
- Increase likelihood of accelerated resolution;
- Improve working relationships;
- Mend uncomfortable working environments; and
- Save time and money for all parties.

To learn more or request ADR, call
(808) 471-0241



Understanding

Reasonable Accommodation



A reasonable accommodation (RA) is any change in the work environment or the way things are customarily done that enables an individual with a disability to apply for a job, perform the essential functions of a job, or enjoy equal access to the benefits and privileges of employment.

RA Process At-A-Glance

Requestor, or someone on requestor's behalf, makes RA request known.

Request is documented, and interactive process begins. Supporting medical documentation may be required.*

Management Official meets with RA POC to review the request.

Management Official decides to approve or deny request, issues written decision, and implements accommodation within 45 calendar days.**

APPROVED

Provide requestor written decision of approved accommodation or provide option for reassignment.***

DENIED

Provide requestor written decision of denial, to include the reason for denial and appeal rights.

*Timeframes are tolled while awaiting medical documentation.

Additional interactions / step may cause completion times to exceed **45 calendar days.

***Reassignment is not available for applicants.

How to Request RA?

Employees can submit their RA request to management or the RA POC. Applicants can submit to the Human Resources (HR) Office or the Hiring Manager.

<u>Management</u>	<u>Requestor</u>
Ensure employees are aware of the RA process.	Ask for RA as soon as you have a need.
Requests do not require any key words or the term "reasonable accommodation." Acknowledge the request and notify the RA POC immediately.	Make RA needs known to management or RA POC. You will be asked to complete a form to confirm your request.
Respond to RA requests within specified timeframes.	Provide requested information within specified timeframes.
Participate in the interactive process to determine the need for accommodation.	Participate in the interactive process to describe the request and how it relates to your employment.
Only ask for relevant medical documentation and keep information confidential.	Provide relevant requested medical documentation in specified times.

What Happens After RA is Initiated?

The interactive process includes discussions between management and the requestor to help determine RA needs and management's obligation and ability to meet those needs.

The requestor may be asked about the nature of the condition, any limitations, and accommodation options.

These discussions help determine whether additional medical documentation is necessary; establish information about the essential functions of the position and how they can be performed; and determine the appropriate accommodation.



What is Considered a Disability Within the RA Process?

A disability is a physical or mental impairment (physical, mental, or psychological condition) that substantially limits one or more of a major life activity.

The RA process is also available for temporary medical conditions.

What is Considered Reasonable?

An RA is one that seems reasonable and would not impose an undue hardship on the Department of Navy (DON).



Is Medical Documentation Required?

It may be required in order to explain the nature of the condition (if not obvious), need for RA, and how the accommodation will assist in applying for a job, performing essential functions of a job, or enjoying benefits and privileges of employment. Management may need to request additional or clarifying medical information.*

***All medical documentation will be kept confidential. The information is available only to those with a "need to know."**

Examples of Reasonable Accommodations

- Modifications to interviews or application processes
- Job restructuring (Also applies to applicants):
 - Modifying when or how an essential function is performed
 - Reassigning marginal job functions
- Acquiring or modifying equipment, devices, or software
- Modifications to policies
- Sign language interpreters
- Parking
- Telework
- Modification to work schedule
- Changes to presentation of tests and training materials
- Reassignment (Accommodation of last resort)

Workplace Accessibility



If you wish to report an accessibility issue related to electronic and information technology, or related to the physical accessibility of facilities, please contact doneeo.fct@navy.mil and provide your contact information, the organization with which you are employed, and a description of the specific accessibility concern. You may also file a Section 508 complaint regarding IT and electronic information through the DOD at this website: <http://dodcio.defense.gov/DoDSection508/Section-508-Form>.



USPACFLT RA Office

Email: CPF-RA@us.navy.mil; **Phone Line:** (808) 471-5099

USPACFLT SharePoint Site for Customers:

<https://intelshare.intelink.gov/sites/USPACFLT/EEO/SitePages/Programs.aspx?AreaID=disability>

USPACFLT Public Portal: <https://www.cpf.navy.mil/About-Us/Organization/Total-Fleet-Force-Manpower-Personnel/Equal-Employment-Opportunity-Program/Find-Your-EEO-Office/>

Department of Navy (DON) IT Facilities Accessibility Policy:

<https://www.secnav.navy.mil/mra/eoo/Pages/Accessibility-of-IT-and-Facilities.aspx>

DON RA Information:

<https://www.secnav.navy.mil/mra/eoo/Pages/Discrimination-Policy-and-Reasonable-Accommodation.aspx>

ABA building accessibility complaints can be filed through the United States Access Board: <https://www.access-board.gov/enforcement/>

EEOC – What You Should Know About Workplace Religious Accommodation:

<https://www.eeoc.gov/laws/guidance/what-you-should-know-workplace-religious-accommodation>



Understanding

Personal Assistance Services (PAS)

Federal agencies are required to provide PAS, in addition to reasonable accommodation (RA), to employees who have severe/targeted disabilities, so they can perform Activities of Daily Living (ADLs), in the workplace or to attend work related activities.* ADLs are tasks such as putting on clothes, eating, using the restroom, driving, etc. Employees can make a request either verbally or in writing to Management or to the RA point of contact (POC).

