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CMS
CENTERS FOR MEDICARE & MEDICAID SERVICES
OFFICE OF EQUAL OPPORTUNITY & CIVIL RIGHTS

EMPLOYMENT DISCRIMINATION AND EMPLOYEE RIGHTS



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Introduction

This guide provides information on the Centers for Medicare & Medicaid Services' (CMS) Office of Equal Opportunity and Civil Rights' (OEOCR) programs. It is intended to help you understand:

- Your rights and responsibilities as a CMS employee.
- The Equal Employment Opportunity (EEO) process.
- Reasonable accommodations (RAs).
- Workplace discrimination and harassment.
- How CMS promotes diversity and inclusion in its internal and external programs and activities.

The Office of Equal Opportunity and Civil Rights

CMS strives to provide its employees with a workplace free of discrimination and harassment by promoting workforce diversity and workplace inclusion. OEOCR supports a healthy work environment by providing policies, procedures and information on EEO, harassment prevention, affirmative employment, civil rights, RA and workforce diversity.

We provide leadership, guidance and services to our stakeholders that foster equal opportunity, diversity, legal compliance and inclusiveness.



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Equal Employment Opportunity

Pursuant to the Equal Employment Opportunity Commission (EEOC) laws on page 4, the Office of Equal Opportunity and Civil Rights' (OEOCR) Equal Employment Opportunity Compliance Group (EEOCG) processes equal employment opportunity (EEO) complaints and adheres to mandated reporting requirements.

EEO is the principle that all people have the right to be hired, to work and to advance based on merit and ability. Federal agencies are required to maintain efficient, responsive and legally compliant processes to manage complaints of employment discrimination. Employers and managers are prohibited from unjustly excluding and/or preventing employees or applicants, based on their protected status (see the "Forms of Discrimination" table for a list of protected statuses), from:

- Being hired.
- Being promoted.
- Receiving equal pay and fringe benefits.
- Receiving referrals.
- Participating in job training.
- Fair classification.
- Benefiting from other aspects of employment.



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Equal Employment Opportunity Laws

Title VII of the Civil Rights Act of 1964

- Under this Act, it is illegal to discriminate against a person on the basis of race, color, religion, sex or national origin. It also requires that employers reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose undue hardship.
- It also prohibits retaliation for participation in the discrimination complaint process or for opposing any unlawful employment practice under Title VII.

The Age Discrimination in Employment Act of 1967

- This Act protects people 40 years old or older from discrimination because of age.
- It also prohibits retaliation against individuals exercising their rights under the Act.

The Rehabilitation Act of 1973

- This Act protects people with disabilities from employment discrimination in the Federal sector.
- It also requires that employers provide reasonable accommodations (RAs), unless doing so would impose undue hardship.
- It also prohibits retaliation against individuals exercising their rights under the Act.

The Equal Pay Act of 1963

- This Act prohibits sex-based wage discrimination by prohibiting agencies from paying employees of one sex lower wages than those of the opposite sex for performing substantially equal work under similar working conditions.
- It also prohibits retaliation against individuals exercising their rights under the Act.

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The Genetic Information Nondiscrimination Act of 2008

- This Act makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's or family member's genetic tests, as well as information about any disease, disorder or condition of an individual's family members (e.g., an individual's family medical history).
- It also prohibits retaliation against individuals exercising their rights under the Act.



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Forms of Discrimination
(based upon protected status)

