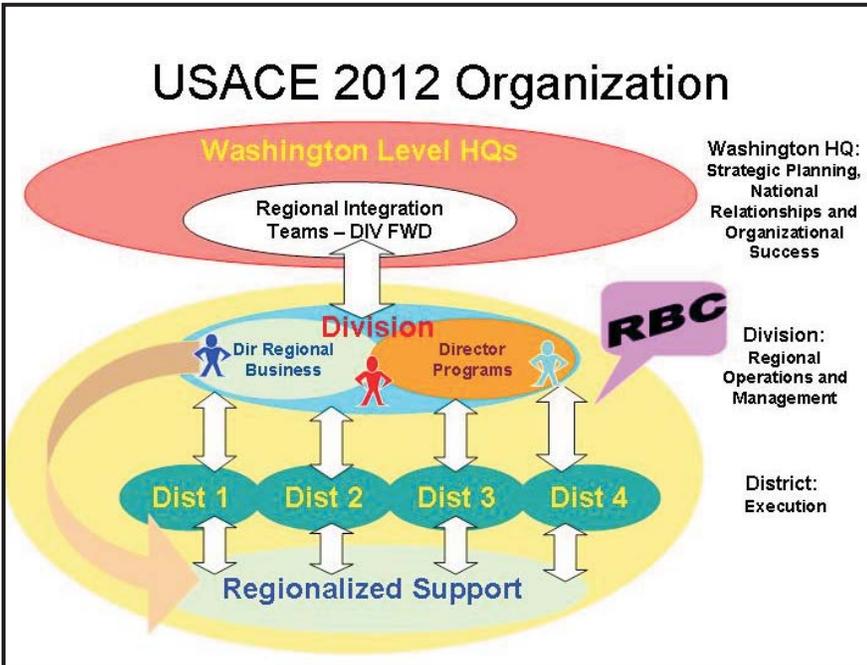




Headwaters Highlights



The USACE 2012 organization is significantly different from the organization today.

Here are the common terms that you should be familiar with:

One Corps

With the concept of One Corps, each echelon will have distinct responsibilities, authorities, tasks and activities commensurate with their role.

Regional Business Centers (RBC)

The RBCs fit into the structure between Washington Headquarters, where strategic planning is done, and the districts, where missions are executed. RBCs will provide regional management and coordinate work between various districts. By eliminating duplication and managing capabilities, the RBC will help provide better products for our customers at a considerable savings. RBCs will not replace divisions, but will allow divisions and districts to work together.

Regional Integration Teams (RIT)

The RITs, located in Washington, will focus on clearing the way for regional business success. They will be the voice of each region in Washington and will be empowered to work with any level of the USACE organization, the Administration, Congress and external stakeholders.

Communities of Practice (CoP)

The CoPs are made up of individuals from the Corps, other government agencies, colleges or private industry, who share an interest or expertise in a major function. Though relatively small, these CoPs will help share in lessons learned or adapting to new policy or technology.

The announcement of the US Army Corps of Engineers' new organization plan, USACE 2012, from Chief of Engineers Lt. Gen. Bob Flowers went to the nation's news media in early October. It described how the Corps plans to reorganize the internal workings of its headquarters and regional elements from a functionally-oriented model into highly integrated teams.

In announcing the changeover the Chief noted, "We have been working many of these principles for some time... Now it is time to integrate these concepts into the organization and align ourselves for a new way of doing business. We're moving from a hierarchical government agency with a wiring diagram to a matrixed, more business-line approach." The benefits of USACE 2012 include streamlining internal processes and reducing delivery time when compared to our past business practices. Organizing into teams provides the opportunity to offer more robust, efficient services and products to the American people and the Armed Forces.

Up Front

with District Engineer
COL Raymond Scrocco



Challenging times

We are all a part of these history-making times. While some of our team members are serving overseas in global hotspots, we here at home are participating in the rebuilding of a new, more efficient Corps of Engineers through USACE 2012.

USACE 2012 promises to make our lives interesting and our jobs challenging, but it also promises the pride and satisfaction of working for the nation's premier engineering organization in a way that better meets the needs of the American public. USACE 2012 information is on our intranet site (<https://intranet.lrp.usace.army.mil/usace2012/index.htm>) so it can be easily accessed by all district employees.

The illustration on the front cover of how the USACE 2012 organization will function shows districts near the bottom of the organization. In actual practice districts have the important responsibility of executing the missions of the Corps and providing quality projects and work.

There will be impacts on individual districts from the new organization. Some of these changes may be challenging at first, but the ultimate goal is a more efficient Corps of Engineers, organized for long term survivability.

I know that many of you as employees are worried about jobs – yours and those of your co-workers. As I

said at the town hall meeting and on other occasions, I'm committed to our workforce and will do everything I can to avoid any harsh measures, such as a reduction-in-force. It is my intent that everybody who is employed in Pittsburgh District will remain employed in Pittsburgh District, even though your job may not be exactly the same as it was in the past, or even in the same branch or office.

Along with the changes in USACE 2012, our Division Headquarters is implementing its part in reorganizing through what it calls the RBC 2012 (Regional Business Center 2012). This regional initiative is designed to streamline support functions that spread across districts in LRD. As support is provided regionally, not every district will have every office that it now has. It's also likely that the RBC 2012 process will lead to the formation of Regional Centers of Expertise to match some of the business lines and areas of emphasis.

These are challenging times for some of our fellow soldiers and Corps employees serving around the world and here at home. In the Pittsburgh District, we'll face our own challenges, but I have faith in all of you, and you have my promise that I'll be doing all I can to look out for you. Working together, we can make USACE 2012 a success for the District, the Corps and the nation.

