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### **Letter from the NVP**

Dear AFGE family,

We are no longer in business as usual. The fight ahead of us will be hard, but if there's anything that my time with this Union family has

shown me, it is that we persevere. Time and time again throughout our federation's history, we have always shown that we are a force to be reckoned with. The very power of this Union is what inspired me to join as a young federal worker years ago.

Our family nationwide and abroad needs us in this moment now more than ever. I write to you now to ensure that the Department of Women and Fair Practices (WFP) will not waver in our mission to protect and advance the civil, human, women's, and workers' rights of federal and D.C. government workers under the next Trump Administration. Since learning the threats of Project 2025, our team has been working to arm this Union against attacks on federal and D.C. government workers' rights across the board. Through education and training, member organizing and mobilization, legislative and political action, and representation through litigation, we will continue to expand the work of this department and its allies. To boost representation, WFP's litigation team will be starting office hours to assist members in navigating several issues. This department will continue to offer trainings and other programming necessary to

expanding the knowledge needed across the Union to survive the attacks coming our way. Stay tuned via our social media, our website, and this quarterly newsletter to learn more about how WFP will be fighting the good fight in the years ahead.

The reality is that as a movement, we did not sign up for the fight for worker and civil rights because it was easy. We signed up because it is the work of *moral excellency*. If you feel discouraged in this moment, know that WFP stands with you. If you feel lost, know that WFP is here to find you and empower you to push forward. Once we heal from this moment, we will regain our strength. Our strength is born from our solidarity, and there is no family that I would rather be in solidarity with than all of you. So, take the time you need to regain your individual strength, AFGE Family. Because joy cometh in the morning, and we have work to do between now and then.

No, we are no longer in business as usual, family. But we are standing on business.

In Solidarity,





Scan here to learn more about NVP Roberson!

**Fair Practices** 





## **WOMEN & FAIR PRACTICES DEPARMENT**

#### **Get to know WFP's National Staff!**

Each quarter, we'll be highlighting our amazing WFP National staff so you can get to know how we work to support AFGE throughout the year. For this first edition, we'll be highlighting our fantastic WFP Legal Assistant:

#### WFP Legal Assistant Deborah Clarke

Deborah Clarke has been the Legal Assistant in the



Women and Fair Practices
Department since October
2022. As the WFP Legal
Assistant, she supports
6 EEO Attorneys and the
Supervisory Attorney.
Deborah previously held the
position of WFP Secretary

from 2005 to 2022 where she supported the program staff, the 24 National Human Rights Committee – which consist of 12 National Fair Practices Affirmative Action Coordinators and 12 National Women's Advisory Coordinators and served as a back-up to the Legal Assistant. Since 2005 Deborah has also worked with other AFGE Departments in various projects including but not limited to the Legislative Conferences and door-to-door and phone-banking campaigning throughout the DMV and other states.

Deborah is a 4th generation Washingtonian, mother to 1 son and grandmother to 1 granddaughter. Her almost 20 years with WFP have made her an integral part of AFGE.

Learn more about the rest of WFP's national staff *here!* 



## **AFGE Y.O.U.N.G. PODCAST**

Available at www.AFGE.org/YOUNG

The AFGE Y.O.U.N.G. Podcast is a production of the AFGE National Y.O.U.N.G. Committee and the Bridging Union Gaps (B.U.G.) Initiative.





AFGE's National Human Rights Committee has been hard at work throughout this last quarter of 2024. Earlier this Fall, our NHRC members could be seen at district conferences, trainings, and workshops throughout the federation. In October, District 2 National Women's Advisory Coordinator and NHRC Vice Chair Deborah Toussant helped facilitate WFP's Coordinator Bootcamp for District 2 Leadership Seminar attendees in Atlantic City, NJ.

Looking ahead at 2025, the National Human Rights Committee is ready to defend civil and workers' rights going into the next presidential administration. They will continue to meet monthly on behalf of their districts and set goals to combat any attacks on human rights that come our way. Most recently, the group has been preparing their legislative agenda for AFGE's 2025 Legislative Conference, as well as their annual Civil Rights Luncheon.

In October, the National Human Rights Committee



assisted WFP in hosting virtual events in recognition of Breast Cancer Awareness Month, Disability Employment Awareness Month, and Domestic Violence Awareness Month.

Several NHRC members returned to AFGE HQ later in the season to attend our 2024 National Equalizer Training where they got the skills they need to support our members in their EEO cases.