Basis	It can be discrimination if…
Color	Employees/applicants are excluded, or treated unfavorably or differently because of their skin color (black, brown, white, etc.).
Race	Employees/applicants who are of a certain race are excluded, or treated unfavorably or differently.
National Origin	Employees/applicants are excluded, or treated unfavorably or differently because of their national origin.
Religion	Employees/applicants are excluded, or treated unfavorably or differently based on their religion or lack of religion.
Sex	Employees/applicants receive less pay and benefits or are excluded, or treated unfavorably or differently, due to their biological sex (male or female), gender stereotyping (masculine or feminine), sexual orientation (lesbian, gay or bisexual), gender identity (transgender), or pregnancy.
Age	Employees/applicants 40 years or older in age are excluded, or treated unfavorably or differently than others who are younger.
Disability (physical or mental)	Employees/applicants who have, have a record of, or are perceived as having a disability are excluded, or treated unfavorably or differently.
Genetic Information	Employees/applicants with genetic information that indicates that they (or a family member) have or have had a disease or disorder are excluded, or treated unfavorably or differently.
Retaliation	Employees/applicants are treated unfavorably for filing a discrimination complaint or opposing discrimination. All employees/applicants are protected under EEO laws against retaliation.

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Discriminatory Harassment

Discriminatory harassment is verbal, nonverbal or physical conduct that degrades, denigrates or shows hostility towards employees because of their protected status. This type of harassment is illegal and may be processed by EEOCG as part of the EEO complaint process.

The CMS Complaint Process

Centers for Medicare & Medicaid Services' (CMS) EEO complaint program consists of two phases: precomplaint (informal) and formal. At CMS, the precomplaint phase is designed to attempt to resolve the employee's concerns at the lowest possible level. The formal phase may result in a determination as to whether or not discrimination occurred.

Who can file a complaint?

- Current or former CMS employees or applicants for employment who believe they have been discriminated against because of their race, color, religion, sex (including sexual orientation), national origin, age, disability (physical or mental), genetic information, or in retaliation for participating in the EEO or reasonable accommodation processes or for opposing a discriminatory practice may file an EEO complaint.
- Current or former U.S. Public Health Service (USPH) Officers who believe they have been discriminated against because of their race, color, religion, sex, national origin, disability, or in retaliation for participating in the discrimination complaint process may file an EEO complaint.

When must allegations of discrimination be raised?

A civilian employee, former employee or applicant must contact an EEO Counselor within 45 calendar days of the date of the alleged discriminatory act, or if a personnel action is involved, within 45 calendar days of its effective date. A USPH Officer must initiate a complaint within 60 calendar days of an offending incident or occurrence. To reach an EEO Counselor, call: **410-786-5110** or visit: **http://intranet.cms.gov/Component/OEOCR/Resources/OEOCRCounselorsContact508.pdf**

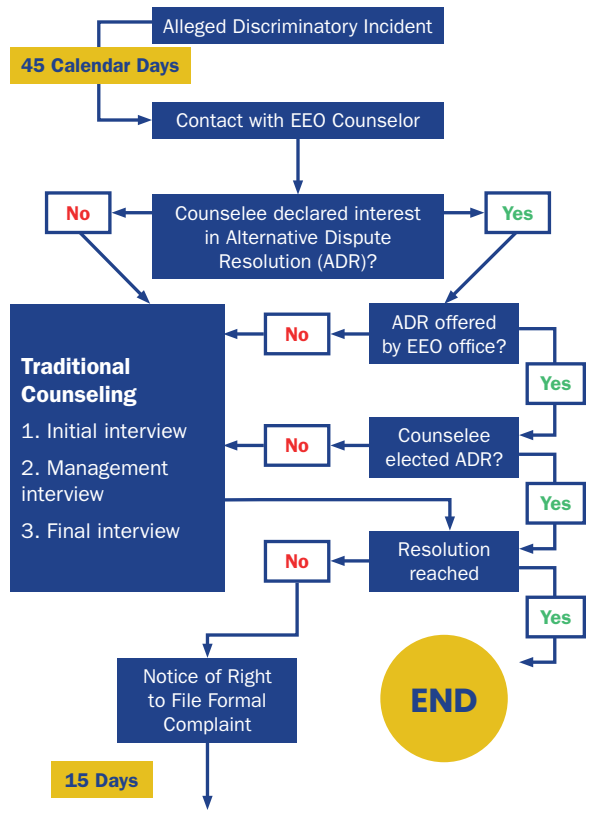
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Life Cycle of a Complaint (for CMS employees and applicants)