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Charleroi locks river chamber demolition contract awarded

Choi Enterprises, Inc. has been awarded a \$12.8 million contract by the U.S. Army Corps of Engineers' Pittsburgh District to remove from service, demolish and remove all obstructions in the river chamber for the future construction of the new locks middle wall while maintaining the continued stability of the existing locks middle wall at Monongahela River Locks 4 near Charleroi, Pa. Choi Enterprises, Inc. of Pittsburgh was selected from a pool of 8(a) firms using the best value contracting process.

The work is expected to start in January 2004 and take about 18 months to complete. The river lock chamber is the smaller of two chambers at Locks 4. The other

chamber will remain in operation throughout the demolition work, although there are likely to be delays to navigation during the period.

Removal of the Lock 4 river lock will allow the Corps to continue working at Charleroi to replace the two lock chambers, making way for the new Charleroi Locks. Each of the two new lock chambers will be 84 feet wide by 720 feet long and are essential components of the "two-for-three" replacement plan of the Lower Monongahela River Project.

The first phase of the Lower Monongahela Project was constructing the new Braddock Dam using innovative "in-the-wet"



technology. Two massive concrete dam segments, fabricated on land, were launched, floated into place and submerged onto a previously constructed large diameter drilled shaft foundation. The third and final phase of the \$790 million project will be the removal of the Locks and Dam 3 at Elizabeth, Pa.

For more info on the Lower Mon Project go to www.lrp.usace.army.mil and select *Locks and Dams 2, 3 and 4-Monongahela River* from the Current Projects drop-down menu.



Online shopping

By Michelle Anderson

Information Management Office

This holiday season take advantage of shopping online. The Internet is ideal for shopping. If you deal with reliable merchants, online shopping is as safe as shopping in brick-and-mortar stores. You can definitely save money by shopping online if you do your research.

These are a few online resources that are geared toward the decision making process of purchasing products:

AllBookstores.com - price comparison for books

Biglion.com - shopping mall with links to the best online stores

Bizrate.com - product and company reviews

Epinions.com - customer reviews and auction prices

Gomez.com - analysis of online retailers

MySimon.com - price comparison service

Nextag.com - price comparison service

Pricegrabber.com - price comparison service

Priceline.com - helps locate airline tickets, hotels, rental cars, etc.

Shopper.cnet.com - price comparison for electronic and IT equipment

While checking these resources keep in mind these four simple tips:

1. Shop wisely – know who you are dealing with, protect your privacy, order only on a secure server, guard your password and pay the safest way (credit or charge card).
2. Know your rights – check the refund and return policy, read the fine print, check delivery dates and review warranties.
3. Get the best deal – compare prices, check shipping and handling fees and order early to insure plenty of time for shipment and delivery.
4. Keep good records – track your purchases and keep receipts and website printouts.

The sites listed above are a sampling of available sites and do not constitute an endorsement of any site or product by DoD, USACE or the Pittsburgh District.

Dream paid off with Army commission

By Liane Freedman

Public Affairs Office

Capt. William "Bill" D. Lash, who arrived in the Pittsburgh District Aug. 1, joined the Army to prepare for college. He, like his uncle, wanted to be an engineer. Currently Lash works as an operations officer in Operations and Readiness Division.

Lash first joined the Army in 1986. He served in the enlisted ranks as a generator mechanic for five years before leaving the Army to start his studies at Penn State. But the Army was still in his blood.

While at Penn State, he joined the ROTC. After getting his bachelor

degree in civil engineering, he rejoined the Army in 1995 and was commissioned a second lieutenant in the Engineer Branch.

"I asked to come to Pittsburgh," he said. "I wanted to work in the Corps to get more experience than as a combat engineer. I wanted to use my degree." In addition, West Mifflin, Pa., is Lash's hometown. He graduated from West Mifflin Area High School in 1986.

Lash also holds a masters degree in engineering management from the University of Missouri-Rolla.

During his 8 years as a commissioned officer, Lash has served as a platoon leader, executive officer and company commander in



Capt. Bill Lash

combat engineering units. His assignments have taken him to such diverse places as Germany, Bosnia, Kosovo, Kuwait and Turkey.

Lash and his wife, Melissa, are the parents of Will, 5. They are expecting a new baby in January.

District personnel serve in war on terror

In support of the war on terrorism, numerous Pittsburgh District personnel have been mobilized as military reservists and civilian volunteers, while others are on-call. The Iraqi war has technically ended, but the U.S. Army Corps of Engineers' role in restoring power and water, reconstruction and restoring oil production in that nation continues. On the following pages are the stories of two individuals who have returned home. Others are still in harm's way.

Reservists:

Thomas Cannon, RE	Vearl Cline, EC
James Draper, PEWARS	Jeff Horneman, RE
Charles Kottler, EC	Donald Laughland, OR
Michael Smoley, OR	Chad Wagner, OR

Civilians:

Richard Dowling, PA – Deployed
Lonnie Krogstad, EL – Deployed
William Zelina, EC – Deployed
George Boguslawski, RE - Returned
Greg Dorward, RE - Returned
Lawrence Gill, LM - Returned
Daniel Hitchings, MVD – Returned

Advanced Team for Provisional Southern District (Deploying):



Maj. Edward Mead, DD
Dale Moore, OR
David "Moe" Derewecki, LM
Jon Zatezalo, PEWARS
David Black, PEWARS
James Kelly, OR
Steve Davidson, SM (*not shown*)

Iraqi experience confirms Gill is “a survivor”

By Wayne Stroupe

Task Force RIO, Public Affairs

“I am a survivor. There’s nothing I can’t do. This experience just confirmed it.”

