

CIVIL RIGHTS ON DECK



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When are Contractors Entitled to EEO Protection?

In most circumstances, an individual is entitled to Equal Employment Opportunity (EEO) protection only if they are an "employee" at the time of alleged discrimination. However, after a colleague threw mail at him and he lost his route, a contractor alleged discrimination on the basis of age in a recent EEO case.

Should a contractor's relationship with an agency be viewed as that of an employee or as an

independent contractor based on overall circumstances?

Previous EEOC rulings support that, in certain situations, contractors can qualify as employees when the agency treats them as such. In this case, the contractor performed work that was essential to the agency and completed training similar to that of employees.

Also, the contract itself specified requirements for the contractor's appearance, provided for drug screening tests of sub-

contractors, and included safety and insurance stipulations. Thus, on appeal, the EEOC ruled that the nature of the working relationship established the contractor as an employee under the civil rights statutes governing non-discrimination in federal employment, and that the complaint was improperly dismissed. *Submitted by Ms. Erika Selmon*



CRD Visits Fast Response Cutter

CAPT Mark Jackson, CO, Base Miami Beach with members of the CRD staff, Sara Boyd/EEO Specialist (trainee), Terri Dickerson/Director, Laurene Gooch/Zone manager, and Reginald Diggins/EEO Manager, alongside USCGC BERNARD C. WEBBER. During a recent site visit, the CRD group viewed the WEBBER, the lead vessel in the Coast Guard's Sentinel-class Fast Response Cutter (FRC) recapitalization project, after it had officially arrived at its homeport.

CRD Trains in Guam and Saipan

Recently, Zone 14 Civil Rights staff traveled to the island of Guam to provide training and promote the CG Civil Rights program. During the visit, Gina Huck, the Civil Rights Manager stationed in Hawaii, met with the Commanding Officer and Executive Officers of Sector Guam as well as Station Apra Harbor, CGC SEQUOIA, and CGC WASHINGTON.



Chief Aaron Walker (pictured far right), Equal Opportunity Advisor, presented Civil Rights Awareness and Sexual Harassment Prevention training to more than 100 CG civilian and military members over a three day period. In addition, Chief Walker provided training to members of the USCG Emergency Operations Center in Saipan. The Civil Rights Directorate thanks all of the USCG employees in Guam and Saipan for their hospitality and dedication to promoting equal opportunity in the workplace. *Submitted by Ms. Gina Huck*



A New Class of EO Advisors

Above: Class 12-2 completes the Equal Opportunity (EO) Advisor Course at the Defense Equal Opportunity Management Institute (DEOMI). CRD members, LT Darby Brown (pictured far left) and MCPO Steven Harris, serve as U.S. Coast Guard instructors and coordinators at the facility, which trains EO Advisors for the 5 Armed Services. *Submitted by MCPO Steven Harris*

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

Bay Area Women's Group Encourages Leadership

LT Tina Owen, Health, Safety and Work-Life Clinic Administrator, coordinated a Bay Area Women's Group as a forum for encouraging leadership and fostering camaraderie among women of CG Island and surrounding units. Each month, guest speakers facilitate interactive dialogues around topics such as the advancement of women in the workplace, promotion boards, and healthy lifestyles.

The group held its first luncheon aboard the USCGC STRATTON. Among others, attendees included CDR Laura Collins, XO of the USCGC STRATTON, Trina Anderson, Zone 11 Civil Rights Manager, Lisa Darter, local Federal Women's Program Manager, and CAPT Jan Tiura, USCG (retired), the San Francisco Bay's first female USCG licensed tugboat captain. The group enjoyed a tour of the cutter led by CDR Collins, and finished the event with a luncheon where attendees networked with other female CG members and civilian employees. Submitted by Ms. Lisa Darter



Photographer: PA2 Sondra-Kay Rivera, PACAREA Public Affairs

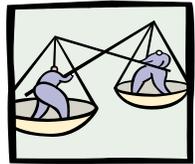
Chicago Champions!

While the Chicago Cubs still pursue their championship title, members of Marine Safety Unit (MSU) Chicago recently achieved this status as CG's Diversity Champions of the Week! In support of Compass Outreach and Partnership in Education (PIE) programs, MSU Chicago members held events in their community that promoted understanding and awareness of the Coast Guard. The unit also demonstrated their dedication to the community by attending 5 different career fairs and mentoring over 450 local students. Follow their lead by volunteering! Contact your local [Civil Rights Service Provider](#) for more info. Submitted by Mr. Jim Ellison



5 Elements of a Model EO Program... COs/OICs, It's Up to You!

Commanding Officers and Officers in Charge are responsible for ensuring Equal Opportunity. Implementation of model practices everywhere helps create a positive climate CG-wide.



- 1. Lead.** Command leadership is responsible for civil rights outcomes. Need help conducting related activities or resolving problems? Contact CRD (<http://bit.ly/crsps>) - we're here to help!
- 2. Adopt EO Strategies.** Through words and actions, command leadership communicates the importance of civil rights to mission effectiveness. It is important to express the Commandant's equal opportunity goals. Has your unit included civil rights in its strategic plans and statements?
- 3. Hold All Accountable.** All COs/OICs hold responsibility for the successful implementation of civil rights activities. Think beyond special observances to hiring panel membership and local Open Houses where community members learn about CG opportunities. How does your unit respond to allegations of harassment or discrimination in the unit or local community?
- 4. Prevent.** COs/OICs act promptly and develop tools (training, unit climate surveys, focus groups, etc.) which proactively prevent unlawful discrimination and harassment.
- 5. Efficiently, Fairly, Impartially Enforce Non-discrimination Laws.** Continue to hang the posters at your unit, but also make sure that your unit abides by all laws for responsiveness, cooperation, and legal compliance with non-discriminatory practices. Look for opportunities to resolve problems quickly and equitably. Adopt these elements in your unit, and help Coast Guard be a model Equal Opportunity agency! Submitted by Ms. Deborah Gant.

 **May is National Asian American and Pacific Islander Heritage Month!**
Are you ready? Need help planning something special?
Contact your local Civil Rights Service Provider (<http://bit.ly/crsps>)! 



Complaints Corner: A Tale of Two Processes

Harassment/Hate -- When Coast Guard personnel report a harassment incident to their chain of command or a Civil Rights Service Provider, the Commanding Officer/Officer in Charge must ensure the safety of the victim, conduct an investigation if warranted, and report findings to the Civil Rights Directorate (see Civil Rights Manual, COMDTINST M5350.4C). These affirmative duties are required once the incident has been reported, regardless of the desires of the person reporting the incident. This proc-

ess is called the Anti-Harassment and Hate Incident Prevention Process, and is overseen by the Civil Rights Directorate.

Employment Discrimination -- The Equal Employment Opportunity (EEO) Complaint Process (outlined in the COMDTINST M5350.4C), is a separate course of action initiated by an aggrieved person. The EEO Process may run parallel to the Anti-Harassment and Hate Incident Prevention Procedure described above, but requires the aggrieved party to exhibit "an intent to begin the process" by initiat-

ing contact with a Civil Rights Service Provider within 45 days of the incident or becoming aware of the incident. In other words, although the processes may occur in tandem, they have separate processing and reporting requirements. Reporting a Harassment Incident does not begin the EEO Complaint Process.

All Coast Guard personnel have the right to initiate either process. Ensuring the integrity of those processes is central to creating a model workplace at the USCG. Submitted by Mr. Joshua Bailes