Informal Stage

30-90 calendar days from initial contact with an EEO Counselor

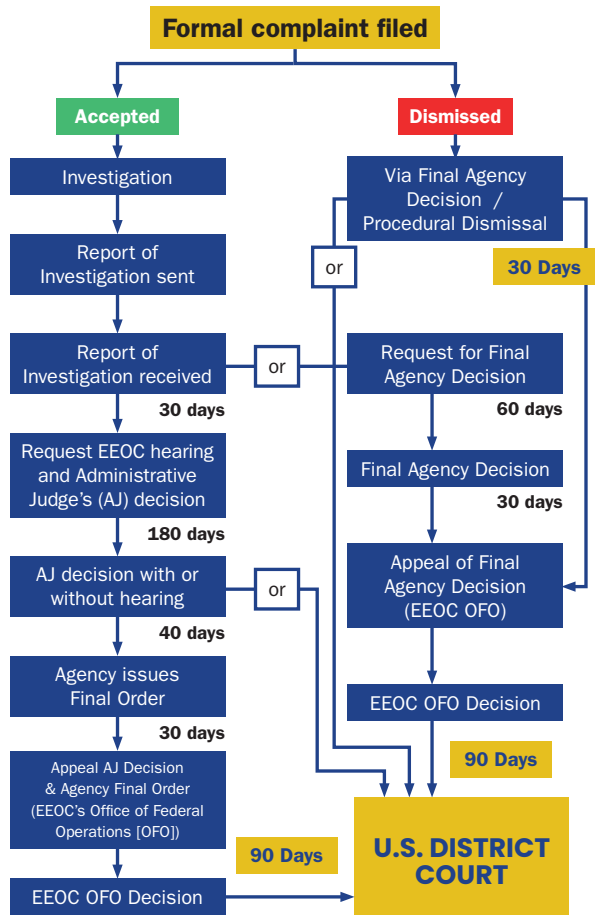


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Formal Stage



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EEO Alternative Dispute Resolution

The Centers for Medicare & Medicaid Services (CMS) offers an Equal Employment Opportunity (EEO) Alternative Dispute Resolution (ADR) process for resolving EEO complaints.

EEO ADR is available to employees and applicants for employment during both the informal and formal stages of the EEO process.

EEO ADR allows the parties in a dispute to try to resolve issues through the use of a neutral third party. A neutral third-party facilitator, who is not a CMS employee but typically a Federal employee from another agency, will be assigned to the case.

After initiating contact with an EEO Counselor, the employee or applicant will be provided information about both the traditional EEO counseling process and the Agency's EEO ADR process for EEO complaints. Once an individual expresses interest in EEO ADR, the Director of the Office of Equal Opportunity and Civil Rights (OEOCR) will determine whether EEO ADR is an appropriate technique to try to resolve the matter.

- If EEO ADR is determined to be an appropriate vehicle for attempting resolution, then the employee or applicant will have the opportunity to elect EEO ADR. If EEO ADR is determined not to be appropriate, then traditional EEO counseling will be used.
- The Equal Employment Opportunity Compliance Group (EEOCG) also utilizes Counselor-Led Conciliation as a counseling technique, where the Counselor serves as the facilitator between the Counselee and Management Official to establish an effective dialogue.
- EEO ADR is a confidential process that can save time and resources and improve relationships. By agreeing to EEO ADR, the employee or applicant does not waive any of their statutory rights.

QuickTip: It is illegal for a manager to retaliate against someone who has participated in the EEO process.

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Harassment

The Policy Statement on Workplace Harassment, Offensive and Inappropriate Conduct outlines the procedures for reporting and addressing allegations that may violate the policy statement. The Prevention of Workplace Harassment (PWH) Team assists the Agency in addressing harassment allegations raised by employees who believe they have been subjected to harassment or inappropriate conduct. The PWH Team also provides guidance, oversight and technical assistance to Centers for Medicare & Medicaid Services (CMS) staff to ensure compliance with the policy.

