

MEBO Meet-Up
Cheryl Fields (Human Resources Portion)

Welcome to MEBO! Maria thank you so very much for inviting me to speak today. I know you all are having a wonderful time in Washington, DC, so I shall try to be brief so that you all can enjoy each other's company while in DC. ☺

Below are some topics that normally come up whenever I am on a conference call or speaking in person, we can discuss the topics in greater detail during the call and I shall be available for a question and answer segment during the call and/or you all may call me (785)-286-7005, or e-mail me emporia962000@yahoo.com after the call and/or when you all return back home. I am here for you all, as I have been since 1995. ☺

1. I have TMAU, why can't I "automatically" get Social Security disability (SSDI) benefits?

Below are five basic pieces of information to ask yourself if one is applying for SSDI benefits:

- a) Are you currently working? If you are working in 2011 and your earnings average more than \$1,000 a month, you generally cannot be considered disabled.
- b) If you are not working, is your condition "severe"?

Expanded answer for "severe": The Listing of Severe Impairments describes, for each major body system, impairments considered severe enough to prevent an individual from doing any gainful activity (or in the case of children under age 18 applying for SSI, severe enough to cause marked and severe functional limitations). Most of the listed impairments are permanent or expected to result in death, or the listing includes a specific statement of duration is made. For all other listings, the evidence must show that the impairment has lasted or is expected to last for a continuous period of at least 12 months.

The legal definition of a disability which affects daily functioning in three or more of the following areas: (normally this is what is needed for SSDI claims)

- Capacity for independent living (basic chores, basic hygiene, etc.)
 - Economic self-sufficiency (handle financial affairs, etc.)
 - Learning
 - Mobility (able to walk and/or move major body parts, etc.)
 - Receptive and expressive language (effective communication, etc.)
 - Self-care (meal preparation, etc.)/Self-direction
- c) Your condition must interfere with basic work-related activities for your SSDI claim to be considered.

2. "GINA" Genetic Information Nondiscrimination Act of 2009 & TMAU: Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions. It is also illegal for companies/agencies requesting, requiring, or purchasing genetic information, and strictly limits the disclosure of genetic information. While TMAU is a rare metabolic disorder, it is applicable under GINA shall be covered if discrimination in the workplace is present.

The law forbids discrimination on the basis of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, demotions, incentives, lateral movement, transfers, front/back pay, or any other term or condition of employment. An employer may never use genetic information to make an employment decision because genetic information doesn't tell the employer anything about someone's current ability to work or the ability to perform the essential functions of the job.

3. Having TMAU does not mean that you have to endure discriminatory practices and/or unfair hiring, promotion, and/or retention policies. One key to being effective in the workplace is to know your rights in the workplace. Below succinct overview of the Federal Government's Equal Employment Opportunity Commission's [EEOC] definitions:

- Age
- Disability
- Equal Pay/Compensation
- Genetic Information
- National Origin
- Pregnancy
- Race/Color
- Religion
- Retaliation
- Sex
- Sexual Harassment

Title VII of the Civil Rights Act of 1964, is the Federal law that prohibits most workplace harassment and discrimination, normally it covers all private employers, state, and local governments, and educational institutions with 15 or more employees. In addition to prohibiting discrimination against workers because of race, color, national origin, religion, and sex, those protections have been extended to include barring against discrimination on the basis of pregnancy, sex stereotyping, and sexual harassment of employees.

Currently, Title VII doesn't include discrimination on the basis of sexual orientation. However; many states, cities, and counties have "*hate crimes*" laws and/or bills to help protect individuals

that are gay/lesbian/bi-sexual/transgender (GLBT), and/or that may affiliate with the GLBT community. Hate crimes also cover persons with disabilities.

4. Reporting discrimination, bullying, harassment, and/or other similarly situated incidents may be done in writing, via e-mail, by telephone, or in person. The key to remember when submitting a discrimination/harassment complaint is to:
 - **Be specific!** (Include names, dates, times, locations, as appropriate.)
 - **Be brief** (no one wants to read a 15,000 page rambling complaint!)
 - **Double check spelling and editing.** (Try to get the correct titles, names, etc.)
 - **NEVER** send a complaint when you are **angry/upset.** (Wait 24 hours or longer)
 - **DO NOT WHINE!** Just state what happened incident by incident.
 - **Send multiple copies** if applicable: (VP, Mgr., Human Resources, Legal, etc.)
 - **“KISS”:** Keep It Short & Simple! No personal attacks, just state the facts.
 - Regardless of what has happened, **remain professional and cordial.**
 - **State specific time limits for a response.** (Example: *I will await a response from the human resources department by 13 June 2011, by 5:00pm, CST.*)
 - Be ready to **explain in detail** the events and/or appeal the results of the decision.
 - Know **“WHEN to say WHEN”**, as the complaint process progresses.
5. Be “pro-active” know what is lawful and unlawful in terms of interviewing questions, and/or workplace questions. For example, normally most questions regarding marital status, racial background, sexual orientation, religious beliefs, etc. are UNLAWFUL and hiring managers and/or co-workers are normally not permitted to ask such questions in the workplace. In addition questions relating to your name [inquiries about the applicants name which would indicate applicant's lineage, ancestry, national origin or descent], questions regarding the number and age of children or pregnancy. Questions which directly or indirectly result in the limitation of a job opportunity in any way.
6. Be cautious about work at home employment opportunities, usually the rule *“if it is too good to be true---it probably is!”*
7. Job rejection and depression and self doubt. With TMAU it is even more difficult sometimes to find employment. Do NOT let self doubt creep into your thought-life. You can not help what happens to you, but you can be responsible to how you react to it!
8. IF you fall down, get back up! (Closing **motivational** remarks by Cheryl). Putting on your bullet proof vest (you are going to need). You should be UP or getting up!
9. Questions/Answers, follow up, etc. “How to handle an insensitive supervisor?” etc.
10. Specific follow-up projects for Cheryl (from Maria)/team.