Those confident words describe the *Operation Iraqi Freedom* experience of Lawrence “Larry” Gill Jr. of the Logistics Management Office. Gill is an equipment specialist with more than 20 years of experience in maintenance, transportation, travel and related areas. He deployed on May 4 for 120 days and returned home in early September.

Gill worked for Task Force Restore Iraqi Oil (RIO) during his deployment for the Corps of Engineers. He worked primarily out of Camp Doha near Kuwait City, Kuwait, but also worked in Iraq. His deployment job was mainly in the logistics arena – transportation, supplies, property and other critical requirements for operations in Iraq.

“When I got to Camp Doha there were 10,000 troops here; lines on lines of people. We slept in open bays (hangar type buildings). The shock at first was that at Pittsburgh District all we do is civil works projects. I had never worked with the military, and a lot of these military had never worked with civilians. There were also other nationalities besides U.S. troops. We had to ask each other, ‘What do you mean?’ when we talked,” said Gill. “But we met a lot of good people and we learned real quickly on the job.”

When Gill first arrived at Camp Doha, the war in Iraq was going full throttle. Most of the Corps support for Task Force RIO flowed through Camp Doha.

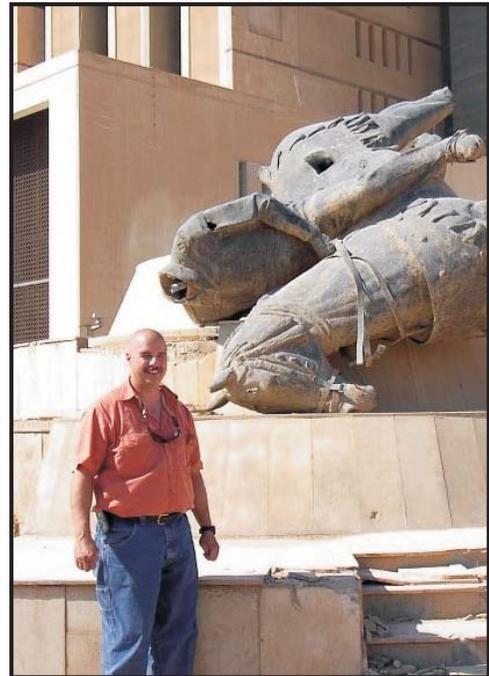
“We worked in cramped quarters at first with minimum equipment. When someone got up from their PC, someone else jumped on it. There were a bunch of Corps officers at first. A lot of them were called up (activated reserve) like Bud Morgan, a GS-14 at home but who was a sergeant here.

Property was scattered, paperwork was everywhere, and accountability was almost non-existent,” said Gill. “Now things are leveling off and the number of military has really gone down. We are mostly civilians now.”

Gill found what the Corps personnel needed to begin their job of repairing and restoring the Iraqi oil system. Fragmentation vests for personnel – no problem. Cots for sleeping – no problem. Office supplies – no problem. But he overcame problems at every turn.

“It is hard trying to find supplies in Kuwait. There isn’t a Home Depot or Wal-mart; the stores are scattered. There were cultural challenges, language challenges, distribution problems; even getting directions to some businesses was hard,” said Gill.

As an example, Gill explained the process to procure some computer parts.



Larry Gill stands before the fallen statue of Saddam in Baghdad.

“At Kuwaiti custom, they often sit down and drink tea and talk before doing business. In one instance, I had two or three hours invested trying to get some computer hard drives. It turned out that they wouldn’t take the government credit card. So I put them on my own credit card. Sometimes you had to do what you had to do to get the mission done. Thankfully, I got reimbursed. Other times, such as 2 to 4 p.m., businesses close due to prayer.”

There were other challenges that might carry over to his redeployment back to the states. “When I get home, I hope I don’t get any speeding tickets,” said Gill. “Here

Continued on page 6

you often drive 90 to 100 mph or they will run over you. One thing that sticks in my mind is the horrendous wrecks I saw in Kuwait. Traffic in Iraq was also crazy because there was no traffic enforcement.”

Gill said they worked 14 hours a day when he first deployed. The day now is a mere 12 hours, but business picked up once the RIO headquarters moved into Baghdad and the Iraqi RIO regional offices (southern in Basrah and northern in Kirkuk) opened.

“Everybody had a tough job. I never thought I had it bad; everyone was running to get the job done. We had good leadership, too. General Crear (Brig. Gen. Robert Crear, Task Force RIO commander) and Colonel Jenkins (Col. Richard Jenkins, RIO chief of staff) were great guys and good leaders. I enjoyed working for them.”

Although the area is still somewhat of a battle zone, Gill said he never felt threatened, not even in Baghdad or Kirkuk in northern Iraq. “I only saw one killing. I hit a six foot lizard – I swear it was six feet long. I hit him near Basrah as he came across the road. I thought I hit a dog he was so big!”

Even on his last few days, Gill was still tackling new problems and learning new things. “We had to

resolve issues concerning Corps officers carrying their weapons on our contract air carriers in Iraq. If you’re not open minded and flexible in this job, you wouldn’t make it.”

Even though the deployment separated Gill from his fiancée, Donna, and his kids for four months, Gill said it was worth it. “I would recommend this work to all Corps employees. I think for the Corps to survive, we have to do this in the future. I was never in the military. Even though I have 22 years with the Corps, I thought I owed something.”