What Is Harassment?

Workplace harassment covers a wide range of behaviors of an offensive nature that include unwelcome conduct, such as: intimidation, ridicule, insults, comments, bullying and physical contact based on race, color, religion, sex (including gender identity and sexual orientation), national origin, age, disability, genetic information, or retaliation. Harassment is unlawful when:

- Enduring the offensive behavior is a condition of continued employment.
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, abusive or hostile.

Harassment can include, but is not limited to:

- Slurs, graffiti, offensive jokes, derogatory comments, name-calling or insults.
- Physical assaults or threats.
- Intimidation, ridicule, or mockery.
- Displaying offensive objects or pictures (such as posters or calendars).

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The CMS Policy Statement covers the following:

- Employees
- Contractors
- U.S. Public Health Commissioned Corps
- Job applicants and visitors

The harasser may be:

- The employee's supervisor.
- The supervisor in another area.
- A coworker.
- A non-employee of the Agency (e.g., client, customer, contractor or visitor).

Non-Sexual Hostile Work Environment

A hostile work environment is created when employees feel uncomfortable or scared to be in their work space due to offensive behavior, intimidation or aggression from an employer, supervisor or coworker.

Anyone can create a hostile work environment, and it can affect anyone in the workplace, not just the person at whom the conduct is directed. Hostile conduct may include:

- Inappropriate language.
- Ethnic jokes or racial references.
- Swearing, sarcasm, insults or condescending language.
- Any expression with the intent to inflict harm.
- Shouting or attempting to humiliate.
- Excluding or isolating an individual.
- Purposely withholding vital information or manipulating workplace assignments.

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What Is Sexual Harassment?

It is unlawful to harass a person (applicant, employee, contractor, former employee, intern or visitor) because of that person's sex. Sexual harassment is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Non-sexual conduct may also be sexual harassment if the person is harassed because she is a female rather than male, or because he is male, rather than female, or due to sexual orientation.

QuickTip: Sexual harassment can occur between females and males, persons of the same sex and individuals who are transgender or do not self-identify.

Types of Sexual Harassment

Quid Pro Quo is when a job benefit – such as a pay raise, promotion or continued employment – is made conditional on the victim acquiescing to demands to engage in some form of sexual behavior.

Hostile Work Environment occurs when the conduct creates conditions that are intimidating or humiliating for the victim.



QuickTip: Sexual harassment does not have to be of a sexual nature and can include offensive remarks about a person's sex.

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QuickNote: It is important to note that this is not an exhaustive list.

Five Categories of Sexual Harassment

Verbal

This can include offensive jokes of a sexual or sexist nature, repeated and unwelcomed requests for sexual favors or dates and/or threats regarding adverse employment action if sexual favors are not granted.

Visual

This can include displaying sexually suggestive pictures, staring at an individual or looking individuals up and down, licking lips, winking or throwing kisses.

Written

This may occur when written materials of a sexually derogatory or suggestive nature are directed to a specific individual, or when people cannot reasonably avoid seeing them. Some examples are messages, notes, comments and emails.

Physical

This includes touching a person in an inappropriate way (e.g., massaging the neck and/or shoulders, patting and pinching).

Psychological

This is behavior in the form of repeated conduct, verbal comments, actions or gestures that are hostile or unwanted. These behaviors affect the employee's dignity, psychological or physical integrity and make the work environment harmful.

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What should I do if I feel I have been harassed or have witnessed sexual or non-sexual harassment?

- Any employee who has been subjected to unwelcome hostile or abusive conduct is encouraged to inform the person(s) responsible for the conduct that it is unwelcome and offensive, and request that it cease. However, this is not a requirement.
- If employees are uncomfortable confronting the responsible person(s) about the conduct, they are strongly encouraged to report the matter to their manager and/or the CMS Harassment Prevention Coordinator (HPC) at: **PreventionofWorkplaceHarassmentProgram@cms.hhs.gov**. The CMS HPC is an investigative firm responsible for receiving and investigating reports of harassment.
- Employees who know of hostile or abusive conduct directed at others are strongly encouraged to report the matter to the HPC. Employees may also report the matter to their supervisor, who will subsequently report the matter to the HPC.
- Contact the Federal Protective Service or call **911** for matters involving physical or sexual assault.