## WFP would like to congratulate our 2024 Certified National Equalizers:

Tyra McClelland (Local 727)
Trang Kim (Local 1127)
Vannessa Clarke (Local 1345)
Latasha Nelson (Local 3599)
Karen Ruscetti (Local 3509)
Ronnie Sims (Local 1013)
Victor Payes Martinez (Local 1260)
Terri Heymann (Local 1923)

Website: https://www.afge.org/leaders-activists/womens-and-fair-practices-departments/coordinators-and-committees/afgenational-human-rights-committee/





AFGE Y.O.U.N.G. brought together leaders on October 28th to help get voters out to the polls in Nevada.

#### National Y.O.U.N.G. Committee

AFGE members, our families, and our communities are up against a lot. Rising inflation and economic inequality are making it harder for us to make ends meet. Attacks on voting rights are making it harder to ensure our voices are heard. Recent efforts across the country to roll back reproductive rights are jeopardizing women's health and compromising their



futures. Project 2025 threatens to roll back the very existence of public sector unions. In recognition of these threats, the National Y.O.U.N.G. Committee has continued to fight for federal and D.C. government workers 40 and under throughout the last quarter of 2024. In the spirit of unity, WFP and AFGE Y.O.U.N.G. brought together leaders on October 28th to help get voters out to the polls in a key swing state. The National Y.O.U.N.G. Committee also worked with AFGE leaders this Fall to record a special edition of the Y.O.U.N.G. Podcast to educate members about the threats of Project 2025. Check out this episode now wherever you get your podcasts!

The National Y.O.U.N.G. Committee is preparing for their annual meeting and workshop during the AFGE's 2025 Legislative Conference in Washington, D.C. They are ready to work hard on behalf of federal and D.C. government workers 40 and under to protect them from the threats of Project 2025.

• Email: young@afge.org

• Website: www.AFGE.org/YOUNG

### **AFGE PRIDE**

AFGE PRIDE recognizes that the threats against the LGBTQIA+ community today are serious and must not be ignored. In recognizing the need for solidarity and community in this time, AFGE PRIDE will begin quarterly "hangout" sessions on their Discord network in 2025. Each month, the group



will continue to meet and discuss ways to combat attacks coming their way.

AFGE PRIDE will also make a commitment to have a presence at the 2025 World Pride celebration in Washington, D.C. Make sure to check out the information for World Pride on their website <u>here!</u>

AFGE PRIDE meets regularly on the second Thursday of every month. *Register Here* 

• Email: <u>afgepride@afge.org</u>

• Facebook: <u>www.facebook.com/groups/</u> afgepride/

• Website: <u>www.AFGE.org/PRIDE</u>

### AFGE B.L.A.C.K.

AFGE B.L.A.C.K. and their new executive board have hit the ground running the final quarter of 2024. The group has continued to hold monthly meetings and is currently setting goals for 2025. Going into the holiday season, they want to recognize the diverse religious backgrounds of AFGE B.L.A.C.K. members across the federation. For example, they are currently brainstorming programming options for Kwanzaa celebrations. Over the next few months, they also plan to conduct several projects in recognition of Martin Luther King Jr. Day and Black History Month.

In looking ahead at the next four years, AFGE B.L.A.C.K. is committed to working alongside all of WFP's constituency groups as they address attacks against the Black community in the United States. They are ready to fight the good fight on behalf of not just African American federal and D.C.



government workers, but all AFGE members who stand in solidarity with them in their fight for justice and equality.

AFGE B.L.A.C.K. meets regularly on the third Wednesday of every month. *Register Here* 

• Email: black@afge.org

• Facebook: <a href="https://www.facebook.com/groups/948007205779830">https://www.facebook.com/groups/948007205779830</a>

Website: www.AFGE.org/BLACK

### AFGE A.P.O.W.E.R.

Since their meeting at AFGE's 43rd National Convention this past August, AFGE A.P.O.W.E.R. has



continued to meet monthly on behalf of Asian American and Pacific Islander federal and D.C. government workers. They've reviewed their budget, set goals for 2025, and began to think about how we may reach

out to members across Asian communities abroad to organize workplaces. Most recently, partnerships are being formed between AFGE A.P.O.W.E.R. and members across Japan, Guam, and Korea. A.P.O.W.E.R.'s new executive board and its members are committed to organizing these spaces as we enter a new era of solidarity over the next four years.

AFGE A.P.O.W.E.R. is excited to welcome in the year

of the Snake in 2025. They're determined to fight for Asian American and Pacific Islander voices across the federation and our government agencies and are especially excited to support WFP's newest NATIVE group.