On the eve of his departure from Kuwait, Gill contemplated his time in Southwest Asia. “I enjoyed it; it was fun. I would do it again, but I need to go home for a break for now. I’m going to take a week’s vacation, and I’m not going anywhere near sand!”

Gill does have one regret. His father, Lawrence Gill Sr., also worked for the Pittsburgh District and retired as a lockmaster in 1996. He passed away shortly after his retirement. Gill, looking at the sky, said, “I think he would have been proud of me.”

Editor’s Note: Larry Gill arrived back in Pittsburgh in September.

Kyrgyzstan: A distant land of harshness and beauty

By Liane Freedman

Public Affairs Office

The photo shows a harsh countryside covered with a couple of feet of snow in the darkness of mid-day. It was winter in this desert region of Kyrgyzstan when the photo was taken. And in the winter it gets very cold in this part of the world; and the heat of summer is not any better. But in the spring, for a few short weeks the land shows its beauty with blankets of red poppies. But Oz it was not.

“To the north is Siberia,” said George Boguslawski who recently returned from a six-month



This was Boguslawski's home, which he shared with other U.S. military personnel, while he was at Ganci Air Base. No privacy and cramped quarters.

stint in this former Soviet republic as a member of the CREST team. Boguslawski is an attorney-advisor in Real Estate Division who volunteered in April 2001 to be a member of the Contingency Real Estate Support Team – CREST for short. He left for Kyrgyzstan in December 2002 and remained there until June 2003.

And for those six months an olive green military tent numbered 616 was home sweet home for him. It was located on the Ganci Air Base operated by the 376th Air Expeditionary Wing of the U.S. Air Force. The air base was named in memory of the New York City fire chief who was killed on Sept. 11. Across the tarmac is the former USSR's Manas Airport. The American Air Force is there in support of military operations in Afghanistan.

“It was interesting and it was a good experience,” Boguslawski said of his stay in Kyrgyzstan. He spent many long hours negotiating leases to obtain land for the U.S. air base. He not only dealt with local officials, but the president of Kryrgyzstan and other high level officials as well. He found navigating the maze of another country’s laws and customs most intriguing and at times unwieldy. For instance, trees could not be cut down without special permission since they were owned by the



On behalf of the U.S., Boguslawski (left) signs a land lease for the new U.S. Air Force tent city at Ganci Air Base with two representatives of the Kyrgyz Republic's Ministry of Defense and his translator in attendance.

government. And once agricultural land was so determined it could not be used for any other purpose.

There was also the problem of not knowing who owned the land he wanted to lease for the U.S. Air Force. With finesse he cut through the red tape of the new republic's politics and customs.

But serving his country in austere conditions is nothing new to Boguslawski. He has seen the world not only as a Corps of Engineers civilian, but as an Army Reserve officer. He served nine months in Bosnia as a JAG officer from Nov. 1998 to July 1999. He was the joint military commission legal advisor interpreting international agreements and law of war.

Back at his desk in the district’s Real Estate Division are photos of his uncles who served in the military during World War II, as well as other older photos of his

family who came from Eastern Europe. After serving in Bosnia, Boguslawski took leave to travel to Poland to visit some Polish army friends he had met in Bosnia.

“While there I got a chance to do family genealogy,” he said. In November he took leave to return again to Eastern Europe where he visited Prague, Budapest and Krakow.

Boguslawski has a bachelor of science degree from the University of Pittsburgh in psychology; he received his law degree from Temple University in Philadelphia. In 1996, after passing the bar for Pennsylvania and New Jersey, he received a direct commission in the Army.

In 2000, Boguslawski started working in the Pittsburgh District. Previously he worked for a local law firm dealing with products liability and negligence cases.

Congress gives district Mahoning clean-up job

By **Patience N. Nwana**

Engineering and Construction Division

Ohio's Mahoning River, back in 1998, was listed as one of the five most polluted rivers in the nation. Because of that dubious distinction, Congress authorized the Pittsburgh District to clean it up. The magnitude and extent of the contamination is primarily due to the river's use as an industrial sewer during a period of major steel production in the Mahoning River Valley between 1900 and 1970.

The EPA's report of 1977 noted that the average net discharge from the nine major Mahoning River valley steel plants exceeded 400,000 pounds per day of suspended solids; 70,000 pounds per day of oil and grease; 9,000 pounds per day of ammonia-nitrogen; 500 pounds per day of cyanide; 600 pounds per day of phenolics; and 800 pounds per day of zinc.

The oil discharge was equivalent to over 200 barrels per day, or the equivalent energy to heat nearly 30,000 average-sized homes. To put these numbers in perspective, the million gallon Monongahela River Ashland oil spill of 1988 was characterized as one of the most severe inland oil spills in the nation's history. However, by comparison, the much smaller Mahoning River chronically received the equivalent of more than four Ashland oil spills every year for decades.

Additional industrial wastes discharged in very large quantities to the river during this period included pickling liquors (acids), electroplating wastes, coke quench water and other industrial wastes. The growing human population during this period also resulted in historic bacterial contamination, which persists today due to various sanitary sewer discharges and combined sewer overflows. In 1986, the Ohio Department of Health established Human Health Advisories, extending approximately 32 miles from just upstream of Warren, Ohio, downstream to the Ohio/Pennsylvania state line, cautioning against contact with the sediments and consuming the fish.

The district is currently doing a feasibility study on the river for restoration of its aquatic ecosystem. The feasibility study is being coordinated with various federal, state and local agencies that include the EPA; U.S. Fish and Wildlife Service; Ohio EPA; Ohio Department of Natural Resources, Division of Fish and Wildlife; Eastgate Regional Council of Governments; and Youngstown State University.

