

CIVIL RIGHTS ON DECK



Volume 7, Issue 6

June 2012



Recognize Shining Stars

Know someone who demonstrates commitment to duty, service, and community? Someone who contributes to civil rights, equal opportunity, minority communities, or Partnership in Education programs? Honor them through the Civil Rights Award Program!

UPCOMING OPPORTUNITIES:

- * Blacks in Government (BIG) Meritorious Service Award: Nominate by July 3
- * National Organization for Mexican American Rights (NOMAR) Meritorious Service Award: Nominate by July 12
- * National IMAGE Meritorious Service Award: Nominate by July 18

See ALCOASTS for award details and the simple nomination process.

Let them know you notice!

CIVIL RIGHTS DIRECTORATE

- Ms. Terri Dickerson, Director
CAPT Paul Boinay, Office of
Civil Rights, Policy, Planning
and Resources
Ms. Francine Blyther, Office
of Civil Rights Operations
Mr. Ahmad Razavi, Chief,
Technical Operations Staff
Ms. Barbara Stewart, Chief,
Solutions and Complaints
Division
CDR Kirby Sniffen, Chief,
Planning and Resource
Management Division
CDR Pedro Jimenez,
Executive Assistant
Ms. Emily Harcum,
Communications Specialist

Transgender Discrimination Violates the Civil Rights Act

The U.S. Equal Employment Opportunity Commission (EEOC) issued a landmark opinion stating that Federal employees and applicants who are transgender are protected from discrimination under Title VII's sex discrimination prohibition. The *Macy v. Department of Justice* (DOJ) ruling did not determine whether or not discrimination had occurred, but rather was a response to an appeal filed with the EEOC by an applicant for a federal civilian job. After being offered the job pending a background check, the applicant disclosed that she would be undergoing a sex change. Five days later, the Agency informed that applicant that they dissolved the position due to insufficient funding.

After learning that the agency had hired another person to the position, the complainant filed a formal Equal Employment Opportunity (EEO) complaint alleging discrimination based on gender identity and on sex stereotyping. The Agency determined that the portion of her claim based on sex would qualify for the federal sector EEO complaint process, but that the claim of gender identity stereotyping was not an EEOC accepted basis, and therefore, must undergo a separate DOJ process. The complainant appealed to the EEOC.

With consideration of court rulings in favor of transgender employees, especially an analogous case regarding change of religion, the EEOC ruled that "intentional discrimination against a transgender individual because that person is transgender is, by definition, discrimination 'based on ... sex,' and such discrimination therefore violates Title VII." The EEOC reversed DOJ's decision that separated the complainant's claims, and ordered DOJ to process the claims through the federal sector EEO complaint process. As with other accepted bases of discrimination, applicants must be evaluated by the knowledge, skills, and abilities they possess, not their gender identity. The decision is binding on all federal agencies and departments. *Submitted by Mr. Vesone X. Dean*



Civil Rights On Site

In conjunction with a series of assessments of Civil Rights Awareness training, the CRD Director took the opportunity to meet with Sector New York leadership and to visit Station New York. Additionally, CRD staff members conducted onsite training for personnel assigned to Recruiting Office Newark, NJ. *Submitted by Ms. Deborah Gant*

Pictured (L to R): Ms. Terri Dickerson/CRD Director, EMC Kevin Purifory/Equal Opportunity Advisor, and Mr. Stephen Snyder/Equal Employment Opportunity Specialist.

Complaints Corner: Employer Use of Arrest & Conviction Records

Recently, the EEOC issued updated guidance on employer use of arrest and conviction records in employment decisions. Approved in a 4 to 1 vote, the guidance specifically discusses use of such records in employment decisions and discrimination under Title VII of the Civil Rights Act of 1964 as amended. Title VII prohibits discrimination in employment bases of race, color, national origin, religion, or sex. Building on previous guidance and supported by federal court cases, the new guidance includes details on how an employer's use of this information may violate Title VII, the difference between the treatment of arrest records and conviction records, the applicability of different legal analyses under Title VII, and compliance with other federal laws and best practices. In addition to the updated guidance, the EEOC also issued a Question & Answer document. Both are available on the EEOC website at www.eeoc.gov. *Submitted by Ms. Erika Selmon*



CRD Welcomes New Shipmates!