AFGE A.P.O.W.E.R. meets regularly on the third

Tuesday of the month. Register Here

• Email: apower@afge.org

• Facebook: <a href="https://www.facebook.com/groups/615065329791689">https://www.facebook.com/groups/615065329791689</a>

• Website: <a href="https://www.afge.org/leaders">https://www.afge.org/leaders</a>

## **AFGE HISCO**

AFGE HISCO has continued to meet monthly over the few months of 2024 on behalf of Hispanic and Latinx federal and D.C. government workers. Perhaps their most proud accomplishment of the last quarter was the reopening of the San Juan, Puerto Rico SSA field office. AFGE HISCO Secretary Delia Trevino, along with SSA Council 220 President Jessica LaPointe, worked tirelessly throughout 2024 to ensure that this office was reopened for AFGE members to return to work. This reopening will also greatly impact the efficiency of the work of the Social Security Administration in Puerto Rico as it will allow residents of the large city to access resources they were unable to access inperson for so long.

AFGE HISCO was also proud to host a virtual town hall in late October for AFGE residents of Puerto Rico to assist them in regionally specific concerns. The event saw AFGE members from a wide variety of agencies, including SSA, VA, EPA, and more. District 5 has been incredibly supportive of the efforts to organize members throughout Puerto Rico and is excited to expand membership throughout the region.

Looking ahead at 2025, AFGE HISCO is ready to stand in solidarity with other WFP constituency groups as we prepare for attacks against all marginalized communities across our federation. By meeting monthly, expanding communications with District, Council, and Local leaders, AFGE HISCO will be sure to put up a strong fight against attacks to the Union.

AFGE HISCO meets regularly on the third Thursday of the month. *Register Here* 

• Email: afgehisco@afge.org

Facebook: <a href="https://www.facebook.com/groups/1219687571993565">https://www.facebook.com/groups/1219687571993565</a>

Website: <u>www.AFGE.org/HISCO</u>





SSA Council 220
President Jessica
LaPointe joins
other local leaders
in celebrating the
reopening of the SSA
San Juan office.



SSA Council 220 President Jessica LaPointe and AFGE HISCO Secretary Delia Trevino attend the reopening of the SSA San Juan office.



### AFGE N.A.T.I.V.E. Workgroup

The Women and Fair Practices Department is proud to announce that we will be launching our newest constituency group on behalf of Indigenous and Native Alaskan AFGE Members. We understand that Indigenous American and Native Alaskan federal and DC workers make up a significant portion of our membership here at AFGE. As the Women and Fair Practices Department, we address civil rights violations through member representation, education, and mobilization. It is for these reasons that over the past two months, we've been working directly with our membership to better understand how we can do our job on behalf of Indigenous and Native Alaskan members. Our workgroup has voted to name this group "NATIVE," an abbreviation for

Native Americans Together for Indigenous Voices Everywhere. Keep an eye out for information about this new group in the coming months!

Jojo Archibald-Begay, Pride Coordinator out of AFGE Local 2199, was also featured in the AFL-CIO monthly newsletter this past November in recognition of Indigenous Peoples' Heritage Month. See this piece <a href="https://example.com/here">here</a>!



AFGE Leader Jojo Archibald-Begay was featured in the AFL-CIO's press release this November in honor of Native American Heritage Month.

#### **Local and Council Coordinators**

WFP's Human Rights Network also includes our Local and Council Coordinators who serve within the role as a Women's, Fair Practices, Y.O.U.N.G., and PRIDE Coordinator. These Coordinator positions play an integral part in fighting for civil, human, women's and workers rights on behalf of federal and D.C. workers nationwide and abroad. WFP would like to challenge each Local and Council to establish and/or appoint the following Coordinator positions below to help bridge this union gap and to ensure that our members are receiving the best representation possible at all levels of the federation.

Local/Council Women's Coordinator Local/Council Fair Practices Coordinator Local/Council PRIDE Coordinator Local/Council Y.O.U.N.G. Coordinator

Also, check out our resources for Local and Council Coordinators: WFP Coordinator Toolkit, AFGE Y.O.U.N.G. Toolkit, and AFGE PRIDE Toolkit.

Email WFP Program Coordinator, Matthew Uchaker *matthew.uchaker@afge.org*, to find out more about the process of establishing and/or appointing a coordinator for your Local or Council.



### The Effective Reasonable Accommodation That You Never Asked For

WFP is often contacted by members with stories of an agency's requests for supplemental medical documentation regarding their reasonable accommodation (RA) request. The question raised in these instances is whether the request for additional information is reasonable. This will always be a case-specific question. In Christena v. SSA, EEOC Appeal No. 2022004495 (August 28, 2024), for example, the Equal Employment Opportunity Commission (EEOC) Office of Federal Operations held that the Agency did not subject the complainant to discrimination because the Agency took reasonable steps to accommodate the complainant."