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EEO Process vs. PWH Process

Please note that an individual can be in both processes simultaneously.

	EEO Process	PWH Process
Purpose	To put the indivduals back in the position they would have been in if the discrimination had not occurred	To stop harassing, inappropriate conduct
Who initiates?	The individual allegedly subjected to discrimination/ harassment	Anyone who is aware of or affected by the conduct
Reporting Deadlines	Within 45 calendar days of the occur-rence	Immediately (however there is no statute of limitations or a point in which a complaint would be considered “untimely”)
Agency obligated to investigate?	Yes, if claims were not procedurally dismissed under regulation	Yes
Must individuals cooperate with the process?	Yes	Yes

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Consequences of refusal to cooperate with the process	▸ Complaint may be dismissed if the individual who initiated the complaint refuses to participate ▸ Management and witnesses may be disciplined (up to and including termination)	▸ The matter may be closed if the individual who raised the allegations (or the alleged "victim") refuses to participate ▸ Management and witnesses may be disciplined (up to and including termination)
Authorities	▸ Federal antidiscrimination statutes ▸ Equal Employment Opportunity Commission (EEOC) Regulation, 29 CFR 1614 ▸ Department of Health & Human Services (HHS) Regulation, 45 CFR 73	▸ EEOC ▸ CMS Policy
Must allegation be based on protected basis?	Yes	No
Available outcomes	This matter is resolved or processed through formal EEO complaint process	Harassing/inappr-opriate conduct stops
Timeframes (start to finish)	▸ Informal complaints must be resolved in 30-90 days ▸ Formal complaints may take years to be resolved	Weeks to months

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Reasonable Accommodation

The Centers for Medicare & Medicaid Services (CMS) provides equal employment opportunities to qualified individuals with disabilities in accordance with the Rehabilitation Act of 1973.

The Office of Equal Opportunity and Civil Rights (OEOCR) works with employees, managers and the Agency to process effective reasonable accommodations (RAs) in order to ensure equal access to employment and to the benefits and privileges of employment for CMS employees and applicants. Employees and applicants can request an RA to assist in:

- Applying for positions.
- Performing essential functions of the job.
- Accessing benefits of equal employment opportunities available to individuals without disabilities.

*Unless to do so would constitute an undue hardship.



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Reasonable Accommodation Laws

Section 501 of the Rehabilitation Act of 1973

- Prohibits discrimination on the basis of a disability in Federal employment.
- Federal agencies are required to make RAs for qualified employees and applicants with disabilities, unless doing so would be an undue hardship.

Americans with Disabilities Act Amendments Act of 2008 (ADAAA)

- Restores the intent and protections of the Americans with Disabilities Act of 1990, which prohibits discrimination against individuals with disabilities. The ADAAA expands the definition of a disability.



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Reasonable Accommodation Terms

Definition of a Disability

In the RA process, an individual with a disability has to have a physical or mental impairment that substantially limits one or more of the major life activities of the individual. Under Equal Employment Opportunity Commission (EEOC) regulations, "physical or mental impairments" include:

- Any physiological disorder or condition.
- Significant disfigurement.
- Intellectual disabilities, including specific learning disabilities.
- Missing extremities (arm, leg, hand or foot).
- Emotional or mental illness.
- Cancer.
- Anatomical loss affecting one or more body systems (e.g., neurological, musculoskeletal, special sense organ [including speech organs], respiratory, cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, endocrine).

What Is a Major Life Activity?

The ADAAA states that "major life activities include, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working."

The ADAAA also states that major life activities include "the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions."

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What Is a Reasonable Accommodation?

An RA is any change in the work environment, or the way things are customarily done, that enables an individual with a disability to complete a job application process, perform the duties of a job and enjoy the benefits and privileges of employment.