A contractor, Altech Environmental Services, Inc. of Louisville, Kentucky, lead by Mike Saffaran is supporting the Pittsburgh District's feasibility study. Saffaran, a retiree from the Louisville District, worked in Pittsburgh District during his 1996 developmental assignment.

Altech conducted sampling and analysis of the river and bank sediments to determine the nature and extent of chemical contaminants present in them. Between June 3 and July 2, Altech collected continuous soil cores of in-river and riverbank sediments at over 800 locations along a 34-mile stretch of the river from the Pennsylvania state line, upstream to the pool above the Leavitt Street Dam in Leavittsburg, Ohio.

Upon completion of the chemical laboratory analyses, Altech assessed the results to delineate the area and depth of contaminated sediments requiring remedial action.



Preliminary results indicate that most of the in-river sediments are coarse grained sands and gravels, some of which appear contaminated, but generally at lower levels than the finer grained sediments deposited along the banks and in the limited remaining slack water areas in the river. Generally, subsurface sediment along the banks remains coated with oil.

Altech delivered final sampling and analysis results and a draft report to the Pittsburgh District for review in late October. The report included a complete record of the results of all soil coring and chemical analyses and graphical depictions and assessment of the data. The Pittsburgh District project team will use the data to assess viable remedial action alternatives.

The project has the potential to be one of the largest environmental dredging efforts in the nation being performed under Section 312 Authority. Some of the

anticipated benefits of this project include but not limited to:

- Restoration of over 31 miles of river and riparian corridor back to pre-industrial conditions that support a healthy and flourishing fishery and the associated ecosystem.
- Attraction of new businesses with potential to bring economic development in the valley.
- Recreational activities such as fishing, small craft boating and associated activities.
- Improvement of the quality of life in the valley for current and future generations.

While the restoration of the Mahoning River is an immense and complex undertaking, the project is a unique “first of its kind” opportunity for the Pittsburgh District to demonstrate its commitment to good stewardship of our nation’s rivers.

Can microscopic bugs clean-up Mahoning River?

By Kim Mascarella

Eastgate Regional Council of Governments (Project Partner)

In early October, a study began along a portion of the Mahoning River in Ohio to determine if the grossly contaminated river could be cleaned-up with the help of microscopic bacteria. If the study is successful then this portion of the Mahoning River will be cleaned up using bioremediation.

Pittsburgh District teamed up with Eastgate Regional Council of Governments in March 2002 to conduct a 24-month feasibility study on how best to remove pollutants from the river. The bioremediation test is a part of the entire feasibility study. This portion of the study is now ongoing along the right bank of

the Mahoning River, above the Girard - Liberty Street Dam, in Girard, Ohio.

Crews from Waste Science, Inc., of Rockville, Maryland, who were contracted to do the work, spent the day on Oct. 1 preparing the 50-foot x 50-foot site. “The study is expected to take approximately six months and will consist of inoculating the contaminated sediments with bacteria to determine if the bacteria can efficiently and effectively clean the contaminated sediments naturally,” said Carmen Rozzi, the district’s project manager for the Mahoning River study.

According to the Ohio EPA’s *Biological and Water Quality Study of the Mahoning River Basin*, dated May 1996, and the Corps’s May 1999, reconnaissance study, the

contaminated sediments from years of industrial pollution have degraded the river’s aquatic ecosystem. The petroleum based contaminated sediments are the main cause of the river’s pollution.

The Mahoning River project in Ohio would remove and remediate 750,000 cubic yards of contaminated in-river and riverbank material at an estimated cost of \$100 million.

The feasibility study is scheduled for public review in September 2004.

For more information on the Mahoning River, Ohio Project visit the district's web site at www.lrp.usace.army.mil and select *Mahoning River, OH Environment Dredging* from the Current Projects drop-down menu.

Frequently Asked Questions regarding reasonable accommodation requirements

1. May an employer require an individual to go to a health care professional of the employer's choice?

If the individual has not provided sufficient information from his/her own health care provider, the employer can make this request. The examination must be limited to the existence of the disability and the employer must pay all associated costs.

2. Is the employer required to provide the accommodation of the individual's choice?

The employer may choose among accommodations if there are several, apparently equally effective options. Open, informal communications should assist in arriving at an acceptable solution for both parties.

3. Are there time limits for an employer to respond to a reasonable accommodation request?

There are no exact, defined time frames as each situation may warrant different actions. However, employers should respond "expeditiously" to the request and "act promptly" to provide the accommodation. Non-responses to a formal request for accommodation may be a violation of the law.

4. May an employer require a qualified individual with a disability to accept an accommodation?

No. If, however, an employee needs an accommodation to perform an essential function or to perform a job safely and the employee refuses the accommodation, she/he may not be qualified to remain in the position.

5. May an employer ask a job applicant if they will need a reasonable accommodation?

Employers may inform applicants what the hiring process will involve and ask applicants if they need an accommodation. Before a job offer is made, an employer generally should not ask if an accommodation will be needed, unless the employer is aware of the disability and is reasonably sure an accommodation is needed to perform specific job functions. If the employer is not aware of any disability, they still may ask whether an accommodation is needed, provided the same question is asked of all applicants receiving an offer of employment in that job category.

Reasonable accommodation isn't all that unreasonable

By Linda Marino

EEO Manager

Under the *Rehabilitation Act of 1973* and the *Americans with Disabilities Act of 1990** employers are required to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment unless, in doing so, the employer would incur undue hardship.