The complainant in Christena, requested full time telework due to limitations caused by her disability (torn rotator cuff, anxiety disorder, panic disorder, post-traumatic stress disorder, depression). The complainant's initial request and preferred accommodation was for full time telework; her medical documentation showed a diagnosis of situational anxiety disorder and panic disorder as the reason for her full time telework request. The Agency responded to the initial request stating that the medical documentation did not show a connection to the limitations of the complainant's mental impairments, the complainant's preferred RA of full time telework and the complainant needed to submit supplemental documentation to achieve this.

In response to the Agency's request, the complainant submitted a doctor's note that said the complainant was unable to drive to work because she has been ordered not to drive under the influence of her new medication for her mental impairments. In response, the Agency requested further information because the medical documentation did not show that the complainant could not use public transportation or that she could not be in the office.

Next the complainant submitted documentation stating that she was unable to carry her laptop back and forth from work and home due to the limitations caused by her rotator cup surgery. In response, the Agency offered to provide the complainant with a laptop at work and one for home.

In Christena the Agency offered an effective accommodation based on the complainant's medical documentation but the RA was not her preferred accommodation of full time telework. The EEOC's Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA (2002), addressed this issue stating that "[a]n employer need not provide an employee's preferred accommodation as long as the employer provides an effective accommodation".

Now, let's change the facts in Christena and say that the employee teleworked 3 days a week and requested a RA of two laptops. The medical documentation must include her diagnosis of torn rotator cuff. The medical documentation must also identify the limitation of her torn rotator cuff as it relates to the essential functions of her job. In this hypothetical, one essential function of a customer's service representative position is inputting information into the SSA computer program that must be run on a SSA issued computer. The employee's disability of a torn rotator cuff limits her ability to lift objects over 5 pounds, and the laptop she must transport between home and work weighs 10 pounds. In other words, the employee's medical limitation of lifting anything over 5 pounds is a barrier to her performing the essential function of inputting information into the SSA program that must be run on a SSA computer. The employee's two laptop RA is her preferred RA, but there could be other options such as a laptop that weighs less than 5 pounds or having the employee input information into her laptop the days that she is in the office.

Each RA is unique to the individual's disability, limitations and essential functions of their job, however the EEOC RA guidance publication I referenced has a helpful Q&A section that will guide you through different RA issues. The EEOC RA Guidance publication can be found here: <a href="https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada">https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada</a>. And of course, you can also find helpful information in WFP's Disability Discrimination manual found at <a href="https://www.afge.org/leaders-activists/womens-and-fair-practices-departments/wfp-resource-library/">https://www.afge.org/leaders-activists/womens-and-fair-practices-departments/wfp-resource-library/</a>



## NATIONAL ORIGIN DISCRIMINATION IN THE WORKPLACE

This Q&A is designed to ensure AFGE's members understand what national origin discrimination is.

## 1 What is discrimination because of national origin or ethnicity?

a. National origin discrimination occurs when an individual is treated differently because of the country or part of the world that individual (or their ancestor) is from, or because the individual has the physical, cultural, or linguistic characteristics of a particular national origin group. For example, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., protects employees from being discriminated against for being born in a country besides the United States, see, e.g., Zuckerstein v. Argonne Nat'l Lab., 663 F. Supp. 569, 576–77 (N.D. III. 1987), or wearing ethnic clothing. Kanaji v. Children's Hosp. of Phila., 276 F. Supp. 2d 399, 401–03 (E.D. Pa. 2003).

#### **2** Does your place of origin have to be a country?

a. No. An individual's place of origin may be a country, former country, or a geographic region that is closely associated with a particular national origin group. Differential treatment based on tribal affiliation is also national origin discrimination under Title VII. See Dawavendewa v. Salt River Project Agric. Improvement & Power Dist., 154 F.3d 1117, 1119 (9th Cir. 1998) (finding that discrimination against members of the Native American Hopi tribe constitutes national origin discrimination).

## 3 Can I be discriminated against for the language I speak?

a. No. The language an individual speaks, or an individual's accent, is often a characteristic of their particular national origin group. For example, people who were born in Brazil often speak Portuguese. It is illegal for an employer to discriminate against you because of the language you speak or your accent, unless your accent seriously interferes with your job performance.

## 4. Can my employer enact an "English-only rule" at work?

a. Employers may only require employees to be fluent in English if it is necessary to perform their job functions effectively. Likewise, employers cannot require that their employees only speak English while at work unless it is necessary for safety reasons, efficient operation of the employer's business, or is put in place for nondiscriminatory reasons.