The accommodation preferred or suggested by the employee with a disability should be considered first, but the employer may choose to provide an alternative accommodation, as long as it is effective.

An **effective accommodation** allows employees to overcome the limitations of a disability so that they can perform the essential functions of their job.

QuickNote: While OEOCR will share your limitations with your manager, your diagnosis will not be shared.



QuickTerm: An **effective accommodation** is one that bridges the gap between employees' limitations and the performance expectations of their position as defined by their management.

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Examples of RAs

- Modifications to workplace policies and procedures
- Sign language interpreters
- Workplace task assistance personnel who provide reader-scribe services, note-taking services, assistance with organizing workstations and lifting
- Ergonomic equipment and assistive technology

Requests for RAs

Requests for RAs can be made to the first-line supervisor, other supervisors or managers in your immediate chain of command, OEOCR or the Reasonable Accommodation Program mailbox at: **ReasonableAccommodationProgram@cms.hhs.gov**

The RA Process

The first step in the RA process is for a request to be made. After the request has been made, a Reasonable Accommodation Coordinator (RAC) is assigned to process the request.

The individual seeking the accommodation will usually need to submit medical documentation, which should include the diagnosis, the nature, severity and duration of the impairment, the major life activities that the impairment limits, and information that substantiates why the requested RA is needed.

Once the medical documentation has been received, the RAC may conduct an interactive dialogue between the employee and the manager to discuss potential accommodations.

For most requests, the deciding official is the first-line supervisor, who will issue a Decision Memo stating whether the request has been approved or denied, or whether an alternative accommodation has been approved. If the accommodation has been denied, the employee is notified of the reason for the denial.

If the accommodation is approved, the RAC will work to provide the accommodation to the employee. Implementation may require action from the supervisor, the component's Business Office Staff, Facilities, IT or other agency functions.

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Affirmative Employment

The Affirmative Employment Group (AEG) is responsible for developing and monitoring agency requirements to ensure a diverse workforce, an inclusive workplace and a model Equal Employment Opportunity (EEO) program, pursuant to Title 5, Code of Federal Regulations (CFR), Part 720 and the U.S. Equal Employment Opportunity Commission's (EEOC) Management Directive 715 (MD-715).

The objective of the Centers for Medicare & Medicaid Services' (CMS) Affirmative Employment Program is to ensure equal opportunity for all employees in all areas of employment, with a special emphasis on minorities, women, individuals with disabilities, Veterans and the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) workforce. AEG coordinates and maintains the following programs:

- Employee Resource Groups (ERGs)
- Workforce analytics and barrier analysis
- Agency-wide EEO, diversity and inclusion training

Employee Resource Groups

AEG is also responsible for managing the Agency's ERGs. ERGs are voluntary, employee-led groups that serve as a resource for CMS employees by fostering a diverse, inclusive workplace aligned with the Agency's mission, values and goals.

QuickFlip: For a list of ERGs and corresponding contact information, flip to the "Resources" tab.

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Workforce Analytics and Barrier Analysis

The CMS Special Emphasis Program (SEP) provides workforce analysis to assist the Agency in identifying hidden barriers. This includes an overview of the demographic data, an analysis of the triggers that currently exist, an overview of EEO complaint trends by basis and issue, and development of strategies to eliminate the barrier(s).

AEG generates a number of reports, including the Disabled Veterans Affirmative Action Program (DVAAP), the Federal Equal Opportunity Recruitment Program (FEORP) and the Management Directive 715 (MD-715).

The MD-715

The annual MD-715 report requires agencies to take appropriate steps to ensure that all employment decisions are free from discrimination. It also sets forth the standards by which EEOC will review the sufficiency of agency Title VII and Rehabilitation Act programs, which include periodic agency self-assessments and the removal of barriers to free and open workplace competition.