An individual covered by the acts is defined as a person, with a physical or mental impairment that substantially limits one or more major life activities, who can perform the essential functions of his or her position with or without a reasonable accommodation, has a record of such impairment or is regarded as having such impairment.

Over the years there have been numerous court decisions interpreting what is considered a reasonable accommodation and how an undue hardship to the employer is measured.

Reasonable accommodations generally fall into three categories: (1) Modification to a job application process that enables an applicant with a disability to be considered for a position; (2) Modifications to the work environment or the manner in which the work is performed that enables an individual to perform the essential functions of the job; (3) Modifications that enable an individual to enjoy equal benefits and privileges of employment as other employees.

Accommodations may range from allowing a change in the daily work schedule, providing adaptive electronic equipment or, in some cases, reassignment to a vacant position. TTY's, modified keyboards or magnified monitors are a few examples of electronic devices that may enable employees to effectively accomplish tasks while change in work hours may allow an employee to obtain necessary medical treatment.

If an employer believes that providing a specific accommodation would create an undue hardship, the

employer needs to demonstrate how this is so. Situations involve a case-by-case assessment where factors including not only the cost of the accommodation but also the resources and circumstances of the employer are examined.

Requesting an accommodation is as simple as letting an employer know that a change at work is needed for a reason related to a medical condition. The employee is not required to fill out a form nor actually use the phrase “reasonable accommodation.” An employee who tells her supervisor that she is having difficulty getting to work at the scheduled starting time because of early morning medical treatments has requested a reasonable accommodation.

This request is the first step in what should be an informal, interactive process. The employer may then ask relevant questions to help make an informed decision about the request and may, in fact, request reasonable, related documentation regarding the individual’s disability and functional limitations. If an employee refuses to provide such documentation, that employee may not be entitled to reasonable accommodation.

Ultimately it may be a form of discrimination to fail to provide a reasonable accommodation to an employee who is a qualified individual with a disability. It should be pointed out that in most cases federal agencies are thought to have adequate resources from which to draw to provide a reasonable accommodation. In part this may be based on the fact that many individuals with disabilities can apply for and perform jobs without an accommodation and even when an accommodation is necessary, it is usually a minor adjustment in working conditions. Statistically, 35 percent of all reasonable accommodations are made at no cost whatsoever and 85 percent of accommodations are made for less than \$500.

**Editor’s Note: Federal employees have been governed by the Rehabilitation Act of 1973 which prohibits employment discrimination against qualified individuals with disabilities in the federal sector but the provisions of the ADA are widely used in implementing accommodations.*

(This article was based, in part, on information provided by the Equal Employment Opportunity Commission’s Enforcement Guidance: Reasonable Accommodation and Undue Hardship.)

Civil rights laws bring sweeping changes

By Patrick J. Kopriva
EEO Specialist

On the evening of July 2, 1964, President Lyndon B. Johnson signed into law the Civil Rights Act (CRA) of 1964. This legislation provided for sweeping changes in a broad array of private conduct including public accommodations, governmental services and education. This act combated voter discrimination, funded school desegregation, banned use of federal funds for schools or programs which discriminated, established the right to a jury trial in discrimination cases, among other things. As pivotal as

this act has been in shaping American society, the CRA of 1964 is only a piece in the long history of civil rights legislation in this nation.

During the period following the Civil War known as Reconstruction, several laws were passed in order to help integrate former African American slaves into society. In March of 1866, Congress passed the very first civil rights act in this nation’s history. This act took effect over the veto of President Andrew Johnson, and declared African Americans freed by the 13th Amendment to the Constitution as citizens of the United States.

The CRA of 1866 granted these new citizens equal protection under the law in matters of contracts, lawsuits, trials, property transactions and purchases. It also attached penalties for violations of these rights. It was intended to prevent ex-Confederates in the South from continuing slavery-like practices under state laws, known as the “Black Codes” or “Jim Crow” laws. This act is still important today in prohibiting racial discrimination in the sale and rental of housing.

The Enforcement Act of 1870 was passed by Congress to overturn

Continued on page 12

state laws preventing African Americans from voting in the South. In 1871, this act was amended by the Civil Rights Act of 1871, which sought to eliminate voter registration fraud by instituting federal procedures for supervising elections in the South. One key provision of this act provides that local or state regulations could not be used to deprive a person of his or her rights on the basis of race, color or national origin. In recent years, sex has also been included under the provisions of this law.

The Enforcement Act of 1871, also known as the “Ku Klux Klan Act,” prohibits conspiracies to deprive individuals of equal protection, privileges or immunities under the law and grants the President the authority to use militia and to suspend the right of habeas corpus (protection from illegal

imprisonment) in times when public safety is threatened. This was a growing concern as organized violence was spreading throughout the South at the time.

The last civil rights legislation passed during the decade after the Civil War was the Civil Rights Act of 1875, which sought to guarantee freedom of access to the “full and equal enjoyment” of inns, public conveyances and public places of amusement. Citizens were given the right to sue for personal damages and federal courts were given jurisdiction over all cases arising under the act. Although eventually overturned by the Supreme Court in 1883 as a violation of states’ rights, it gave a clear signal that Congress placed great importance on issues of desegregation.

The aftermath of the Civil War raised the issue of equal protection

under the law for all citizens, regardless of race, and Congress met the challenge. From these beginnings, civil rights legislation has made an indelible and lasting impression on our culture and society. Although the Civil Rights Act of 1964 set the standard for equal opportunity under the law, numerous pieces of legislation enacted since then — the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, to name a few — are serving to broaden the legal framework that allows all Americans to fully participate in a free society. Various interpretations of these and other legislation are currently being debated in Congress and the courts, so while much progress has been made, there is still much work to be done.