## 5 What if the responsible management official discriminating against me shares my national origin?

a. That does not matter. Title VII protects complainants alleging same-group discrimination. See Oncale v. Sundowner Offshore Servs., Inc., 523 U.S. 75. 78–79 (1998); Idemudia v. J.P. Morgan Chase, 434 F. App'x 495, 507 n. 6 (6th Cir. 2011) (rejecting employer's argument in a national origin discrimination case that the plaintiff was not discriminated against because the supervisor who approved the plaintiff's termination was also African American).

## 6 What kind of other discrimination falls under the national origin discrimination umbrella?

- a. Discrimination based on association
- i. Employers may not discriminate against an individual because of their association with someone of a particular national origin. For example, it is illegal to discriminate against someone because their husband is of Middle Eastern descent. See, e.g., Chacon v. Ochs, 780 F. Supp. 680, 682 (C.D. Cal. 1991).
- b. Discrimination based on perception
- i. It is illegal to discriminate against an individual based on their perceived national origin, even if they are not that national origin.

## 7 Can a national origin discrimination claim overlap with other Title VII protected basis?

a. Yes. Because national origin may be associated with or perceived to be associated with a certain race and/or religion, someone alleging discrimination based on national origin can also raise a claim of discrimination based on race and/or religion.

For more information, see: <a href="https://www.eeoc.gov/laws/guidance/eeoc-enforcement-guidance-national-origin-discrimination#">https://www.eeoc.gov/laws/guidance/eeoc-enforcement-guidance-national-origin-discrimination#</a> ftnref34

29 C.F.R. §1606, GUIDELINES ON DISCRIMINATION BECAUSE OF NATIONAL ORIGIN. <a href="https://www.govinfo.gov/content/pkg/">https://www.govinfo.gov/content/pkg/</a> CFR-2016-title29-vol4/xml/CFR-2016-title29-vol4-part1606.xml

This publication is for informational purposes only and does not guarantee any particular result in a specific case. The information provided is not, nor is it intended to be, a substitute for individualized legal or professional advice.

The Women and Fair Practices Department is looking forward to seeing you in San Francisco!



# AFGE's Diversity Week

& Human Rights Training Conference

San Francisco, CA



Sister's Keeper Summit – Friday, August 1 – Sunday, August 3, 2025

**Human Rights Training** – Monday August 4 – Friday, August 8, 2025

Registration coming soon!

## **Registration Fees:**

Sister's Keeper Summit: \$175

**Human Rights Training: \$425** 

Sister's Keeper Summit & Human Rights Training: \$525

Hotel Rates: Single \$229; Double \$249; Quad \$269

Reservation Link: <a href="https://book.passkey.com/go/AFGE2025HRT">https://book.passkey.com/go/AFGE2025HRT</a>

## **What's Next?**

#### Check out the WFP website

Visit us at **www.AFGE.org/WFP** to learn more about WFP, the work we do, our Human Rights Network, and more. Most importantly, check out our WFP Resource Library, where you can find all of our most important resources—toolkits, handbooks, brochures, EEO materials, photo albums, materials for Spanish and Tagalog speakers, and more.



The AFGE Women and Fair Practices Department (WFP) is committed to protecting and advancing the civil, human, women's and worker's rights of federal and D.C. government workers and thir families through education and training, member organizing and mobilization, legislative and political action, and representation through litigation.



www.afge.org/wfp



#### **Upcoming Events**

Legislative Conference 2025 (Washington, DC) February 9-12, 2025

AFGE Y.O.U.N.G. Workshop (During LEGCON) February 9, 2025

Civil Rights Luncheon February 10, 2025

WFP Legislative Lobbying Workshop (During LEGCON) *February 10, 2025* 

EEO Workshop: EEO Within a Grievance (During LEGCON) *February 11, 2025* 

WFP Constituency Group Workshop (During LEGCON) *February 11, 2025* 

EEO Workshop: Reasonable Accommodations & Discipline (During LEGCON) *February 12, 2025* 

World Pride 2025 (Washington, DC)
May 17-June 8, 2025

**Diversity Week 2025** (San Francisco, CA) *August 1-8, 2025* 

**Contact Us:** For general inquiries, email wfptraining@afge.org. For EEO-related questions, email

eeo@afge.org. Do you know a Local or Council Coordinator that's doing amazing work? We want to hear about them! Reach out to us at wfptraining@afge.org to share your story and possibly be featured in future issues of the WFP Quarterly.