Training

CMS also employs training as a tool to proactively prevent discrimination and harassment. New employees receive the legally required Notification and Federal Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) training during New Employee Orientation. Additionally, all employees must complete No FEAR Act training on a biennial basis. The Office of Equal Opportunity and Civil Rights (OEOCR) also conducts the following training in support of a model workplace:

- Alternative Dispute Resolution (ADR)
- Civil Treatment
- Disability/Reasonable Accommodation
- Unconscious Bias
- Prevention of Sexual Harassment

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Civil Rights

The Centers for Medicare & Medicaid Services (CMS) is committed to ensuring that its programs and services are accessible to members of the public.

The Office of Equal Opportunity and Civil Rights' (OEOCR) Civil Rights (CR) Team partners to ensure compliance with antidiscrimination laws that apply to the public.

Applicable Civil Rights Laws

Title VI of the Civil Rights Act of 1964

- Prohibits discrimination on the basis on race, color and national origin in programs and activities receiving Federal financial assistance.

Executive Order 13166

The Executive Order requires Federal agencies to:

- Examine the services they provide.
- Identify any need for services to those with limited English proficiency (LEP).
- Develop and implement a system to provide those services so individuals with LEP can have meaningful access to them.

It is expected that agencies will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

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Language Access Plan

CMS is committed to providing individuals with LEP equal access to its programs and activities. The CMS' Language Access Plan details steps that the Agency will take to ensure that it and its Federal financial recipients are providing language access services (to include oral interpretations and written translations of vital documents).

CMS' Language Interpretation Line

OEOCR provides language interpretation services to enable CMS staff and managers to communicate with individuals who do not speak English. The oral language line provides the following services:

- Interpreter services for more than 200 languages
- Contractor interpreters trained with medical interpretation certification
- Connection to an interpreter in 60 seconds or less
- Multiple participant conferencing features

QuickContact: To access the language access line, CMS staff and managers can call: **877-556-6594**

Civil Rights Complaints

If you become aware of civil rights complaints or concerns, or are developing regulations and/or programs and services that may impact the civil rights of members of the public, beneficiaries or consumers, you should coordinate your activity and/or response with OEOCR's CR Team.

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Medical Flexiplace

Medical flexiplace (MFP) is a program that allows an employee the opportunity to request to work at an alternate duty station (ADS) for a specified period of time because of a temporary personal injury or illness.

An employee may request to perform work at home for a specified period of time if they suffer from a temporary (generally lasting no more than three months) personal injury or illness that prevents the employee from commuting to the official duty station or that would make it difficult or impossible for the employee to perform an entire day's work at the official station, but that would not preclude the employee from performing their official duties at home.



QuickNote:
In emergency situations, Episodic Flexiplace (EFP) may be granted by the manager to allow the employee time to obtain and submit the medical documentation.

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Requests for Medical Flexiplace

Employees must submit a written request to their manager using the Agency's Medical Flexiplace Program form (Form CMS - 20025).

However, the medical certification or Medical Certification Questionnaire form (Form CMS-20025Q) should only be sent to the MFP resource mailbox at: **MedicalFlexiplace@cms.hhs.gov**



QuickTip: MFP is not the same as the EFP program in the Master Labor Agreement (MLA).

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Daily Living Assistance at Work

Per new Equal Employment Opportunity Commission (EEOC) requirements, agencies must assist with performing activities of daily living (ADL) that an individual would perform if he or she did not have a disability and are not otherwise required as reasonable accommodations (RAs).

ADLs are routine activities that people tend to do every day without needing assistance. They are basic tasks that must be accomplished every day for an individual to thrive. Generally, ADLs can be broken down into the following categories:

QuickContact: For more information, contact: **DailyLivingAssistanceatWork@cms.hhs.gov**

- **Toileting:** Whether a person is able to get on and off of the toilet
- **Bathing/Personal hygiene:** Whether a person needs assistance with bathing and grooming (e.g., oral, nail and haircare)
- **Continence management:** Whether a person can use the bathroom, including being able to control bladder and bowel functions
- **Dressing:** Whether a person has the ability to select and wear the proper clothes for different occasions
- **Eating/Feeding:** Whether a person needs assistance with eating/feeding activities
- **Walking/Ambulating/Transferring:** Whether a person has the ability to change from one position to another and to walk independently; being able to get in and out of bed or a chair without assistance