Don't cry for me!

Four years ago, Ted, now age 25, was critically injured in a motorcycle accident. He has been in a coma since then. Ten months ago, his neurologic condition worsened; he is now in a vegetative state.

In 1990, the U.S. Supreme Court, in the famous Cruzan case, described this condition as a situation where a body functions “entirely in terms of its internal controls. It maintains temperature. It maintains heart beat and pulmonary ventilation. It maintains digestive activity. It maintains reflex activity of muscles and nerves for low level conditioned responses. But there is no behavioral evidence of either self-awareness of the surroundings in a learned manner.”

In other words, although Ted's body is physically alive and may remain this way for years, his cognitive function has been so completely destroyed that he does not know that he is alive. He feels and experiences neither pain nor pleasure.

Since the accident, Ted has been a patient at a local nursing home in our city where he has received excellent round-the-clock care. Since he has no capacity for voluntary muscular movement, he receives all medications, fluids and nourishment through a gastrostomy tube which has been surgically inserted into his stomach. His mother, who was appointed as the guardian of his person and his estate by court order two years ago, has been totally devoted to him. She visits him daily and supervises his nursing care. Two staff physicians told her that her son's condition would slowly deteriorate; he would never improve.

Six months ago, Ted's mother decided, after much soul-searching, to discontinue his life support system and to remove the gastrostomy tube. The nursing home refused to comply without a court order. She went to see her lawyer, who promptly filed a petition in our court, requesting an order to direct the nursing home to terminate Ted's treatment. An assistant attorney general of our state appeared on behalf of the people of the state, to oppose the petition on behalf of the people and to protect innocent human life. The evidence

disclosed that before the accident, Ted never commented on how he would want to be treated if he were in a persistent vegetative state. His mother said that based upon her understanding of her son and his attitude toward life before the accident, he would not want to be kept alive in his current condition.

What we must now decide is whether to approve the termination of life-sustaining treatment to an individual, once competent, now totally incompetent and in a complete and permanent vegetative state, who has never clearly expressed his views on this subject, and whose family believes that he would now want such treatment terminated.

The courts of our state and our nation have long recognized an individual's right to privacy; the right to make certain important personal decisions, even when they may result in death. Where an individual has expressed his or her wishes concerning life-sustaining treatment, those desires should be honored. Often, however, an individual will not have prepared a precise statement regarding such treatment. While it becomes more difficult under those circumstances to determine the wishes of the patient, we should not assume that a failure to express such an interest necessitates a decision to accept any or all extraordinary life-sustaining treatment.

The appropriateness of discontinuing such treatment when an incompetent patient has not previously made known his or her wishes should be decided by applying objective standards. A court asked to decide such an issue should consider if the recommendations of the family or the guardian are really in the best interests of the patient. When we apply objective standards, the court should consider any relevant expressions made by the patient while competent, the treatment options currently available and their benefits, if any; the likelihood of any improvement, the amount of suffering or discomfort associated with either course, the nature of the

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Knowledge management: Key to future

By Jack Cicone

Information Management Office

The author wrote this futuristic scenario for a recent Knowledge Management training class at the National Defense University, Information Resources Mgt. College. The intent is to show why it is important to capture, maintain, retrieve and utilize tacit information (what is in our heads, rather than electronically stored).

Congressional Meeting in 2007

Kelly McGruder had to smile as she pulled into the parking lot for her Dec 6, 2007 meeting with Congressperson Frank Carlton. She was horrible with directions, but that new GPS system saved her from making a costly wrong turn on Route 19¹.

Kelly was also glad she knew about that speed trap that automatically clocked her speed on I-79 and sent the info to the nearby state police barracks. She was also prepared for that the icy bridge, one of the few remaining that does not treat itself during freezing conditions.

All of this information, along with weather forecast, driving directions, estimated travel time, hotel & restaurant information was downloaded into her GPS from the District's travel portal.² Since she was not traveling to one of our lock & dam or flood control reservoir sites, she could skip the knowledge base that provides activity hazard analysis information, protective

clothing requirements, safety briefing video, and potential hazards for that time of year, such as a heavy population of bees, snakes, shopping mall survey-takers, etc.³

Kelly's local travel order was populated and sent to her supervisor immediately after answering "real" questions without having to know the current per diem, mileage reimbursement rate, work item and all those other things on that stupid old form. It also sent an e-registration to the car rental company to reserve her vehicle.⁴

With the logistical requirements out of the way in record time, Kelly could concentrate on the important part of her job, convincing the good Congressperson to provide the necessary funding for the Bradson Park eco-system project.⁵ When she searched on "Frank Carlton" on the District's Intranet portal, she was able to find information on all of the ongoing and completed projects in his Congressional District, his campaign promises and goals, voting demographics and even his favorite color (which is why she wore her navy blue dress that day).

It also provided a list of colleagues who had recent meetings with the Congressperson along with the minutes of the meeting, follow-up actions and results.⁶

When she contacted one of the POCs, Ralph Conner, he offered that Carlton was not a big fan of slide presentations and he was very upset with an ongoing project known affectionately as "project sink hole".