Welcome to Ms. Rita Moscuzza, the new Deputy Regional Civil Rights Director for Region 3. Prior to joining USCG, Ms. Moscuzza served as an Equal Employment Opportunity (EEO) Specialist for nearly 18 years, including ten with the Department of the Treasury and eight with U.S. Customs and Border Protection. As a native of Florida, a small city in Sicily, Ms. Moscuzza migrated to the U.S. at the age of 11. Ms. Moscuzza and her husband, Myles, have 3 teenage sons who keep them very busy! During her (limited) spare moments, she enjoys reading and spending time with family and friends. *Submitted by Ms. Patricia Tyler*



Ms. Kristin Damigella joins CRD as the new Equal Employment Opportunity Manager for Zone 10. Ms. Damigella comes to the Coast Guard with 20 years of EEO/EO and personnel experience gained during service to the Air Force. She has a Bachelor's Degree in Political Science and is pursuing a Masters in Industrial Organizational Psychology with a concentration in Diversity. She lives in Boardman, Ohio with her two sons. *Submitted by Mr. James Ellison*



CRD Improves the Command Checklist for 2012

A workgroup convened at CGHQ recently to brainstorm ways to improve the effectiveness and efficiency of the annual Civil Rights Command Checklist, a tool designed to assist CO/OIC with their MD-715 responsibilities. After discussing current Checklist questions as well as methods of delivery, the group identified best practices and debated possible changes.

CDR Jeff Bippert from CGHQ-833 gave an expert overview of two tools, the Personnel Allowance List (PAL) and Reserve Personnel Allowance List (RPAL), which will simplify the process of determining which units are required to report. The workgroup submitted all recommendations from the meeting to the Directorate for review and approval. *Submitted by Mr. Stephen Snyder*

Members of the workgroup pictured above (L to R) : Mr. Miguel Flores, Ms. Floretta Cabiness, Mr. Vesone Dean, Ms. Yvonne Nunn, Ms. Marisa Marinos, and Mr. Stephen Snyder.

Civil Rights Assistance: What Can CRD Do For You?

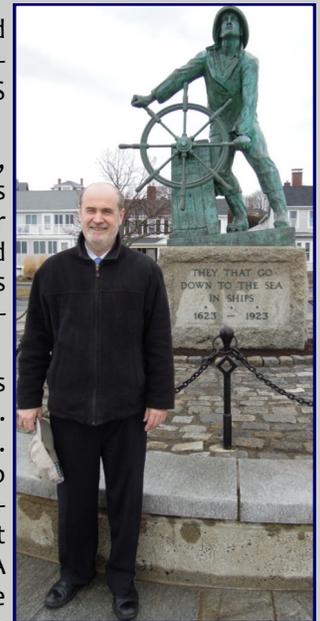
Have questions about civil rights? Need to catch up on required training? Confused about the results of your DEOCS or want to delve deeper?

To respond to these and other needs, CRD Zone Managers conduct civil rights assistance site visits to units in their areas of responsibility. Why? To build strong relationships with stakeholders and ensure a discrimination-free environment throughout the Coast Guard.

One recent example is the civil rights visit to USCG Station Gloucester by Mr. Bill Cashman, Zone 1 Civil Rights Officer. Mr. Cashman met with leadership to discuss civil rights and training requirements as well as how CRD can assist and support command leadership. STA Gloucester now boasts an incredible training record: over 92% on Civil Rights Awareness & 100% on Sexual Harassment Prevention!

Special thanks to CO, BOSN3 Luis Munoz, for his support of the civil rights mission and coordination of a tour of the Station & CGC GRAND ISLE for Mr. Cashman. These opportunities facilitate a clear picture of working conditions, and improve CRD understanding of field environments. *Submitted by Mr. Bill Cashman*

Pictured: Mr. Cashman beside the Gloucester Fisherman's Memorial, a tribute to the thousands of fishermen lost at sea, and a reminder of the importance of CG's search and rescue mission.



FAPAC Award: One Person Can Make a Difference!

CRD salutes LT Jocelyn Soriano of the CGHQ Human Resources Directorate, the recipient of the 2012 Federal Asian Pacific American Council (FAPAC) Military Service Award! Recognized for exemplary leadership and contributions to the Coast Guard and the Asian Pacific American Community, LT Soriano faithfully exemplifies her personal motto, "One person can make a difference," both professionally and through her community service (see [AL-COAST 167/12](#)). Congratulations, LT Soriano! *Submitted by Ms. Gwendolyn White*

Pictured below (L to R): Mr. Clarence Johnson, Dr. Kin Wong, LT Jocelyn Soriano, Ms. Giao Phan, and MG Kelly McKeague.