QuickClick: Employees with targeted disabilities are now able to request assistance with ADLs, to be provided by a personal assistance service provider. For more information, visit: **www.opm.gov/forms/pdf_fill/sf256.pdf**

TAB 7

DLAW

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Workplace Equality

Strategies for Employers

- Be proactive. Recognize signs of harassment and stop it before it escalates.
- Intervene and stop racial slurs and joke-telling that would reasonably be considered offensive, even if no one makes a complaint.
- Maintain an ongoing dialogue with employees and show support for resolving issues of discrimination or harassment.
- Be sure your conduct sets a positive example.
- Create and maintain a work atmosphere that demonstrates your awareness and support of Equal Employment Opportunity (EEO) principles and Centers for Medicare & Medicaid Services (CMS) policies.
- Participate in programs that stimulate, support and report on proactive inclusion efforts.
- If you are the subject of a discrimination complaint, give your full cooperation throughout the process.

Strategies for Employees

- Learn more about the prevention of bullying, harassment and discrimination.
- Keep interactions with colleagues and supervisors professional and respectful.
- Respect cultural and racial differences in the workplace.
- Be professional in your conduct and speech.
- Refuse to initiate, condone or participate in discrimination or harassment.
- Avoid race-based or culturally offensive humor and pranks. When in doubt, leave it outside the workplace.
- Familiarize yourself with CMS policies and act responsibly.
- Attend training on EEO and anti-harassment principles and learn about your legal rights and responsibilities under antidiscrimination laws.
- Be proactive. Report incidents of inappropriate discriminatory, harassing or abusive conduct.

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Resources

Office of Equal Opportunity and Civil Rights
410-786-5110
http://intranet.cms.gov/Component/OEOCR/Resources/OEOCRCounselorsContact508.pdf

Centers for Medicare & Medicaid Services (CMS) Harassment Prevention Coordinator (HPC)
PreventionofWorkplaceHarassmentProgram@cms.hhs.gov

Reasonable Accommodation Mailbox
ReasonableAccommodationProgram@cms.hhs.gov

Civil Rights Mailbox
CMSCivilRightsProgram@cms.hhs.gov

Employee Resource Groups Contact Information

CMS African-American Employee Resource Group
AfricanAmericanERG@cms.hhs.gov

CMS Asian-American and Pacific Islander (AAPI) Employee Resource Group
AAPI@cms.hhs.gov

CMS PRIDE
PRIDE@cms.hhs.gov

CMS Disability Employee Resource Group
DERG@cms.hhs.gov

CMS Federal Women's Group
FederalWomensGroup@cms.hhs.gov

CMS Latinx
Latinx@cms.hhs.gov

CMS American-Indian and Alaska Native (AI/AN) Employee Resource Group
AIAN@cms.hhs.gov

CMS Veterans Assistance Committee
VAC@cms.hhs.gov

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CMS
CENTERS FOR MEDICARE & MEDICAID SERVICES
OFFICE OF EQUAL OPPORTUNITY & CIVIL RIGHTS

EMPLOYMENT DISCRIMINATION AND EMPLOYEE RIGHTS

The Centers for Medicare & Medicaid Services' (CMS) Office of Equal Opportunity and Civil Rights (OEOCR) is committed to providing a healthy and supportive work environment for all CMS employees. This guide provides important Equal Employment Opportunity (EEO) information and strategies for promoting and maintaining workplace equality and diversity.



Disclaimer: Some of the information, practices and strategies presented in this guide are derived from original material produced by the Office of Disability Employment Policy (ODEP), U.S. Department of Labor (DOL), the Office of Personnel Management (OPM) and the U.S. Equal Employment Opportunity Commission (EEOC).

Photos used for illustrative purposes only; the people shown are not linked to the topic.

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