Key Points:

- 1 – GPS technology usage common
- 2 – Horizontal portal used by entire organization
- 3 – Vertical portal for field site travelers
- 4 – Convergence of KM and legacy systems (process improvement)
- 5 – Using KM for strategic mission (eco-system restoration) and reducing the admin burden time
- 6 – Vertical portal for congressional meetings & activities
- 7 – Tacit knowledge being transferred. Allows her to prepare for questions.
- 8 – Resource savings
- 9 – Wireless & PKI technology key for secure remote connectivity
- 10 – Using knowledge base for leverage
- 11 – Using world-wide VTC for real-time expert analysis and maintaining non-verbal communications
- 12 – Updating knowledge base and tacit knowledge.

And, oh yeah, he is hard of hearing in his left ear".⁷

Armed with this knowledge, Kelly knew that she wanted to have the Bradson Park and "sink hole" project manager available during the video teleconference. A few years ago, they would have had 3 or 4 people make the trip to upstate New York.⁸

She made sure to seat the Congressperson on her left as she connected to the District's network via VPN and the conference room projector with a swipe of her common access card in her mobile computer.⁹ She started out with a video of people fishing, checking into hotels, and spending money at shops near the revitalized Bradson Park lake and streams. Kelly switched to a live shot of our Kinzua flood control dam and explained how we let "good" water in for fish habitat while also maintaining the proper pool for navigation on the rivers.

"As soon as we resolve the stream bank erosion and acid mine drainage problems, this is the good water that will feed Bradson Park Creek for prime trout fishing." Kelly then switched to a dramatic video of the current stream and lake with litter, crud coming out of a pipe and dead fish.

"Congressperson Carlton, you promised to be the "green" Congressperson and 55% of the people who voted for you love to fish and camp. You owe it to your constituents to do everything you can for this project".¹⁰

"But what about that damn sink hole project", he bellowed. "Dave, can you shed some light on that?", Kelly asked the PM.

"Yes I can", said Dave who happened to be in Panama on TDY, "we agree that project is taking quite some time to complete, but we have finally succeeded in awarding that contract after multiple, unfounded protests. As you can see by our

updated PERT chart, we are on schedule to complete this in another 6 months and still be under budget".¹¹

"Great news", bellowed Carlton, "well, I think Bradson Park could be worthwhile, we'll get back to you". He could almost hear the voters clicking on his name on the web during the next election.

Kelly concluded the meeting by almost magically producing small CD business cards for each staffer containing Internet links to the District's marketing video, project fact sheets under Congressperson's Carlton reign, a customer survey and contacts that can be downloaded into his voice-activated contacts database. As the meeting attendees left the building, Kelly stayed behind to quickly update the knowledge base with the information that may help the next person when they meet with Congressperson Carlton.¹²

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procedure, the presence of progressive physical deterioration and the opinion, if any, of the hospital's bioethics committee.

Life is well-worth preserving. Therefore, the burden of proof falls on the petitioner who must convince the court by a high degree of proof, clear and convincing evidence, to discontinue extraordinary life-sustaining measures; that such efforts would not be in the patient's best interests, and that he or she would probably not want them. Death for each of us is a certainty at some unknown time in the future. However, the decision of a court in a case such as this will involve a choice between life and death now or in the near future. This requires us to remain conscious and ever vigilant to this grave responsibility.

To grant the petition of Ted's mother, we must properly apply the "best interests" standard. Here, Ted

is in a complete vegetative state. He is totally incapable of recognizing his environment. He has no cognitive abilities and only the most primitive ability to respond to stimuli. The medical evidence is uncontroverted that his condition will not improve. While present day and future technology may prolong his existence for several years, he will continue to deteriorate. As Ted's family and his physicians have realized, the continued use of life-sustaining treatment would not benefit him in the long run. It is time to suspend the efforts to artificially prolong his life, and to permit his existence to follow its natural course.

The court will prepare an order to authorize Ted's mother to direct the nursing home to discontinue Ted's life support system and to remove the gastrostomy tube.

Safety Notes:

Don't get caught in a confined space

By Jeff Kerr

Safety Office

Confined spaces are dangerous, but sometimes people don't realize how dangerous they really are. Here are five reasons why you should not get caught in a confined space.

1. People don't recognize a confined space. A confined space has few ways in or out and they may be difficult to get into or out of. They are not intended to be occupied by human beings on a regular basis and they may contain a hazardous atmosphere or other recognized safety and health hazards.

2. People trust their senses. We think that if a space looks safe, it is safe. But most hazardous atmospheres are invisible. You cannot see, taste or smell most toxic and deadly atmospheres.

3. People underestimate the danger. Before you finish reading a simple 18-word sentence like this one, methane gas can knock you out.

Exposure to some organic vapors may not kill you until the next day. Before entering a confined space, the person supervising the crew going in should make sure of the following: the personnel entering the space is knowledgeable of the hazards and have proper safety equipment; the volume is isolated, at atmospheric pressure and tagged; the monitoring requirements have been established; and the area is properly posted.

4. People do not stay on guard. Often, a person will forget that a hazard may develop after they have entered a space. Sometimes, the work you are doing inside the confined space causes the atmosphere to become deadly. If this

is a possibility, testing for the space must be an ongoing process, not just something you do before someone enters.

5. People try to rescue other people. It is human nature to help a person in trouble. But the sad fact is that untrained rescuers usually die along with the victim they are trying to save. Holding your breath is not enough protection in a confined space that is filled with a hazardous vapor, is oxygen deficient or is blanketed with smoke. Calling for help is the most important thing you can do to save the life of a person who is unconscious in a confined space. Only if you have appropriate rescue equipment and personnel available should a rescue attempt be made.

Castle Co-op Invites You to This Year's Christmas Party

Four Seasons Banquet House

North Park

Saturday, December 13, 2003



For information email lrp.webinquires@usace.army.mil
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