*As required by 29 Code of Federal Regulations (C.F.R.) § 1614.203(d)(5), a regulation implementing Section 501 of the Rehabilitation Act of 1973, as amended.

PAS Process At-A-Glance

Requestor, or someone on requestor's behalf, makes PAS request known.

Request is documented, and interactive process begins. Supporting medical documentation may be required.*

Management official meets with RA POC to review the request.

Management official decides to approve or deny RA request, and issues written decision within 30 calendar days.**

APPROVED

Provide requestor written decision of approved accommodation.

DENIED

Provide requestor written decision of denial, to include the reason for denial and appeal rights.

*Timeframes are tolled while awaiting medical documentation.

Additional interactions/steps may cause completion times to exceed **30 calendar days.

How to Request and Respond to a Request for PAS

<u>Management</u>	<u>Employee</u>
Ensure employees are aware of the availability of PAS.	Ask for PAS as soon as you have a need.
Requests do not require any key words or the term "PAS." Acknowledge the request and notify the RA POC immediately.	Make PAS needs known to management or RA POC. You will be asked to complete a form to confirm your request.
Respond to PAS requests within specified timeframes.	Provide requested information within specified timeframes.
Participate in the interactive process to determine the specific need for PAS.	Participate in the interactive process to describe the specific needs for PAS.
Only ask for relevant medical documentation and keep information confidential.	Provide relevant requested medical documentation in specified times.

What Happens After a PAS Request is Initiated?

The interactive process includes discussions between management and the employee to help determine the specific PAS needs and management's obligation and ability to meet those needs. The employee may be asked about the nature of their condition, any limitations, and possible accommodation options.



What is Considered a Targeted Disability?

Office of Personnel Management's Standard Form 256 (SF256), "Self-Identification of Disability," identifies the following as targeted disabilities:

- Developmental Disability, for example, Autism Spectrum Disorder;
- Traumatic Brain Injury;
- Deaf or serious difficulty hearing, benefitting from, for example, American Sign Language, CART, hearing aids, a cochlear implant and/or other supports;
- Blind or serious difficulty seeing even when wearing glasses;
- Missing extremities (arm, leg, hand and/or foot);
- Significant mobility impairment, benefitting from the utilization of a wheelchair, scooter, walker, leg brace(s) and/or other supports;
- Partial or complete paralysis;
- Epilepsy or other seizure disorders;
- Intellectual disability;
- Significant Psychiatric Disorder, for example, bipolar disorder, schizophrenia, PTSD, or major depression;
- Dwarfism;
- Significant disfigurement, for example, disfigurements caused by burns, wounds, accidents, or congenital disorders.

Is Medical Documentation Required?

Medical documentation may be required to explain the nature of the condition (if not obvious), the specific needs for PAS, and how PAS will assist the employee to perform ADLs in the workplace or to attend work related activities. Management may need to request additional or clarifying medical information.*

***All medical documentation will be kept confidential. The information is available only to those with a "need to know."**

What Qualifies an Individual for PAS?

1. The individual is a DON employee;
2. The employee has a targeted disability;
3. The employee requires PAS because of their targeted disability;
4. The employee will be able to perform the essential functions of their position, without posing a direct threat to safety, once PAS and any required RA have been provided;
5. Providing PAS would not pose an undue hardship on the Agency.

PAS Examples

PAS can be provided by a Federal Employee assigned to perform PAS duties or by a Contractor. Travel support can be performed by a family member. The Agency may cover the PAS provider's travel costs for a family member.

Examples of PAS duties include:

- Toileting support ranging from the following:
 - Supporting an individual from their wheelchair, cane, or walker to a toilet seat and back;
 - Support and cleaning with the use of a bed pan;
 - Support and cleaning with the use of a diaper or colostomy bag.
- Support during official travel:
 - Toileting, dressing / changing, eating, bathing, getting in and out of bed, during flights and at airports, driving, carrying luggage, maneuvering wheelchair, during training / conferences.
- Support during telework, if the individual is entitled to telework under the organization's telework policy or as an RA.
- Retrieving materials out of reach.



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DON RA Information:

<https://www.secnav.navy.mil/mra/eo/Pages/Discrimination-Policy-and-Reasonable-Accommodation.aspx>